



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, December 15, 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 7:05pm

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

David 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 January 12, 2022. They anticipated that the revised plans would be ready for tonight's meeting, the architect was unexpectedly delayed. Chip made a motion to continue the hearing, Ami seconded.

Regular voting members unanimously voted to approve the request - Dave, Chip, Ami, Jim, Joe



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### **REQUEST TO CONTINUE:**

#### **(22-10) 34 PAON BLVD – NICOLE MCSHANE**

Request from Attorney McGrail to continue the hearing until January 26, 2022. There is also a need for a variance application, which will be filed and consolidated with the original application.

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

Regular voting members unanimously voted to approve the request - Dave, Chip, Ami, Jim, Joe

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### **REQUEST TO WITHDRAW:**

#### **(22-32) 383 WATER STREET – STEPHEN ULWICK**

Request from Attorney McGrail to respectfully request that the Board of Appeals allow the above referenced pending application to be withdrawn without prejudice at this time. This matter is being referred to the Wakefield Town Council.

Chip made a motion to allow the petitioner to withdraw without prejudice.

Ami seconded.

Regular voting members unanimously voted to approve the request - Dave, Chip, Ami, Jim, Joe

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### **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, Joe & Steve Boccelli, Peter Sandorse, Rick Salvo

### **Discussion:**

Brian explained - There has been two subcommittee meetings since the last regular hearing. Hopefully the architecture is finalized.

The Town Engineering Department is in the process of finalizing their review, they expect feedback by the January 12<sup>th</sup> hearing.

They have also, through the subcommittee and Gregg McIntosh, working on finalizing the decision with conditions and waivers. They are hoping to finalize the site & civil plans as soon as the Town Engineering is done with his review.

Peter presented the architectural plans, floor plans, grading and colors & materials on the building. Renderings of each side of the building were also presented. Upper level parking with 28 spaces and lower parking has 39 spaces and there are 3 exterior spaces for a total of 70 spaces, the requirement is 62 spaces.

HVAC units are hidden on the upper mansard

Ami explained that they have gone through extensive work on this building. The team has been very receptive to all the recommendations the subcommittee has suggested.

Jim explained that they have had 10 subcommittee meetings on this project. What the renditions do not really show is the 3D dimensions of the building which helps fit it in. Jim also pointed out that the tenant parking is on the Crescent Hill side of the building and the guest parking is on the other side, they solved some of the concerns of the neighborhood. All the details are in the package.

Chip commented that the work on this project has been tremendous by Ami, Jim and Peter. Chip feels some of the aspects of the stone and veneer is dating the building. Chip likes both colors that are being presented but if he had to pick one he would pick the green because it is different.

Joe Pride commented that he likes the blue color and he loves the design.

Tom Lucey said he is pleased at how far they have come with this project. The developers need to be credited to for working with them. Tom asked if there was an elevation on where the meters and transformer will be. Peter said they have not called it out as of yet. Peter does not know if it has been settled with the WMGLD. Mr. Bocelli said they wanted to put the transformer on the right side of the building. Brian said they will get a definite answer for the Board.

Gregg asked what the lighting in the garage would be. Will there be a motion sensor. Peter said yes they will be on a sensor. Peter explained all lighting will be light sky compliant. Gregg asked about signage. They will be looking at guest signage, especially so guests do not drive up Crescent Hill.

Mike Feely asked about affordable the breakdown. 20% will be affordable. They will be spread out throughout the project and also will be broken down to 1-bedroom, 2-bedroom and 3-bedroom units to make it fair. All 40 units will count toward the Towns affordable count. There is a preference to Wakefield families.

Chip also said there are 4 ADA units that are one-bedroom units and have they been located yet? Yes, they have been located. There are 2 on the second floor and 2 ADA units on the 3<sup>rd</sup> floor.

Dave asked about the size of the parking spaces and asked if there would be columns in the garage to obstruct some of the spaces. Peter said they did an analysis on the columns and spent time on the location of the columns and they feel they can do it without interfering.

Chip brought up that curbing is not on the plan and the retaining wall specs. Chip asked what was going on the right side of the building. Rick Salvo the site/civil engineer explained the plan and said the house on the right will not see the parking but there will be a wall with a fence on it. Chip wants to know what the details of the wall and fence are going to be.

