



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, March 23, 2022 – 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 7:04 pm

Roll Call by David Hatfield, Chairman

### **In Attendance:**

DAVID W. HATFIELD, CHAIRMAN

AMI WALL, CLERK

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

### **Not Present:**

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Legal Notice Read by Ami Wall

### **REQUEST FOR CONTINUANCE:**

#### **(22-36) 259 VERNON STREET – DEREK & KRISTA POPEK**

A request was made by Derek Popek to continue until April 13, 2022, to allow more time to provide additional materials.

Chip made a motion to allow the Popeks to continue to April 13, 2022 and Ami seconded the motion.

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



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MICHAEL L. FEELEY, ALTERNATE

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### **REQUEST TO WITHDRAW WITHOUT PREJUDICE:**

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

A request from Attorney Brian McGrail to withdraw the above petition without prejudice.

Chip made a motion to allow the withdrawal without prejudice.

Ami seconded the motion

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

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### **CONTINUED HEARING:**

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

**Purpose:** Special Permits to allow a 5 unit Mid-Rise or Garden Apartment Building with a Combination of other uses – (now reduced to 4 residential units and retail space (one unit will be affordable)

**Attendees:** Attorney McGrail, Robert Paccione (architect), Steven Lee (site/civil engineer from Allen & Major) Saverio Fulcinniti (property owner)

### **Discussions:**

Attorney McGrail highlighted the changes on the site plan from the last hearing:

1. Electric meter changes were re-located
2. Lighting on timers are now on the plans
3. The Town Engineers conditions are on the site plan
4. They met with the neighbor's regarding their concern about the retaining wall, the existing retaining wall will be moved over to their property line and repaired.

Mr. Fulcinniti said he met with the neighbors and when they move the wall it will open up their driveway.

Chip asked what type of material, Fulcinniti said it will be a concrete wall. Chip said the type of material needed to be on the plan.

Attorney McGrail highlighted the changes on the architectural plans.

Rob Paccione said the exterior lighting under the garage and the exterior light over the garage door will be censored and are on the plans the note will reflect that.

There is also lighting on the balconies

The meters have been moved.

The landscaping will be irrigated.

O&M Plan has been submitted.

Chip would like to know how they will manage the snow plan. Fulcinniti said there is no room for snow so they will hire someone to remove the snow.

Item #F in the O&M Plans regarding signage and banners will be removed.

Draft Conditions were discussed and some changes were made.

No construction schedule is needed per the Board.

Brian added a note regarding the environmental monitor and SWPP plan, and he will double check with the Town Engineer and if so it will be a condition.

**Public Testimony:**

Ed Kirby – 4 Wakefield Ave – Ed asked to see how close the property is to his decks. He also asked about safety and dust control while the project is going on. Ed feels that a construction schedule is an important thing to have. Where are the porta-potty's going to go? Saverio showed the elevator shaft, it is closest to the deck. Brian pointed out to Ed that his deck is on the property line and in the business district there is no setback. Saverio told Ed he will work with him and meet with him and coordinate with him things like the porta potty location. Ed asked if the fire department is requiring fire protection.

Bronwyn Della-Volpe – 8 Cyrus Street - asked for lighting specs. Brian presented them. She asked to see a rendering of the front of the building. She asked if there was any indication of what will go in the retail or service establishment space, the response was hopefully an office space and there will be no restaurant. She asked if the Board could condition lighting in the space. Chip said no they cannot condition what people can do in their rented space. Dave said when a tenant goes in the space they will come to this Board for signage and they can control when they are open and closed.

Dominic Magnarelli – 103-105 Water Street – he wanted the Board to know he talked with Saverio and he and his wife feel satisfied with water shedding and the wall.

**VOTE:**

1. Chip moved to grant a Special Permit and Site Plan Approval, pursuant to Section 190-32 and 190-45 of the Wakefield Zoning Bylaw, allowing a 4 Unit Garden Apartment in combination with a Retail Establishment, Service Establishment or Office use in the 733 square foot area labeled Retail all as shown on the Site Plan that includes Landscape Plan by Allen & Major, dated February 9, 2021 and revised through March 18, 2022 and Architectural Renderings and Drawings by RP Architectural Studio dated March 18, 2022.

With the following 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-it will improve the neighborhood and will help address the need for housing including affordable housing in the Town of Wakefield and the surrounding area. 1 of the 4 Units will be an affordable unit in perpetuity.
- C. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety. The parking requirements of the Zoning Bylaw are being met with the parking primarily for overnight purposes and the commercial component requires no parking spaces in that it is under 1,000 square feet.
- 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 project proposed or 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.

THE CONDITIONS HAVE ALREADY BEEN PRESENTED

Ami seconded the motion

Voting members – Dave, Chip, Jim, Ami and Joe – all were in favor

### **VOTE:**

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 4 Unit Garden Apartment in combination with a Retail Establishment, Service Establishment or Office as shown on the Site Plan and Architectural Renderings and Drawings as stated in the above motion.

