



TOWN OF WAKEFIELD

BOARD OF APPEALS

David Hatfield, Chair
Ami Wall, Clerk
James H. McBain
Joseph Pride

Charles L. Tarbell, Jr.
Michael L. Feeley, Alternate
Thomas J. Lucey, Alternate
Gregory W. McIntosh, Alternate

MEETING MINUTES

Wednesday, September 22, 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 7:06 pm

Roll Call by Ami Wall, Acting Chair

In Attendance:

JAMES H. MCBAIN
JOSEPH PRIDE
CHARLES L. TARBELL, JR.
AMI WALL, (ACTING CHAIR)
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID W. HATFIELD, CHAIRMAN

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, Chris Mulhern, Mark Sleger,



Discussions:

Brain gave an overview of the project and the many hearings.

He said the Engineering Department had some revisions so the site plan had to be updated.

The proposed draft conditions were reviewed with the Board.

There was discussion regarding condition number 16 – what portion of Albion and North Avenue will benefit from the \$25,000 contribution.

New wording was added.

The Board would like to know what the money these projects are donating is going toward.

Chip will look into it with the Town.

Jim asked Brian to list the changes on the Site Plan that the Engineering Department made.

They are mainly listed on the front page under “general notes”.

Wakefield DPW Notes also listed conditions/changes.

Gregg asked if there was discussion of more contributions because of them tearing up the street – will it be patch worked. Brian said DPW will co-ordinate with the Harvard Mills project and this project.

Chip asked about the O&M Plan having parking spaces being designated and handled. Brian said nothing specific is mentioned. Chip is concerned about them selling spots and somehow limiting parking.

The Board wants it noted in the O&M Plan how parking is going to be operated – every resident will receive one space free as part of the sale of the unit. If they want two spaces they will have to buy the second space.

Brian will put it in the O&M plan.

Public Testimony:

Bronwyn Della-Volpe – 8 Cyrus Street – It is hard to digest all the conditions in detail. It was discussed that Gail will send Bronwyn the draft conditions tomorrow morning.

Plans Presented:

- O&M Plan
- Draft Conditions
- Final Site Plan

Chip made a motion to make the final site plan by Alan Engineering dated September 17, 2021 and the final architectural plans prepared by Harrison Mulhern Architects dated July 9, 2021 the approved plans.

The conditions will be the conditions for all the motions.

Tom seconded the motion

Ami, Chip, Jim, Joe, Tom

They will vote on two Special Permits and a Variance tonight as follows:

1. Chip made a motion to grant a Special Permit and Site Plan Approval, pursuant to Section 190-32 and 190-45 of the Wakefield Zoning Bylaw, allowing a 58 Unit Mid-Rise Apartment in combination with a Restaurant use in the 3,178 square foot area designated as Mixed-Use Area, as more particularly shown on the Final Site Plan and Final Architectural Plans.

FINDINGS

- A. The use requested is listed in the Table of Use Regulations as requiring a special permit in the district for which application is made.
- B. The requested use is essential and/or desirable to the public convenience or welfare-there is a dire need for housing including affordable housing in the Town of Wakefield and the surrounding area.
- C. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system for such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. The requested use will not impair the integrity or character of the district or adjoining districts nor be detrimental to the public health, convenience or welfare.
- F. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood. This use will put a vacated and blighted property to a beneficial use and add to the affordable housing inventory.
- G. The proposed use will not be detrimental to the neighborhood and it will not adversely affect the zoning district. Furthermore, the nonresidential uses permitted in the zoning district are not noxious to the residential use.

Section 190-45 - Wakefield Zoning Bylaws

The Board has also reviewed this section of the Bylaw, which in pertinent part states that: In reviewing a site plan, the special permit granting authority and the other applicable agencies shall consider, among other things, the following:

- (1) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.
- (2) Adequacy of the methods of disposal for sewage, refuse and other wastes and the methods for surface and storm water drainage.
- (3) Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the lot or tract.

The Board has considered all of the above-referenced criteria and is satisfied.

CONDITIONS ALREADY PRESENTED

VOTE: Tom seconded the motion, Voting Members - Ami, Chip, Jim, Joe, Tom – all voted in favor

2. **Chip made a motion to grant a Special Permit, pursuant to Section 190-32.1 of the Wakefield Zoning Bylaw, allowing reductions and/or alterations to dimensional requirements under Section 190-32D and Table 2 of the Bylaw related to a 58 Unit Mid-Rise Apartment in combination with a Restaurant use as shown on the Final Site Plan and Final Architectural Plans including the following:**
 - A. Allowing a reduction in the required Front, Side and Rear setbacks to be that as shown on the Final Site Plan;
 - B. Allowing a Floor Area Ratio of 2.02 and as shown on the Final Site Plan
 - C. Allowing a maximum height of 65 feet and as shown on the Final Site Plan;
 - D. Allowing building coverage of 47.5% and as shown on the Final Site Plan;

- E. Allowing open area of 15.4% and as shown on the Final Site Plan;

AND

- F. Any other reductions and/or alterations from the requirements of Section 190-32D and Table 2 of the Wakefield Zoning Bylaw to allow the project to be constructed as shown on the Final Site Plan and Final Architectural Plans.

