



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, June 9, 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 7:08 pm

Roll Call by David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

AMI WALL, CLERK

THOMAS J. LUCEY, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

REQUEST TO CONTINUE:

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

Request from Attorney Brian McGrail to continue until the hearing on June 23, 2021. The petitioner is in the process of finalizing matters with the Town Engineer and the Wakefield Traffic Advisory Committee. A request to confirm that the applicant has extended the time for the Board to render and file any decisions until August 31, 2021 was also made. Chip made a motion to approve the continuance and extension of time, Ami seconded the motion and all were in favor.



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MICHAEL L. FEELEY, ALTERNATE

Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

REQUEST TO CONTINUE:

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

Request from Attorney Brian McGrail to continue the hearing until June 23, 2021. The petitioner is still in the process of working on revisions requested by the Board. A request was also made by the applicant for the Board to designate a Board member to work with WMGLD. The Board appointed Jim McBain. Chip made a motion to continue the hearing and for Jim to be the designated Board member to work with the applicant and WMGLD. Ami seconded the motion and all were in favor.

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

REQUEST TO CONTINUE:

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

Request from Ralph Penney, Manager to continue the hearing until June 23, 2021. Mr. Penney is seeking legal counsel.

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

CONTINUED HEARING:

(21-37) 44, 46 and 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, The Boccelli's (Joe and Steve)

Discussion:

Attorney Brian McGrail updated the Board –

There were outstanding matters from TAC – Brian will get a copy for the Board of the response back to TAC.

Brian feels the Board will like to hear back from Lt. Anderson at some point.

The Sub-committee has not met with them again since the last hearing and they would like to set up a working meeting soon. They appreciate that Ami and Jim attended the TAC meeting.

Jim said that he and Ami are available Monday June 14th from 3-5. Brian agreed to that time.

There was discussion on extending the time to hear, render and/or file a decision until October 31, 2021.

Chip moved to extend the time to render a decision from August to October 31, Ami seconded the motion and all were in favor.

Brian requested that the hearing be continued to June 23rd because they may have something to discuss after the sub-committee meeting.

Brian also asked the Board to invite Lt. Andersen to their sub-committee meeting. Jim also has some questions to ask TAC.

Chip moved to continue this hearing until June 23rd, Ami seconded the motion and all were in favor

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Not Present:

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CONTINUED HEARING:

(21-50, 21-51, 21-52) 200-400 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, Matt D'Amico, John Sullivan (Development Team from Cabot, Cabot & Forbes)

Discussion:

The Town Engineer and Friends of the Lake will be here tonight.

Margaret Coppe (new president of FOLQ) – read the letter from the Directors.

Margaret also stated that the FOLQ has signed an MOU with CC&F. (See the letter in the file)

Bill Renault presented a power point of his review of the project and the impact that CCF's contribution of \$1,300,000 will have to the lake.

A watershed approach has always been looked at as a focus to start cleaning up the lakes quality. Bill said ultimately any discharge going into the lake is what they are looking at. Bill pointed out areas that are being looked at now for a new treatment system. Bill is working with DEP.

Main Street from Carriage Lane to Salem Street is where most of CCF's contribution will be used.

Bill said he has been applying for a series different grants to help with the lake cleanup for this and other projects along the lake.

Bill's Engineering Department has been corresponding back and forth with CCF's team and said CCF has been very receptive and responsive and tried to address questions/comments from the town.

Chip asked Margaret Coppe if the whole group discussed and wrote the letter as a group or was it just from the Directors – she replied from the Board of Directors, they are the ones who worked with CCF. The group has seen some parts of the letter in their newsletter. She believes there are some group members that not in agreement with them.

Tom Lucey – thank you to the FOLQ. Tom also asked Bill if he is in agreement with CCF's presentation last week, especially with their numbers. Bill said a lot off the numbers they were throwing out were numbers that he has come up with. Bill feels this project is a huge improvement to the lake. He also said this is a great start to cleaning up the lake, there will be next steps in the future that will have to be taken. It will take years to clean up.

The totality of the project is over \$3,000,000.00 so they will be applying for grants every year and will also be going to Town Meeting.

