



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, August 18, 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
CHARLES L. TARBELL, JR.
AMI WALL, CLERK
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

REQUEST TO CONTINUE:

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

Request from Attorney McGrail to continue the hearing until September 8, 2021, the petitioner is still in the process of finalizing matters with the Town Engineer. A request to extend the time for the Board to render and file any decisions until October 31, 2021 was also made.

Chip made a motion to continue the hearing and to also extend the time, Ami seconded. The Board unanimously voted to approve the requests.



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MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

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 September 8, 2021. The petitioner is still in the process of working on revisions requested by the Wakefield Municipal Gas & Light Department.

Chip made a motion to continue the hearing, Ami seconded.

The Board unanimously voted to approve the request.

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Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

REQUEST TO WITHDRAW WITHOUT PREJUDICE:

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

Purpose: Variance to construct an addition

A letter was submitted to the Board by Douglas Heath requesting to withdraw his petition without prejudice.

Chip moved to accept Mr. Heath's choice to withdraw without prejudice – Ami seconded the motion.

Voting members - Dave, Chip, Jim, Ami, Tom – Unanimous

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

OTHER MATTERS:

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

Present - Attorney Brian McGrail

This matter has been on-going, the front house has a temporary occupancy.

Some of the drainage had to be redesigned and landscaping had to be done.

All the above has happened and the Town Engineering Department has approved the redesign.

The landscaping has been done. Eric from the Engineering Department and Jim McBain from the ZBA have confirmed that everything has been done by the petitioner.

Brian said they are looking for the Board to approve the as-built and landscaping and issue a letter to the Building Inspector that they approve it. They still have to go for approval to the Planning Board next Tuesday but are anticipating approval from them.

They are asking that this be a minor modification.

Gregg asked what the modifications were.

Jim replied that a retaining wall in the back of the building was the big change, a few plants have been moved.

Chip said the as-built that is being accepted has all the changes on it and they are the minor modifications.

Chip moved that they accept the as-built plan as a minor modification and authorize the Chair to notify the Building Inspector that they are satisfied with all the conditions they have set.

Ami 2nd

Voting Members - Chip, Ami, Jim, Tom, Dave – all were in favor.

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Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

OTHER MATTERS:

(19-71) 1188 MAIN STREET – SOLIMINE REALTY TRUST

Purpose: Request for a minor modification on a decision filed September 3, 2019

Present: Paul Vieira (contractor) represented the Solimine's

Mr. Vieira presented the proposed modifications. The first floor window was moved a little to be able to construct a closet.

Mr. Vieira explained that the owner thought the bid plans were the plans that were approved and going to be used.

The other change is on the second floor they are adding a window and changing the size of a window. The bottom window size has also changed.

Chip asked for a list of all the changes rather than for them to figure out what they are as they go along tonight.

Mr. Vieira said transient windows are also being added on the top of some windows.

Jim suggested that each change be clouded on the plans with explanations of what exactly has been changed.

The Board informed Mr. Vieira that they need the plans the Friday before the next hearing which is on September 8, 2021.

Chip moved to continue to 9/8, Ami seconded the motion.

All were in favor

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Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

OTHER MATTERS:

168 Albion Street – A/K/A 178 Albion Street – NRP Group

Present - Mark Shraiberg and Tom Knot from NRP and Attorney Brian McGrail

The Board raised the issue regarding the reopening of Foundry Street at a previous hearing, and wanted to know when the street would be opened.

Brian said that Foundry Street will be open by Labor Day.
There will be days when the street has to partially closed or totally closed but they will work with Town Departments on it.

Ami asked if the street will be blocked off to pedestrians.
Mark said the street will be open for pedestrian traffic. If it is closed it will be closely monitored with Town Departments and police details.

The garage sidewalk is the side that will be open.

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Not Present:

JOSEPH PRIDE

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), Ezra Glenn (consultant), Peter Sandorse (architect)

Discussion:

Brian explained the concerns/discussions from the last hearing:

- At the last meeting the project had 45 units
- Trash and deliveries were a concern on Crescent Hill
- A unit reduction was requested
- More on-site parking was requested

They have worked with the sub-committee not only on architecture but the project as a whole. They have also worked with Lt. Anderson, regarding traffic and safety concerns.

They have had two sub-committee meetings.
Ezra the consultant also attended one of these meetings.

They are proposing to reduce from 45 units to 42 units, the project started as 56 units.

The package delivery and trash removal was on Crescent Hill, it has now been relocated on Crescent Street.

They made parking in the Crescent Hill garage to be for resident parking only. Only a left hand turn out of the garage will be posted and there will be no visitor parking in that garage.

The unit count is as follows:

20-one bedroom units
16-two bedroom units
6-three bedroom units

66 parking spaces are required they are providing 70.
10 of the spaces in the garage would be for visitor parking plus the 3 handicap spaces.
Certain units can only have one parking space.
A sophisticated garage security system will be put in place along with security cameras.
Management will have control of letting people in with packages.

Peter Sandorse presented the history of the building at the original 56 units as compared to where it stands now.