Same Findings as the last Special Permit and furthermore these reductions and/or alterations will enhance the multifamily project as a whole and allow it to benefit the neighborhood in which it is situated.

CONDITIONS ALREADY PRESENTED

VOTE: Tom seconded the motion, Voting Members - Ami, Chip, Jim, Joe, Tom – all voted in favor

3. Chip made a motion to approve a Variance from the requirements and/or standards for off street parking and loading under Article VII of the Wakefield Zoning Bylaw as follows:

- a. A reduction in the number of required number of parking spaces under Section 190-41 Table 3 of the Bylaw reducing the required number of parking spaces to a total of 92 parking spaces for the 58 residential units and the restaurant use.
- b. Section 190-37C-----Reducing the required size of some of the parking spaces to allow the parking spaces as shown on the Final Site Plan.
- c. Section 190-37D of the Bylaw ----Allowing the width of the aisles to be as shown on the Final Site Plan.
- d. Section 190-37E of the Bylaw as follows:
 - i) Allowing the setback of off-street parking area to be closer than 7.5 feet to the building as shown on the Final Site Plan.
 - ii.) Reducing the requirement of a 15 foot wide landscape strip separating

the open parking areas from the street line and reducing the requirement of landscaping in the interior of the parking lot so as to allow the landscaping and screening to be as shown on the Final Site Plan and the Final Landscaping Plan.

- e. Section 190-371 of the Bylaw---- Allowing the width of the driveway serving parking facilities to be as shown on the Final Site Plan.
- f. Any other necessary reductions in the requirements and/or standards for off street parking and loading under Article VII of the Bylaw related to the project as shown on the Final Site Plan and Final Architectural Plan.

FINDINGS

Unusual Circumstances Affecting Land or Structures. The Applicant has agreed to reduce existing curb cuts that will be a benefit to the neighborhood. The Property currently houses two large box shaped vacant buildings formerly used as a warehouse and a lumber yard. The existing buildings will be razed and the Project will result in environmental remediation that will be a benefit to the Property and the neighborhood as a whole. This situation provides a unique circumstance relating to the land and structures.

Hardship. The Board finds that the application of the standards for off street parking and loading under Article VII of the Bylaw proves to be infeasible and reductions are supported by evidence of infeasibility due to access and egress limitations and design considerations.

Substantial Detriment and Derogation. The Board finds that the requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

CONDITIONS ALREADY PRESENTED

VOTE: Tom seconded the motion, Voting Members - Ami, Chip, Jim, Joe, Tom – all voted in favor

MEETING MINUTES

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Call to Order 7:06 pm

Roll Call by Ami Wall, Acting Chair

In Attendance:

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

AMI WALL, (ACTING CHAIR)

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID W. HATFIELD, CHAIRMAN

Ami read the Legal Notice

NEW HEARING:

(22-11, 22-12) 22 GRAFTON STREET – SEAN BRADY AND KRISTIN NIKODEMSKI

Purpose: Variance & Finding to construct an addition onto the existing dwelling

Attendees: Brian McGrail, Kristin Nikodemski, Sean Brady

Discussions:

Sean and Kristin own the property and would like to construct a modest addition. It is an undersized lot. The lot has unique circumstances.

They also are on a corner lot - Ames and Grafton but the frontage is used on Grafton.

They have a small powder room/mudroom they would like to raze and they are proposing to build a little bit bigger it would then bring the setback to 11.7 ft. on the side yard.

The existing and proposed architectural plans/elevations were presented.

They will have a full bathroom and a full mudroom and the current outside staircase on the side will be moved to the back of the house.

They have reached out to the neighbors and have a signed document in agreement of the project from all the direct abutters.

Brian pointed out the hardships and uniqueness of the property.

Ami read letters/memos in the record from other departments
No objections

Public Testimony:

None

Plans Presented:

- Plot Plan prepared by J & B Survey, dated July 10, 2021
- Architectural drawings/elevations prepared by Pegasus Design, dated May 27, 2021
- Letter in support signed by abutters

Chip moved to Find that based on the plans presented tonight by J&B survey dated July 10th, 2021 that the addition does come closer to the lot line but is not substantially more detrimental to the neighborhood.

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

Chip moved to grant the Variance based on the site plan and architectural plans discussed tonight to 22 Grafton Street.

