



MEETING MINUTES

Wednesday, July 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 7:03 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

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Ami read the Legal Notice

REQUEST TO CONTINUE:

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

Request from Attorney Brian McGrail to continue the hearing until August 18, 2021, in order to provide additional time necessary to address comments from the Board of Appeals appointed sub-committee.

Tom made a motion to continue the hearing, Ami seconded the motion and all were in favor.



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REQUEST TO CONTINUE:

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

Request from Attorney McGrail to continue the hearing until September 8, 2021, the petitioner is still in the process of working with the Building Inspector to resolve this matter. Also, a request was made to extend the time for the Board to render and/or file a decision on this matter until October 31, 2021.

Tom moved to continue and extend the time and Ami seconded the motion, the Board unanimously approved the requests.

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MICHAEL L. FEELEY, 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 August 18, 2021. The petitioner is still in the process of working on revisions requested by the Wakefield Municipal Gas & Light Department Board.

Tom made a motion to continue the hearing, Ami seconded the motion and all were in favor.

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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, Brian Melanson

Discussions:

Multiple documents were submitted in hopes that this petition would be closed out at tonight's hearing. A memo from TAC was delivered just today and also just today the Engineering Department/DPW submitted a very extensive memo. There is an environmental spot that the Engineering Department would like them to look at, along with some other issues. They are looking to continue this matter until August 18th. An updated package prior to the next meeting will be submitted to the Board.

Brian is requesting to extend the time to render a decision until September 30, 2021.

Tom made a motion to extend the time to render a decision until September 30th and also to continue the hearing to August 18th. Ami seconded the motion and all were in favor.

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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, Mark Fougere, Jay Doherty, Police Chief Skory, Fire Chief Sullivan, Superintendent of Schools – Doug Lyons, John Sullivan from CCF, Melissa Zampitella from TransAction Associates

Discussion:

After the last meeting it was anticipated the topic of tonight's hearing would be traffic but TAC is not ready yet, they have asked their traffic consultant for some more information which they are gathering to give to them.

They would like to discuss the continuation of the fiscal impact study– the Board had asked some of the town officials to attend the hearing tonight. They would also like to discuss the local fiscal impact to the town. An introduction into their shuttle plan will be discussed.

- Chief Skory - explained that he met with Mark Fougere and discussed some concerns with Matt D'Amico and discussed having 24/7 security, license plate recognition, enhanced lighting in the area (called a blue light), control access to the garage, a secure area for deliveries and have a substation on site for his police officers. Chief Skory estimated that there would be an increase of about 200 calls per year. Ami asked if the substation would be manned by one of his officers or by a CCF employee. Chief said he does not have the personal to man the substation 24/7 but an officer would be able to stop there while on a bike patrol or doing a patrol.

Chip Tarbell asked the Chief about the \$161,000 cost to his department, he asked if the Chief would be coming to Town Meeting to ask for \$161,000 – the Chief replied no. He feels that the Town is at a tipping point because of all the large projects being developed and foresees having to hire more personnel in the future but not because of this project.

Tom Lucey noted that the Chief came up with the 200 calls per year because of the Everly and Vista apartments and asked if he thinks with all this added security would the number still be that high – the Chief feels the number will be lower with all the state of the art security CCF is putting in place – the other apartment buildings do not have this kind of security.

Gregg McIntosh asked if a restaurant with a liquor license went into a space, would there be more calls? Matt D'Amico said there has been no discussion about that.

Jim McBain, should we expect the Chief to give the ZBA more direction about what he thinks about each project. The Chief said he looks at every project individually, not all projects need a substation. But he would like to see the other security measures like what CCF is doing at all the projects.

- Chief Sullivan - he also met with Mark and went over his estimations and agreed with how he came up with the estimates and cannot see any other way to do it. He agrees that the estimated cost would be \$228,000 and probably less. He feels that improvements to the area will help access the area and help pedestrians walking along the lake, there will also be more fire hydrants in the area which will be available to car fires and accidents on the highway. He has no notable objections to the project and CCF has been very accommodating coming up with solutions to their questions.

Dave Hatfield – would staffing be the same – he concurred with Chief Skory it is not one project that pushes the staff over – it is a cumulative increase of all these projects.