- A. Allowing a reduction and/or alteration in the required Frontage be that as shown on the Site Plan;
- B. Allowing a reduction and/or alteration in the required Lot Width be that as shown on the Site Plan
- C. Allowing a reduction and/or alteration in the required Front, Side and Rear setbacks to be that as shown on the Site Plan;
- D. Allowing a reduction and/or alteration in the required lot or building coverage to be that as shown on the Site Plan;
- E. Allowing a reduction and/or alteration in the required open area to be that as shown on the 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 Site Plan and Architectural Renderings and Drawings.

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 HAVE ALREADY BEEN PRESENTED

Ami seconded the motion

Voting members – Dave, Chip, Jim, Ami and Joe – all were in favor

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THOMAS J. LUCEY, ALTERNATE

### **Not Present:**

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Legal Notice Read by Ami Wall

### **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. (Now at 440 Units with a restaurant)

**Attendees:** Attorney Brian McGrail, Matt D'Amico

### **Discussions:**

They are still working on conditions with the Chair and Bill Renault. They are also working with the architectural team on the cross sections that Mr. McBain has pointed out.

Brian requested they continue to 4/13, they should be ready to present.

Chip moved to continue to the April 13<sup>th</sup> hearing.

Ami 2<sup>nd</sup>

All members were in favor

Discussion – Dave Polson (from the Wakefield Municipal Gas & Light Dept.) – wanted the Board to know that he had an upcoming meeting tomorrow with Matt D’Amico.

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### **CONTINUED HEARING:**

**(22-39) 596 NORTH AVENUE – o NORTH AVE WAKEFIELD, LLC**

**Purpose:** Comprehensive Permit to Allow a 38-Unit Residential Dwelling

**Attendees:** Attorney Jesse Schomer (Legal Team), Dana Lopez and Raymond Nickerson (Property Owners), Peter Sandorse and Andrew Jones (Architects), Elliot Brundage (Landscape Design), Chris Sparages (Civil Engineer),)

Joe Pride recused himself – Chair Hatfield put him in the zoom waiting room

### **Discussions:**

Attorney Schomer asked the Board if they were going to ask for a MHB consultant to be involved. Dave said they are going to send in the application as soon as possible.

Andrew Jones presented new architectural adjustments. The biggest change is with the balconies. They created Juliet balconies.

Jones presented a rendition of all 3 buildings. They took the building down to 4 stories the same height of 598 North Ave.

Tom Lucey – asked if there is a rendering on the side of the building facing the Knights of Columbus. Jones had an elevation but not a rendering. Tom asked why the unit count was more than the other buildings – it is because there are more 1-bedroom units. Tom is concerned about the massing. He does not think it should be the same height as the other buildings because it is facing residential units. The amount of usable land is smaller than the other buildings and it seems like a denser use with all these units.

Jim agrees it is too high facing 1 ½ story houses across the street. He feels the building is too dark and it is making it more muscular and massive.

Dave agrees he is also concerned about the parking, he is not sure there is enough. This needs more work to make it fit into the neighborhood.

Chris Sparages reminded the board that their lot is an acre, much more than the other two projects and they are over the 1.5 parking space requirement. Chris gave an aerial view of all three buildings and the amount of land each building had.

Chip suggested to Attorney Schomer that the Board is expressing that it is too big and they should look at taking off a floor and soften up the look.

Ami is concerned about the number of 3 bedroom units and the impact on the schools. Attorney Schomer said the 3 bedroom units is a requirement of the State to encourage and promote school age children to these projects.

Attorney Schomer asked the Board if they would hire any peer review consultants. Chip feels that they probably do not need it, they haven't done it before on other projects.

Dave asked Schomer if he had filed a Notice of Intent with ConCom, Jesse said that is not done until much later in the process. The Board is not comfortable waiting 5 or 6 months into hearings until they get ConCom on Board. Dave will reach out to Rebecca from ConCom.

Jim feels that the balconies are not a done deal yet, they have to see how the whole thing comes together first.

Chip does not feel that it is necessary to talk about landscaping tonight until they get the massing done.

### **Public Testimony:**

Vinny DeBenedictis – 7 Wolcott St – are studies done concerning lines of sight? What is the sight lines to neighboring streets?

Nicole Doucette – 7 Fielding Street – she appreciates the changes but does not think the balconies are the issue, it is the height of the building. She feels lowering the building to two levels would fit better in the neighborhood. It would also help the parking. She thinks it would be better to look like a house rather than a hotel. Ms. Doucette asked the Board why the sidewalk was never installed on the other project.

Lindsay & Jake Connolly – 2 Fielding Street - they agree with pausing on the design. Who did the delineation line of the wetlands? Chris Sparages said Gregory ? from the Sate Conservation Commission. He has a concern about the traffic study being done during COVID. Dave said they will be discussing traffic in another meeting. Mr. Connolly asked about animal species habitating in these wetlands.