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

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Absent:

DAVID W. HATFIELD, CHAIRMAN

Ami read the Legal Notice

CONTINUED HEARING:

(22-8) 60 AUDUBON ROAD - VCA WAKEFIELD ANIMAL HOSPITAL

Purpose: Variance to allow Signage

Attendees: Ed Batten from Batten Brothers Signs and Sarah Norton from VCA

Discussions:

At the last meeting they discussed setbacks and square footage of total signage and the Board requested more information.

Ed presented his findings and Jim confirmed they did not need additional relief as was thought at the last meeting.

They are seeking two signs on the back of the building to get more visibility from people on the highway.

The rear of the building is 322'.

Jim said there is plenty of room to put this signage on the building.

All the relief falls under 190-77E1(a). It is the sizing that is in question – it can only be 50 sq. feet and this is 57 sq. feet and it exceeds the height that is allowed, this is 4 feet.

The sign will be internally lit. White LED's. GE 12 Volt – 6,000 lumens and the standard LED used in all the signs.

The only restriction is it cannot be lit from 11:00 pm to 7:00 am. Ed said the lighting will have a timer built in.

Public Testimony:

None

Plans Presented:

- Elevation/Sign Plans prepared by Superior Electrical Advertising
- Site Plans

Chip made a motion to allow the variance as presented to them prepared by Batten Bros along with the specs by Superior Electrical Advertising with the condition that they adhere to the bylaw with the time.

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

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MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID W. HATFIELD, CHAIRMAN

Ami read the Legal Notice

CONTINUED HEARING:

(22-9) 134 WATER STREET – I.D. SIGN GROUP, INC (FOR SHAW'S SUPERMARKET)

Purpose: Variance to allow Signage

Attendees: ID Sign Group – Jamie Fisher – South Eastern Mass

Discussions:

Chip recused himself

Jaime Fisher presented 4 conceptual renderings

Option A was illuminated, Option B was the same size but non-illuminated.

Option C was in a different space and illuminated, Option D was the same but non-illuminated.

The Board like option D – non-illuminated and they liked the location.

Public Testimony:

Bronwyn Della-Volpe – 8 Cyrus Street – she is relieved that the Board selected Option D. She would have gone with B or D – they do not need more illuminated lighting in the area.

Jim made a motion to grant the proposed pedestrian sign on the parking side lot, as noted on I.D. Sign Group Inc.'s Option D = non-illuminated plan, with a revision date of 9/10/21.

Gregg seconded the motion – Voting members - Gregg, Joe, Jim, Ami, Mike – all were in favor

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Absent:

DAVID W. HATFIELD, CHAIRMAN

Ami read the Legal Notice

NEW HEARING:

(22-10) 34 PAON BLVD – NICOLE MCSHANE

Purpose: Special Permit for an accessory apartment

Attendees: Gary Lopresti, (contractor), Nicole McShane, Elaine (Nicole's Mom)

Discussions:

Mr. Lopresti presented a plan that showed the garage that is attached to the house that they would like to convert to a living space for her mother.

The mother has been living with them for years.

Chip notified Mr. Lopresti that he has to present square footage of the house vs. the sq. footage of what the apartment will be.

Also, Chip asked the Board if they wanted a stamped plan.

Public Testimony:

None

Ami read letters from Town Boards into the record.

The Engineering Department requested that prior to a building permit they must apply for an I/I permit from DPW.

Plans Presented:

- Photograph of house
- Renderings
- Floor Plans

Chip made a motion to continue to 10/13 so that they may gather the appropriate square footage numbers.

Gregg seconded the motion

All in favor of continuing - Jim, Chip, Joe, Tom, Mike, Gregg, Ami

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MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID W. HATFIELD, CHAIRMAN

Ami read the Legal Notice

OTHER MATTERS:

(19-71) 1188 MAIN STREET – SOLIMINE R/T

Paul Vieira – general contractor represented the petitioner

Mr. Vieira now has the plans stamped by Peter Sandorse.

Mr. Vieira presented a narrative of the proposed new window design and proposed rear elevation.

Most of the changes are transient windows that are added.

Chip asked if these plans were the plans that they got the building permit on. Mr. Vieira said yes, the foot print has not changed just the windows.

Jim asked why at the last hearing was the set of drawings he presented stamped bid set. What plans were given to the building department?

Jim also asked if the floor plans had been updated.

Public Testimony:

None

Plans Presented:

- Plans & Elevations prepared by Phoenix Architects, with a revision date of 9/15/21
- Narrative prepared Paul Vieira dated 9/2/21

Chip asked the Board members if they felt that the plans that have been presented are minor modifications – the Board members agreed.

Chip made a motion to allow the minor modification as presented on Sheet 5 dated 9/15/21 by Phoenix Architects as well as the narrative presented by the contractor.

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

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GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID W. HATFIELD, CHAIRMAN

Ami read the Legal Notice

APPROVED MINUTES:

Chip moved to approve the minutes of September 8, 2021 as written.

Ami seconded

All were in favor

The meeting adjourned at 9:30 pm