Peter presented a neighborhood massing comparison and Jim explained how they got to this massing.

Ami said she feels like they have come a long way but is still looking at it with open eyes.

Tom asked about the 8 ½ foot parking spaces – he thinks that is pretty narrow, aren't you worried about the parking beams and if they are going to cut down the number of spaces. It was explained that they will have no poles that affect the parking spaces.

Mike Feeley – sounds like there will be a lot of conditions with this project. How will this project keep an eye on this and make sure it works the way it is supposed to work. Is there going to be a management company? Brian explained the security system that will be in place, the leases will stipulations and management will be on property every day. There will also be an O&M Plan.

Ezra explained that the conditions, the plans, the minutes the videos, the notes that are taken along with a punch list are all part of the record.

Chip asked Ezra how he thinks the project is going so far at this point. Ezra said he is incredibly impressed with all that this Board has done. He feels that this has been a positive process. And the Board has been addressing concerns and focusing on them. He was impressed with Ami, Jim and Lt. Anderson dealing with concerns. He feels this is where they need to be.

Gregg asked about some of the units only having 1 spaces. Can they kick someone out if they violate having more than one car?

Brian pointed out that there will still be 11 affordable units even though they are giving up 4 units.

Dave said he likes the way the building is starting to look, but he is struggling with the mass.

Ami has the same sentiment as Dave, the overall scope of the project is a struggle.

Chip feels they need to look at 40B rights to see how far they can push it. But they need to take a better look at materials, conditions in case it goes into an appeal.

Gregg said he agrees and Dave said they need to continue to find a compromise and this is about public safety. He is appealing with the team and Ezra to work on the scope of this building.

Public Testimony:

Bronwyn Della-Volpe – 8 Cyrus Street – As she is listening to this she is shaking her head. This is inappropriately sized for this location. This is not the right place for this development. It is appalling for anyone to think this is the right thing to do. The mass and the bulk of it is an indication that it is too big and when you have to spend too many meetings to hide the mass you should know it is wrong. We all know that conditions are not always followed. This is a perfect example of what a 40B should not be.

Katie Kulaga – 9 Crescent Hill – This is a rental project not an owner occupied building or a senior living facility. People will be moving in and out constantly. Even though the deliveries have been moved to Crescent Street they will still go to Crescent Hill. The amount of trash is enormous and she would like to see how many times a week it will be picked up and how will it be picked up. Two homes on Crescent St are unoccupied and for sale. Once they sell there will be more cars on the street. The neighborhood cannot support the amount of parking this project will bring. Please consider the needs and safety of her neighborhood.

Rebecca Swett – 40 Crescent Street - She said that smaller parking spaces do not work. She and her neighbors are concerned about a property management company being hired. She asked if the Boccelli's would be hiring a management company. Right now trash overflows. If they cannot manage the 6 units they own now how will they take care of 42 units.

Mark Mitchell – 14 Crescent Hill – He had intended on talking about the mass of the building. Seven units are there now, how can 42 units be built on these 3 lots. He thanked the sub-committee and appreciates all the hard work everyone is doing on this project.

Tina Perrin – 7 Crescent Hill – she has a two family house and she has been trying to rent her unit for 3 months, she only has parking for 1 car for the unit. She had to take someone with 2 cars and they will have to find parking somewhere else. Please help us – 40B or not it is not appropriate for this area.

The Board discussed direction for the development team and sub-committee

Chip's thoughts are that the project would have to be significantly cut to make a difference and that is not what is going to happen.

Gregg says if it is going to stay the way it is they have to hear about a solution to keep the neighborhood safe.

Brian pointed out that public safety has already been vetted. Chief Sullivan stated clearly that he had a problem already with Crescent Hill (before this project) and that will not change.

Brian said one of the things that the TAC will take up is the neighborhood resident parking only. They are willing to fund the signs for this.

Dave would like the team and the committee along with Mr. Glen to work at least one more time to see if anything can be done and listen to the neighborhood concerns.

Ezra wanted to make the Board aware of the timeframe – they have until October 31

Plans Presented:

- Design Iterations from Phoenix Architects, dated 8/18/21
- Site Layout Plan prepared by Engineering Alliance, Inc., dated 8/10/21

Chip moved to continue to September 8th

Ami 2nd

All were in favor.

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

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: Brian McGrail, Matt D'Amico, Eric Halvorsen, RKG Associates (consultant), Erin Kokinda

Discussion:

Brian explained who Eric Halvorsen was and listed his credentials. RKG is an economic consultant that specializes in economic development. They have put together a report for tonight.

Eric Halvorsen said RKG was asked by the Town and CCF what the project-related consumer spending overall and consumer spending in downtown Wakefield would be.

RKG used Census, ULI and ICSC data to track spending trends

Projected consumer spending assumptions were presented.

The project is projected to produce \$17,561,426 in annual spending and the project is projected to bring in 3,500,000 to the downtown area.

Erin Kokinda has worked with RKG before on other projects in other town. She has checked all their assumptions and made sure it made sense and was aligned with the business's that are in the downtown area. She feels that it is very hard to predict these numbers but feels RKG did a really good job. Chip asked if they should get another opinion.