Meg Michaels – 17 Fielding St – She appreciates that the Board is going to look into ConCom first before this goes much further. She thinks it is unfair that the Board compares this with the other two projects – they had homes on them before they were built.

**Plans Presented:**

- Streetscape Elevations, prepared by Phoenix Architects, dated 3/23/22
- Proposed Floor Plans, prepared by Phoenix Architects, dated /23/22
- Proposed Elevations, prepared by Phoenix Architects, dated 3/23/22

**Next Hearing:**

Architectural style and massing of the building

Chip moved to continue to 4/13, Ami 2<sup>nd</sup>

All in favor - Dave, Chip, Jim, Ami, Tom

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### **NEW HEARING:**

(22-43) 480, 488, 480 NORTH AVENUE – WMGLD

**Purpose:** Modification of Site Plan and Special Permits, decision(s) dated 2012 to permit the addition of solar panels to the roof of the existing structure.

**Attendees:** Attorney Michael McCarthy, Peter Dion, Vinnie McMahon, Dave Polson, Danny Tan

### **Discussions:**

Attorney McCarthy explained they would like to modify both previous decisions to install rooftop solar panels.

They have done a sight line study.

Dave Polson presented –

- Solar panels on the main building and the garage.
- Because of the parapet you cannot see the panels
- North Emerson side of the building can see the plant but the panels can barely be seen.
- The panels are only 10" off of the roof.
- 532 total flat panels will be installed.

Chip thinks it is great that they are taking a lead on solar.

Chip asked what they thought of sun glare coming off the panels. Mr. Dion said these are built as non-reflective, there will be no glare.

Joe asked since the roof is already 8 years old will they have to do a new roof. Pete Dion said they had to do some repair work before they are put on.

Ami asked who would maintain the panels. Pete said they have a contract and will own them after 10 years so they will take care of them after that. They take pride in their building and how they own and operate it.

**Public Testimony:**

None

**Plans Presented:**

- Plans "WMGLD Rooftop Solar Panel Installation, dated February 18, 2022
- Copy of prior decisions

Chip moved to modify the Site Plan and Special Permit of April, 2012 as presented tonight to allow 528 plus or minus solar panels to the roof of the building. In accordance with the plans presented tonight.

Tom seconded the motion

Voting members - Tom, Chip, Jim, Dave, Joe all were in favor.

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### **NEW HEARING:**

**(22-44, 22-45) – 11 Coolidge Park, Joseph and Mary Martin**

**Purpose:** Variance to construct a one-story addition requiring a side yard variance

**Attendees:** Attorney Michael McCarthy, Mary and Joseph Martin, Chris Crump

Attorney McCarthy reminded the Board that they were granted a variance and a finding last May for an addition.

In the process of planning and implementing the addition they came across some wrinkles.

The Martins would like to bring the addition back by a 10<sup>th</sup> of a foot. It is intensifying the variance.

Mike shared the site plan.

Chris Crump from CWC Design – presented the elevations and reasons for the relief.

Dave pointed out that the site plan should show the new porch.

Dave asked how the garage and shed were accessed - Kathy Martin said there is a driveway on the right side of the house. They do not use the garage for a car – it is used for storage. The shed is gone.

**Public Testimony:**

Karla Tatoesian – 15 Coolidge Park, Unit 2 - She asked if the fence would have to come down during construction. Mr. Crump said no a bobcat should fit without moving the fence. She was worried about drainage. Mr. Crump said it will be regraded to the current grading after it is dug out and put back.

Tom moved that they grant a Variance to allow the construction of a single-story addition on the left side yard with a 4.1 foot Variance from the requirements, according to the plot plan presented tonight and prepared by Edward Farrell, dated January 25, 2022 and the architectural plans prepared by CWC Design, LLC, revised through January 24, 2022.

Joe seconded the motion

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

Tom moved to grant a Finding according to section 190-50A that the proposed change or alteration at 11 Coolidge Park based on the plans by CWC Architect would slightly increase the left side setback non-conformity from 11.0 feet to 10.9 feet, but shall not be substantially more detrimental to the neighborhood even though it will increase the non-conformity.

Joe seconded the motion

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

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### **OTHER MATTERS:**

**Presentation by the WAKEFIELD MUNICIPAL GAS & LIGHT DEPARTMENT**

**Attendees:** Peter Dion, Dave Polson, Vincent McMahon

### **Discussions:**

Mr. Dion, Mr. Polson and Mr. McMahon gave a presentation to the Board regarding WMGLD standards and requirements. The WMGLD would like to improve communications with the ZBA to better work with developers in the early stages of projects.

Their presentation was regarding Conductor Clearances, Transformer Locations and Electric Vehicle Chargers.

The Board was very receptive to all WMGLD comments and had some questions.

### **Plans Presented:**

PowerPoint presentation prepared by WMGLD, dated 3/23/22

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### **APPROVE MINUTES:**

Chip made a motion to approve the minutes of March 9, 2022.

Ami 2<sup>nd</sup>

All members were in favor

The hearing adjourned 10:45 p.m.