Chip was also concerned about the shrubs being killed with the snow plow. There will be another wall and the shrubs will be on top of them.

They would like to work with the subcommittee on conditions, landscaping and getting some of the questions raised tonight.

**Public Testimony:**

None

**Plans Presented:**

- Proposed graphic elevations, floor plans, proposed materials, prepared by Phoenix Architects, dated 12-16-21.
- Existing Conditions Plan, site layout plan, grading, drainage, utilities plan, landscaping plan, prepared by Engineering Alliance, Inc., revised to 12-1-21.
- Operations and Maintenance Plan, prepared by Engineering Alliance, Inc., revised 12-1-21.

Attorney McGrail requested to close the public hearing to January 31, 2022.

Chip made a motion to extend the time of the open public meeting to January 31<sup>st</sup> if needed.

Ami 2<sup>nd</sup>

Regular voting members were all in favor – Dave, Chip, Jim, Ami, Joe

Chip made a motion to continue the hearing until January 12, 2022

Ami 2<sup>nd</sup>

Regular voting members were all in favor – Dave, Chip, Jim, Ami, Joe

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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, Scott Thornton, Jay Doherty, William Renault, Ian Ramey

### **Discussion:**

Bill Renault represented TAC and Scott Thornton reviewed his power point from the last hearing.

Board members had questions from the last hearing. They wanted to understand the proposed project relative to what it was before as a data center and R&D that was previously approved.

Gregg McIntosh said he could not quite understand the comparison of what is going to be built compared to nothing being there now.

Bill Renault explained that they look at the peak analysis when people are coming and going and how that will increase traffic.

Bill answered the Boards questions and also explained that the Town/TAC is looking at and analyzing traffic patterns all around Town as well as the impact of this and other projects.

Dave brought up the abutter at 100 Quannapowitt Parkway and their concerns about traffic. Matt D'Amico said they have a meeting scheduled with them and will have an update for the Board at the next hearing.

A presentation of the revised plans of the reduction of units and a 3,000 sq. foot restaurant were presented:

Brian O'Connor the architect from Cube 3 gave the presentation.

### **Design Objectives**

New Design Considerations

Shuttle access

Restaurant

Amenity space

Wider mixed-use paths

Meaningful connections to the public

Expand shared-use

Increase green space

Proposed site plan improvements were presented

Ian Ramey of Copley Wolf Design Group – Landscape Architect

Landscape Typologies were presented in a power point

They have met with the Conservation Commission and engineering, there is a reason for the plantings they are presenting, also shown were the rain gardens, wet basin, conservation area, tree canopy, site plantings

Chips concern is the care for all the planting areas. Ian said it will need substantial care but it is not insurmountable. Chip wants a healthy section of the O&M Plan talked about taking care of the landscaping. Dave pointed out that snow removal/plan is part of this, they do not want to lose parking spaces.

Matt D'Amico said they are willing to put together and spend time to get the O&M right to make sure landscaping and snow removal is handled the right way.

Chip wants more detail on the amenities, Matt pointed out the 58% increase in sq. footage just for the amenities.

Jim wants them to keep in mind the clean-up of the plant species along the lake walkway. Jim also wants to see more lighting on the pedestrian walkway along the lake. Matt said they are fully committed to cleaning up the lake plantings along the walkway and are currently working with the Town.

Ian explained the lighting being proposed.



Tom Lucey asked why they would have the bridges between buildings 1 and 2. He does not see a need for them. Brian O'Connor said they play a very important part in bringing the project together.

Tom asked about pest control, they have a pest management plan as part of the O&M Plan.

Ami said she feels very overwhelmed with the plantings and building there is a lot going on. She feels that the buildings are very modern and there are too many species of plants.

Ami is also concerned about the wildlife with all the lighting.

Mike Feeley – the renderings are very impressive but it would be helpful to see what it would look like lit up from across the lake.

Joe Pride – he would like a rendering of the bridge.

### **Public Testimony:**

Matt Tyhach – 2 Stoney Hill Lane – is there a playground on the site. Matt D'Amico said no not currently, but it could be considered.