Brian said they have gone to TAC but have to circulate back to them.

Public Testimony:

None

Future Hearing:

Economic Impact Report will be discussed at the next hearing (6/23)

Plans Presented:

- Letter from The Friends of Lake Quannapowitt, dated June 9, 2021
- Power Point presented by William Renault

Chip made a motion to continue to 6/23, Ami seconded all were in favor

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Not Present:

GREGORY W. MCINTOSH, ALTERNATE

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NEW HEARING:

(21-69) 7 DAVEY LANE – BRIANNA (SEMENZA) BISHOP

Purpose: Variance allowing an addition & deck onto the existing dwelling

Attendees:

Brianna Bishop and her dad Attorney Paul Semenza

Discussion:

Dave Hatfield recused himself for this hearing and Ami Chaired.

The house is on a corner lot – Davey Lane and Gumwood Lane.

The house is a split and to put on the addition on the right side and to add on the deck in the back it needs a variance.

Mr. Semenza said the neighborhood supports this project. Chip asked if they had a letter of support from the neighbors – they do not.

The proposed addition and deck were shared with the Board. The house is diagonal on a corner lot.

Ami asked for the zoning table on the plot plan – it was not listed.

Chip pointed out that the plot plan does not show what they need for relief. Also, the Board did not have the updated plans that were submitted before the meeting. Chip explained that all materials have to be submitted to the Board the Friday before the hearing.

Joe asked for elevations and Chip agreed.

Proposed elevations were displayed. The deck was not on the elevations.

Jim suggested that the Board direct Mrs. Bishop on the materials that are needed to grant a variance and gave her a list, they also asked her to please get the materials to Gail by the Friday before the hearing and she will forward the information to the Board.

Zoning Table – what is required and what relief they are asking for

Existing conditions

Deck on the back

Tom suggested pictures of existing conditions

Michael wants photos of neighbors in context to see how close they are

The Board also would like to see a letter of support from the neighbors

Public Testimony:

None

Plans Presented:

- Plot Plan by Edward Farrell dated June 7, 2021
- Elevations

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Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

NEW HEARING:

(21-74) 10 MOREL CIRCLE – COLLEEN KURTI

Purpose: Variance to construct a deck

Attendees:

Colleen Kurti, Nick the contractor from Kneeland Construction

Discussion:

Ms. Kurti shared her screen and presented her plot plan. She has a building permit for her addition but she is replacing her existing 12 x 12 deck with 13 x 17 deck. The existing deck does not meet the setback so it is already non-conforming. The Board feels that this is just a finding of a continuation of a non-conforming structure and not a Variance, there is no hardship for a Variance.

Dave explained that it is tough for the Board to grant a Variance when all they need is a Finding.

Ms. Kurti has a letter from the abutters in support.

Nick said he got direction from the Building Department to apply for a Variance.

Dave asked Attorney McGrail his opinion – and Mr. McGrail said the Building Inspector may not have had the plot plan showing the existing deck. And in his opinion it is a benefit that the deck is older than 6 years because it legally becomes a non-conforming deck. With a new filing it is only a 14 day wait. If the deck is going closer than it is now Ben cannot grant them the permit, they have to come to the Board for a Finding.

Dave said they can continue this hearing and talk to the Building Inspector, she could withdraw or if they denied the Variance (because there is no hardship) they could not come back for two years.

Ms. Kurti asked if she made the deck 12 x 17 could the Building Inspector just approve it because it is not increasing the non-conformity. The Board agrees, if she made it no closer than it already is the Building Inspector could permit it.

The Board advised Ms. Kurti to have Paul Finocchio update the plot plan with the existing deck and showing the deck at 12 x 17 so that Ben could see what she is doing and grant the permit. They suggested she continue the hearing and try to resolve this with the Building Inspector then she could easily withdraw at the next hearing.

Public Testimony:

None

Plans Presented:

- Plot Plan prepared by PJF & Associates, dated March 31, 2021
- Elevations prepared by Kneeland Construction, dated March 1, 2021

Chip made a motion to continue the hearing until 6/23, Ami seconded the motion – all were in favor.