- Superintendent Lyons – Lyons also said he met with Mark Fougere and felt the estimates for the development was on target. Lyons said his calculations and Mr. Fougere's were pretty close. The hard part about the calculations is the distribution of students.

Ami Wall questioned the amount of buses that would be needed. Lyons feels two buses are adequate, but would have to see what the needs of the students are that move in, if any move in at all.

Chip Tarbell said he feels that this discussion of what kind of students move into this development is discriminating. Ami still feels it is a financial impact to the schools.

Lyons feels 55 students and two buses right now is an adequate estimate.

Chip asked if there was already a bus stop in the area of Quannapowitt. Chip asked if there was a shuttle service from this development, could the shuttle take them to school. Lyons said public transportation within a certain mileage from a school is their responsibility. It is also a safety issue.

Joe Pride asked if it was considered that some of the students will go to private school. Lyons replied yes, that was taken into consideration. Mr. Fougere said they looked at a couple of other developments like the Vista and looked at how many of those students go to public school. His data source only tracks public school not private.

Brian McGrail pointed out that the original number was 67 students but they reconfigured the units to make less two bedroom and three bedroom units, which is why they dropped the number to 55. Mark still stated that their number is very conservative.

Dave Hatfield pointed out that some students may go to the Vocational School.

Chip pointed out that the costs to the school would be budget costs vs. the police and fire department.

Chip asked Lyons if he has the ability to track information on students coming into town from new development. Lyons said yes, they have that data and it is what was used to come up with these calculations. Chip requested that the Board see this information – it will be provided to this Board.

Dave asked about the average vehicle excise tax being calculated at \$25,000 per car seems excessive. Mark said he came up with that number by looking at other projects. Dave pointed out that the town has that data and maybe that could have been requested.

Gregg asked how they compare it as if Waterstone (commercial/office space) was there vs. residential apartments. Dave will reach out to Erin to see if she has gathered that information from the Assessor and have it for the next meeting.

The Board did not open this portion of the hearing to the public. They feel that the 3 speakers tonight answered most of the questions the Board and public had from the last hearing.

Economic Impact for the Town

CCF has retained the company - RKG Associates Inc whom specializes in the economic financial analysis of real estate development. They will work with Erin Kokinda from the town. Erin has put together a scope of what they have to work with. A detailed written report will be submitted in a future hearing.

Melissa Zampitella from TransAction Associates is a project manager for the company and has been hired by CCF to develop transportation services. Melissa will talk tonight about the implementation of forming a shuttle. Erin Kokinda is also involved with this research. CCF is proposing a shuttle service for this development, they are talking about a shared shuttle. They would take people to the commuter rail in the morning and afternoon. The shuttle would also go to the downtown area to potentially bring people to the downtown to do business.

Allie Sullivan – Vice President of CCF spoke about community outreach.

- On-site kiosks
- Ride sharing
- Advertise-flyers
- Bike sharing
- Discounts, coupon or gift card with local business's
- Yoga classes/exercises on-site
- Cooking classes on-site

Allie is also working with Erin.

Ami asked if CCF will be donating a gift card/coupon or does the business pay for it. Allie said both.

Tom is happy about the shuttle, but if they take on other partners he wants the original purpose of the shuttle preserved.

Mike Feely said he wanted to confirm that the shuttle is for just for Wakefield not Reading. Matt D'Amico confirmed it is just for Wakefield.

Gregg – he still wants mixed use rather than just a café. He would like some retail.

Next Hearing:

Traffic

Plans Presented:

- Brian will forward tonight's presentation

Tom made a motion to continue to August 18

Ami seconded the motion and all were in favor

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Ami read the Legal Notice

NEW HEARING:

(22-1) 134 WATER STREET – I.D. SIGN GROUP, INC. – (FOR SHAWS SUPERMARKET)

Purpose: Application for a Special Permit for a signage

Attendees:

Bob C – representative from I.D. Sign Group.

Discussion:

Chip said he is concerned that they are not asking for the right relief. He and Jim feel that they need to apply for a Variance – not a Special Permit. Jim explained that it has to do with the number of signs on the building. They are exceeding what had been approved previously. Dave explained that they cannot change the requested relief on the fly – abutters need to be properly notified. Bob C. said his office will reapply.