Matt D'Amico explained that they are still working with Conservation and are meeting in January but the process is beginning to close out.

### **Plans Presented:**

- Recap of Vanasse & Associates trip generation, prepared by Scott Thornton, dated October 13, 2021
- Landscaping Plans, prepared by Copley Wolf Design Group, revised to November 11, 2021
- Civil Plans, prepared by Allen & Major Associates, revised to November 11, 2021
- Architectural plans, elevations, floor plans, prepared by Cube 3, revised to November 11, 2021

### **Next Hearing:**

Discuss Massing

Renderings from across the lake

Renderings from each side including from the highway

### **Future Hearings:**

Draft Conditions

Materials booklet

Signage

Elevator shaft

Figure out what is really being developed for amenities, get to the details

Lighting Plan/Specs

Snow storage

Mock ups

Transformer location

Chip moved to continue to 1/12/22

Ami 2<sup>nd</sup>

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

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### **NEW HEARING:**

**(22-27, 22-28) – 27 Outlook Road – Warren W. Magoon and Grace C. Magoon**

**Purpose:** Special Permit and Variance to add an accessory apartment to a single-family dwelling

**Attendees:** Attorney Brian McGrail, Warren & Grace Magoon and Matt & Kerri Magoon.

They are requesting an accessory apartment so that their son Matt & daughter in law Kerri can live with them.

Warren and Grace will live in the apartment.

They have the support of their neighbors

They have lived in the neighborhood for 50 years.

They have a large lot, it is 48,802 S.F.

They would like to put an addition on the rear of the house and increase the attic space.

Proposed main house is 3,640 s.f.

Proposed in-law 1,590 s.f. - 30% of total area

In the main house they want to create a 3<sup>rd</sup> floor by finishing the attic. The roofline will not change.

Brian explained the relief – they are seeking a Special Permit for an accessory apartment and a Variance to extend and enlarge and create a third story.

Tom Lucey agreed that this is meeting the standards of the bylaw.

Dave is having a hard time meeting the hardship of the variance.

Chip said they could have built the addition by right, then come to the Board and ask for an accessory apartment. He does not see a problem with this.

Joe agrees with Chip, they could have built it then come to the Board.

**Public Testimony:**

John Kilpatrick – 25 Outlook – asked if the house was sold would it have to be returned to its current status. Brian explained that a new buyer would have to come back to the Board of Appeals.

**Plans Presented:**

- Plot Plan – dated 9-7-21, prepared by Robert Grover
- Proposed elevations, floor plans, area calculations and images prepared by Pegasus Design-to-Build, dated 11-9-21
- Signed petition from abutters in favor of the project. (presented on zoom and to be added to the file)

Jim recused himself

Chip made a motion to grant a Special Permit for an accessory apartment per the site plan dated 7-15-21 and revised 9-7-21, as well as the drawings prepared by Pegasus Design, dated 11-9-21 for the Magoon's at 27 Outlook Road.

Ami 2<sup>nd</sup>

All in favor - Voting Members - Dave, Chip, Ami, Joe, Tom

Chip made a motion to grant a Variance to allow the expansion of the third floor.

1. allow the addition to be built to support the accessory apartment
2. allow 30% instead of 25%
3. allowing a 3<sup>rd</sup> story by not changing the roofline
4. and it was found based on the size and shape of the lot there is no intensification based on their findings

Ami 2<sup>nd</sup>

All were in favor – Voting Members - Dave, Chip, Ami, Joe, Tom

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### **NEW HEARING:**

**(22-29) 50 EMERSON STREET – 50 EMERSON STREET, LLC**

**Purpose:** Special Permit to convert a two-family dwelling into a three-family dwelling

**Attendees:** Attorney Brian McGrail, Chris – the property owner

They are here to convert a two-family dwelling into a three-family dwelling

The lot size is 17,438 s.f.

Chris would like to create a basement apartment.

The footprint is not changing the volume is not changing the outside is not changing.

The apartment will be 1,139 s.f.

Existing first floor apartment is 1,342 s.f.

Existing 2<sup>nd</sup> floor unit is 1,330 s.f.

Chris has met with the fire department and will install a sprinkler system in the entire building.

Mike Feeley explained that he lives 3 houses down from this project and so far they have not been good neighbors. Abutters have come to Mike to complain.