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Not Present:

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NEW HEARING:

(21-75) 205-209 WATER STREET-SSG WATER VALLEY WAKEFIELD, LLC

Purpose: Modification of a Special Permit to install rooftop solar panels

Attendees:

Attorney Brian McGrail, Jared Crumb from First Energy

Discussion:

They are proposing to put solar panels on the roof of the building.

The solar panels will be behind the parapet so they will not be seen on the roof.

The original plan showed inverters on the side of the building on the Valley Street side but decided the Board would not like that so they are now putting them on the roof, the only thing showing now is two 2 inch conduits that will have to be on the side of the building to connect to the existing WMGLD transformer. It will send energy back to WMGLD the end result will be Net Zero. The plan has been updated.

Brian presented a spec sheet of a low power inverter that will sit on the roof.

Elevations showing the equipment behind the parapet was shared.

Ami asked how the installation would take place – Jared explained that the installation is pretty quick –probably about a week outside and another week inside. No cranes will be involved they can use a forklift and do not have to block traffic in the street.

Public Testimony:

None

Plans Presented:

Will need an updated plan with relocation of inverters and dated today.

- Elevation Plan, Spec Plan, Site Plan, Conduit Routing Plan, prepared by 1st Light, dated 6/22/20

Chip moved to modify the existing permit and site plan to include what was presented by First Light to add solar panels on the building, they will provide an updated plan showing the inverters on the roof and add a date on it. All existing conditions remain – nothing else changes.

Ami seconded the motion – Voting members Dave, Chip, Jim, Ami, Joe – all were in favor

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Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

NEW HEARING:

(21-76, 21-77) 7 SALISBURY ROAD – JEAN R. BROWN

Purpose: Variance and Special Permit to allow an accessory apartment

Attendees:

Attorney Brian McGrail, Jean Brown, Peter Sandorse

Discussion:

Brian explained the property is situated in the SSR District and has higher standards. In the bylaw it states that an accessory apartment must meet the lot area and width in the district it is zoned. This lot is very odd shaped.

Brian presented the elevations that Peter Sandorse prepared.

When the house was built a small kitchen was built in the basement for her kids it was never used as an apartment.

Now she would like her Aunt to live with her and make this apartment for her.

They meet all the dimensional requirements for the accessory apartment.

Chip questioned lot variances for an accessory apartment, Brian pointed out that it is done and allowed in our bylaw.

Dave feels they should have submitted a plot plan because they are asking for a Variance. Jeannie Brown spoke to the Board and said she had to apply to this Board to build her house so there should be a plot plan on file with the Town.

Brian pulled the deed up from the Registry to show the dimensions of the property.

Brian pulled up a GIS Map to show the lot width that he is concerned about.

Public Testimony:

None

Plans Presented:

- Floor Plans prepared by Peter Sandorse, dated 4/27/21

Chip moved to grant the Variance as needed for lot width so that the accessory apartment can receive their Special Permit.

Ami seconded the motion – voting members – Dave, Chip, Jim, Ami, Joe – all were in favor

Chip moved to grant the Special Permit to allow an accessory apartment and to allow a letter to be sent to the building department every year stating who lives there so the circumstances do not change, this is in lieu of surety.

Ami seconded the motion – voting members – Dave, Chip, Jim, Ami, Joe – all were in favor

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Not Present:

GREGORY W. MCINTOSH, ALTERNATE

Ami read the Legal Notice

BOARD COMMENTS:

291 SALEM STREET

Ami asked Brian for an update on 291 Salem Street, she noted that the engineers were out to the property. She asked if they could be on the next agenda and Brian said he hopes to get them on. The Town Engineers have been great but their engineer has missed the mark a couple of time.

JIM MCBAIN has learned from the TAC meeting that the traffic signals in this town could be updated to be smart signals and this would help the traffic flow in town. Funding would be needed and he feels the developers for these big projects could fund this. Jim feels that they need to talk to Randy Hudson and ask him for more information. Chip feels that the recommendation should come from TAC, not this Board. Dave agrees TAC recommendations could be worked into the conditions. Tom agrees that VHB should be at the Boards hearings on these big projects not just submitting a letter.

The meeting adjourned at 9:35