Chip moved to allow them to withdraw this Special Permit application without prejudice.

Ami seconded the motion

Dave, Chip, Jim, Ami Joe – all in favor.

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NEW HEARING:

(22-2) 28 STEDMAN STREET – DOULAS L. HEATH

Purpose: Variance to construct an addition

Attendees: Douglas Heath

Discussion:

Mr. Heath said he would like to extend his kitchen by 10 feet to increase the kitchen and create a mudroom. He needs a rear yard setback variance of approximately 5 ft. The addition is 10.5 x 17.

Tom asked if Mr. Heath had talked to his neighbors, Mr. Heath replied yes, but did not get anything in writing.

Gregg asked what the hardship was – Mr. Heath replied his kitchen is very small. Dave read the section of the bylaw that applied to hardship. Dave said they are being challenged because of the conditions on the property not being a real hardship. Mr. Heath replied that the kitchen has barely enough room for appliances, they need more room to move around.

Jim pointed out that Mr. Heath has an undersized lot.

Mr. Heath pointed out that the addition is only 1-story.

The Board explained to Mr. Heath that in addition to filing for the Variance, he also needed to file for a Finding because his lot is non-conforming.

They also explained to Mr. Heath that he needs to convince this board that there is a hardship.

Mr. Heath asked the Board if he reduced the size of the addition and met the rear setback would he still need relief. The Board said he would still need a Finding but a relief for a Finding is less of a bar than a Variance would be (no hardship is required). Mr. Heath could withdraw without prejudice his Variance application and reapply to the Board for a Finding/Determination from Section 190-50A.

Gregg suggested to the Chairman that to save time at the next hearing they should open to public testimony – Dave agreed.

Public Testimony:

Ari and Nicole Lathrop – 29 Converse Street – rear abutter, the legal notice was the first they learned about this addition. She doesn't care about the addition, but not having seen their plot plan, they would like to confirm the rear setback. Previous owners of their house had questioned the location of the fence. Mr. Heath said he is happy to share the plans with him.

Craig and Stephanie Goryl - 26 Stedman Street – they have not seen any plans, they only had a casual conversation once in the back yard. The notice in the mail was the first time they heard about the plans. If the Heaths built a second story they said that they would feel boxed in. Dave explained that the relief asked for a 1-story addition.

Tom made a motion to continue to August 18th
Ami seconded and all were in favor.

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Ami read the Legal Notice

NEW HEARING:

(22-3) 26 ATWOOD AVENUE - H.B. DEVELOPMENT CORP.

Purpose: Finding to raze and reconstruct a two-family dwelling

Attendees: Attorney McGrail, David Barrett (principle), Joe Barrett (Construction Supervisor)

Discussion:

This structure is in the single residential district and is in disrepair. Pictures of the structure were presented.

Mr. Barrett bought the house about a year ago. The property is overgrown and the building is falling down. There is a barn on the property that is also falling down.
The building is not on the historical list.

This dwelling shows that it has been a two-family dwelling back to 1957 according to the Assessor's records.

Brian presented the existing and proposed site plan and conditions. The lot is over 30,000 sq. ft. There is a lot of pavement that will be removed. The house will face Atwood Ave, the house will be a little bigger and with the removal of the barn there will be an increase in the area.

Brian ran through the zoning chart and they met or exceed the requirements.

Brian feels it is a pretty straight forward Finding - no intensification of the former use and if it were it is not more detrimental.

An elevation of what the house may look like was presented.

The use is grandfathered so that is why it is allowed in the SR district.

Jim asked that they run a calculation of what the average mean grade is to make sure the height requirement is met.

Chip feels the height requirement is a building department issue.

Brian got John Ogren on the phone and he said he would have to work with the Barrett's to make sure it meets the height requirements, he could not confirm what the height would be tonight.

Public Testimony:

Harlan & Laura Root – 23 Atwood Ave – they are direct abutters of the property, he has spoken with Joe Barrett and are in favor of this project. It is a hazard now. They have reviewed the plans and are in favor.