Mike also asked what building permits have been issued so far.

Chris explained that he bought the house in March and got permits to renovate apartments 1 and 2, he encountered a lot of structural issues.  
Chris apologized for making a lot of noise during the renovations.

**Public Testimony:**

None

**Plans Presented:**

- Plot Plan, prepared by Richard Mede of Medford Engineering & Survey, dated 6-26-21
- Floor Plans, existing and proposed basement plans, prepared by KDS – Jason Kurtz, registered architect, dated 10-1-21

Chip said based on the site plan prepared by Richard Mede and architectural by KDS – Jason Kurtz he would like to make a motion to grant a Special Permit to convert from a two-family to a three-family and they find it meets all the criteria.

Ami 2<sup>nd</sup>

All were in favor – regular voting members – Dave, Chip, Jim, Ami, Joe

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### **NEW HEARING:**

**(22-30, 22-31) 611 SALEM STREET –ELITE METAL FRAMING AND CONSTRUCTION, INC.**

**Purpose:** Variance, Special Permit and Site Plan Approval to allow a proposed two story professional or business office building and allow reductions in the requirements and/or standards for off street parking and loading

**Attendees:** Attorney McGrail, John Ogren (Hayes Engineering) and Walderi Lima is the principal

### **Discussion:**

Mr. Lima purchased the property and started construction to build a garage for his consultant business.

The interim Building Inspector gave out the permit and did inspections. And when Ben DeChristoforo, the new Building Inspector, came on board and went out and inspected he said what is going on and he stopped all work on the building.

Mr. Lima has gone to the Conservation Commission and is in good standing.

John Ogren explained that they went before Conservation Commission, there is a pond, Saugus River and wetlands and 100 year flood area around the property. Conservation has given Mr. Lima order of conditions.

**Public Testimony:**

None

**Plans Presented:**

- Site Plan prepared by Hayes Engineering, revision date of 12/3/.21
- Architectural Plans, elevations, floor plans prepared by Design by Sami, LLC, dated 2/20/20

Chip recused himself, Mike will be a voting member

Dave made a motion to grant a Variance to a proposed office building in accordance with the plans dated 12/3/21, prepared by Hayes Engineering, because of topography and to allow the applicant to extend the business district to 32 feet and to be within 21 feet of a stream, 50 feet is the requirement and in accordance with the architectural plans prepared by Design by Sami LLC, dated 2/20/20.

With the condition that the building shall be built according to the plans and may not be extended beyond what is shown without further approval from this Board.

Joe 2<sup>nd</sup>

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

Dave made a motion to grant the Special Permit to allow an office building to be built and to reduce the required parking spaces to 10 from the required 24 and allow the driveway width to be 12 feet instead of the required 24 feet, with the same conditions.

Joe 2<sup>nd</sup>

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



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### **OTHER MATTERS:**

#### **Pre-Application Hearing - 198 Albion Street**

Attorney Brian McGrail represents Giancarlo Tiberi whom has the property under agreement.

This property is the Lake Street Laundromat across the street from 7 Eleven.

He would like to make this property into mixed use.

Mr. Tiberi is proposing a business on the bottom and 8 residential units on the top.

Peter Sandorse presented elevations.

Lot area is 15,200 S.F.

John Ogren presented the site plan.

The Board liked the proposal so far.

They will be back with a formal application in the future.

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### **OTHER MATTERS:**

#### **(21-70, 21-71) 11 Coolidge Park – Joseph & Mary Martin**

Chris Crump of CWC Design represents the Martins

When the Martin's applied for their building permit the Building Inspector noticed on the plans that were submitted that the roof line had changed from what had been granted from the Board of Appeals.

They are here tonight for a minor modification.

Mr. Crump presented the change to the plans and the Board agreed that it was a minor modification.

Chip moved that presented here tonight the change to the roof line is a minor modification, according to the plans dated May 12, 2021, prepared by CWC Design LLC.

Ami 2<sup>nd</sup>

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

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### **APPROVED MINUTES:**

Chip moved to approve the minutes of November 17, 2021,

Ami seconded the motion

All were in favor

The meeting adjourned at 12:26 a.m.