Chip asked if Erin still stood by having more retail space and/or restaurant in this project she still stands by what she suggested and has talked to Matt D'Amico. Chip would love a restaurant to more utilize our beautiful lake. Maybe one with food to go and a restaurant that is more formal.

Jim asked Erin if there was more parking in the plan to help downtown, is there a garage in the future.

Dave questioned Eric on his assumption of \$250.00 per sq. foot, is that Wakefield's square footage amount – Eric explained it is a national average.

Gregg – asked if the Walkers Brook development in Reading was taken into effect. Matt D'Amico said he looks into all the demographics. Eric said they looked into Market Street, Walkers Brook and even Melrose that's why they take 70% of the spending as being elsewhere and 30% in the downtown area.

Public Testimony:

None

Plans Presented:

- Economic impact study, prepared by RKG Associates, Inc.

Topic for the Next Meeting:

Site/Civil

Chip asked what would be new with site/civil. Matt said they have received a letter from Bill Renault the Town Engineer and they have addressed his comments and put them on a plan.

Traffic is not ready yet. VHB is still working with Scott Thorton CCF's traffic consultant and there will be at least one more TAC meeting before they will be ready to present traffic to the Board.

Tom asked that Brian make the Board aware of when that meeting will take place.

Chip moved to continue to 9/8 with the topic to be site/civil
Ami 2nd and all were in favor

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

NEW HEARING:

(22-5, 22-6) 6 CRISTOFARO STREET – ANDREW & JENNIFER BOSCO

Purpose: Variance and a Determination and/or Finding to Construct an Addition

Attendees: Attorney Michael McCarthy, Andrew and Jennifer Bosco, Henry Arnaudo (architect)

Attorney McCarthy believes they just need a finding, he explained that this is a single family home, the Bosco's would like to extend the house on both sides, and they will not encroach any further on either side.

The site plan with the zoning table was presented, this is a non-conforming lot, lot width and the structure is non-conforming.

They met with and have letters of approvals from all the direct abutters.

Mr. Arnaudo presented the architectural drawings.

They will add on an additional 1200 sq. feet.

Andrew & Jennifer Bosco added background information – they have lived in Wakefield for 10 years and need additional space for their growing family.

Jim pointed out that in this neighborhood this house fits in with the other houses.

Letters from Town Boards/Departments were read into the record.

No public testimony

Plans Presented:

- Existing and proposed plan of land, prepared by Commonwealth Engineering Inc., dated June 15, 2021
- Architectural drawings prepared by HPA Design, Inc., dated June 9, 2021

Chip moved to find based on the evidence presented this evening, there is no greater nonconformity than what is already existing and they find it is not more detrimental to the neighborhood if someone were to find it more detrimental.

Ami seconded the motion

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

Attorney Michael McCarthy requested that they withdraw the request for a Variance without prejudice.

Ami seconded the request

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

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Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

NEW HEARING:

(22-7) 518 SALEM STREET – WAKEFIELD DONUTS, LLC

Attendees: Attorney David Lucas, Alex DiPietro (owner)

Purpose: To Modify Previous Decisions of the Board

Attorney Lucas explained to the Board that about every 10 years Dunkin requires that they update their branding. They are changing their name from Dunkin Donuts to Dunkin. The only change to the exterior of the building is that they would like to add a second window for the times that they get backed up.

Other changes include:

- New digital menu board with a canopy was shown.
- Traffic patterns will be painted in the parking lot to show the cars where they have to go.
- Change signage (the colors will be similar)
- Paint the vinyl siding from light gray to a darker gray, the brick will stay the same.

Chip asked what the colors of the digital sign were going to be.

Ami asked if the fence would be repaired. Mr. DiPietro said yes.

Letters from Town Departments were read into the record.

No Public Testimony

Plans Presented:

- Certified Plot Plan, prepared by Hayes Engineering, Inc., dated August 17, 2021.
- Architectural renderings prepared by Aharonian & Associates, Inc., dated April 14, 2021.
- Canopy and menu board rendering prepared by Everbrite, LLC., dated January 27, 2021.
- Height Bar rendering prepared by ViewPoint Sign and Awning, dated March 22, 2021.

Chip made a motion based on the presentation tonight that they move to approve the changes as presented tonight.

Ami seconded the motion

Voting members - Gregg, Chip, Dave, Jim, Ami – All in favor

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

CLERK/BOARD COMMENTS:

Nomination of Chair and Clerk

Chip suggested that this Board has to start to thinking of the leadership of the future, there was some discussion and questions regarding his statement.

Chip motioned to nominate Dave and Ami to stay as Chairman and Clerk for one more year.

Tom seconded the motion.

Voting members - Chip, Tom, Jim, Gregg, Mike were all in favor

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

JOSEPH PRIDE

Ami read the Legal Notice

APPROVED MINUTES:

Chip moved to approve the minutes of July 14, 2021 as written.

Ami seconded

All were in favor