Bronwyn Della-Volpe – 8 Cyrus Street – Ms. Della-Volpe asked if any of the ZBA members made a site visit and if not when will they visit. Chip has visited the site. Tom said he goes by most of the sites and so does Gregg.

Rose Preece – 1 Hickory Hill Road – Ms. Preece abuts this property and is very much in favor of this project. The property has been in this condition for years. It will be nice to have something much nicer there.

Plans Presented:

- Existing and proposed site plans, prepared by Hayes Engineering, dated May 6, 2021.
- Elevation plan, prepared by Shane Structures, dated October 2018.

Chip moved to Find that the plans shown this evening do not increase the non-conformity, however if they do they would allow it anyway. It is not more detrimental to the neighborhood in any way.

Ami seconded the motion

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

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Ami read the Legal Notice

NEW HEARING:

(22-4) 84 ELM STREET – RICHARD F. MORRIS, JR. and CHRISTINA MORRIS

Purpose:

Finding to construct and addition

Attendees:

Attorney Brian McGrail, Richard & Christina Morris

Discussions:

The Morris's were in front of the Board in 2018 to raze their house and reconstruct it. They were approved for a Finding at that time.

Their proposed 2018 site plan was presented.

Now they are looking to maintain their current dwelling and add on to it.

A site plan was presented with zoning calculations.

They want to remove a portion of the left side of their house and rebuild two stories on the same footprint. In the rear of the house, they have a screened porch they want to reduce the size of the porch and build an addition on piers.

There are some typos on the site plan that need to be fixed.

Chip wondered why Ben – the Building Inspector did not approve this? Brian explained that they went back and forth with Ben and Ben felt that because it was before this Board in 2018 for a Finding he felt they needed to come back.

Elevations were shown. They have letters from the direct abutters.

Chip was concerned about the neighbors because of the new window overlooking them, but they sent a letter of support.

Brian and Jacqueline McCoubrey's wrote a letter of support, that Brian read into the record.

Dave requested a copy of the other two abutter letters for the file – Brian will forward them.

Public Testimony:

Brian McCoubrey – 82 Elm Street – they have been neighbors for 23 years. They had supported the project that was approved 3 years ago and it was a lot bigger then this will be. In the 1980's he and his wife also added on to their homes, he supports what the Morris's are doing.

Bronwyn Della-Volpe – 8 Cyrus Street - Is this the first time the Board has seen these plans?
Dave said no we saw them with the application.

Casey Griffin – 4 Pilgrim Road – Mr. Casey agrees with everything Brian McCoubrey has said, most of the homes have had additions over the years, they were built in the 1950's.

Plans Presented:

- Letter of support from the McCoubrey's, dated July 21, 2021
- Certified Plot Plan, prepared by John Abagis & Associates, with a revision date of 6/7/21
- Copy of the previous ZBA decision dated 8/10/2018

Chip moved to find that the non-conformity at 84 Elm Street is consistent and not detrimental to the neighborhood and does not increasing the non-conformity in anyway.

If the non-conformity did increase the non-conformity it still was not more detrimental to the neighborhood.

Ami seconded the motion

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

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Ami read the Legal Notice

OTHER MATTERS:

894 MAIN STREET – VERIZON WIRELESS

Timothy Greene from TerraSearch Real Estate Group represents Verizon Wireless

Verizon has an existing facility at this location. They would like to upgrade the facility.

Verizon is proposing to swap 6 antennas for 6 new antennas, adding 3 new antennas and 6 remote radio heads and associated equipment.

Dave asked if this is new technology – Mr. Greene said yes, network enhancements.

Jim asked if the 3 new antennas they were adding are going to be taller/shorter. Greene said they all stay at the same elevation.

No Public Testimony

Dave made a motion to find that the swapping of antennas, adding 3 antennas, radio heads and associated equipment according to the plans prepared by Infinigy Engineering dated June 4, 2021 satisfy the standards for an "eligible facilities request".

Ami moved the motion and Tom seconded. Tom, Ami, Jim, Joe, Dave all were in favor.

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Ami read the Legal Notice

APPROVE MINUTES:

Chip moved to approve the minutes of June 23, 2021 as written.

Ami seconded

All were in favor