



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, April 13, 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 7:01 pm

Roll Call by David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

THOMAS J. LUCEY, ALTERNATE

Legal Notice Read by Charles Tarbell (Chip)

REQUEST FOR CONTINUANCE:

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

A request was made by Derek Popek to continue until April 27, 2022, to allow more time to provide additional materials.

Chip made a motion to allow the Popek's to continue to April 27, 2022 and Joe seconded the motion.

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



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THOMAS J. LUCEY, ALTERNATE

Legal Notice Read by Charles Tarbell (Chip)

REQUEST FOR CONTINUANCE:

**(21-50, 21-51, 21-52) 200-400 QUANNAPOWITT PARKWAY – CCF QUANNAPOWITT
PROPERTY COMPANY, LLC.**

A request was made by Attorney Brian McGrail to continue until April 27, 2022 to allow time for the completion of materials requested by the Board and for a full quorum to be present.

Chip made a motion to allow the petitioners to continue to April 27, 2022 and Joe seconded the motion.

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

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Legal Notice Read by Charles Tarbell (Chip)

CONTINUED HEARING:

(22-35) WILLIAM G. CATON & PHYLLIS L. CATON – 6 WINSHIP DRIVE

Purpose: Party Aggrieved, Appealing the Order/Notice from the Building Inspector

Attendees: Attorney Brian McGrail

Attorney McGrail explained that an enforcement order from the Building Inspector was issued to the Caton's in 2021.

It had been reported to the Building Inspector from a neighbor's complaint, that someone was renting the space in the Caton's house - they have two kitchens.

The Caton's truly thought they could rent the space. The tenant vacated the property yesterday and the unit is vacant. The Building Inspector would like to inspect the property when the Caton's come back from Florida.

McGrail would like to continue this hearing to the 2nd meeting in May to report back that the matter is resolved and they will fully withdraw at that time.

Public Testimony:

Deborah Napoleone – 5 Winship Drive – Ms. Napoleone said she was the one that filed the complaint. She and her husband moved to the neighborhood 6 years ago because it is a single residential neighborhood. She is pleased that the tenant has moved out and that the Caton's are following the rules.

Chip moved to continue to May 25th

Joe 2nd.

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

Chip moved to extend the time to render and/or file a decision on this matter to June 30, 2022.

Joe 2nd

Voting Members o Chip, Jim, Joe, Mike, Dave – all were in favor

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Legal Notice Read by Charles Tarbell (Chip)

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)

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

Discussions:

Attorney Schomer recapped – the feedback from the last hearing was that the building was too large and too tall. Phoenix came back with a new plan – they have taken off 1 floor, which has reduced the unit count and the bedroom count. The parking has not changed – 1.61 ratio now of parking from 1.5.

They have reached out to the traffic advisory committee to set a meeting up later this month. Dave said he heard from Lt. Andersen, he is looking to meet April 29th.

Andrew gave his presentation of the new plan.

They are using different materials after hearing the board's comments from the last hearing. They lost two units, the length of the building has not changed. The right and left side of the building has been pulled out by 9 ft. after the Board said they would like the building pulled up front.

The sq. footage of the units have shrunk a little to maintain the unit counts. The total is 36 units.

Greg and Chip feel like this building looks like row houses and all 3 buildings look the same, this building should look different.

Chip said this looks really tight – they are trying to put too much in this building. It is a packed condensed building and too close to the street.

Dave said perhaps they could appoint a subcommittee. They are waiting to hear back from MHP and Conservation. Dave feels it is not in everyone's best interest to hash out all these architectural designs and opinions.

Jim feels it needs to develop more and he felt many more units would come out, he is disappointed.

Jesse thinks a subcommittee would be helpful.

He asked the Board what they would like to hear at the next hearing, he suggested Site/Civil plans and/or feedback from the Conservation Commission.

Jesse hopes that Conservation can attend a meeting and/or give a letter. He said they cannot file with Conservation Commission until this Board renders a decision. Chip does not understand why that is, it seems backwards.

Dave pointed out correspondences in the file from Conservation and Mr. Connelly (an abutter).

Jesse suggested a peer review.

Dave will reach out to Tom Mullen to make sure that they can work with Rebecca Davis (from Conservation) and the subcommittee.

Public Testimony:

Jake Connolly – 2 Fielding St – presented his ideas on a new design that would fit into the neighborhood better. (see letter/presentation in file)

Also, e-mail in file to Rebecca Davis (Conservation) (see file)

Jen Leupold – 21 Fielding St – She asked about the new balconies that were proposed tonight.

Correspondence - Kenny Marshall – 567 North Ave – concerns about structure size, wetlands etc. (see e-mail in the file dated 3/27/22)

Next Hearing

TAC update

Discussion more architecture based on tonight's comments from the Board

Plans Presented:

- Proposed Elevation Plans prepared by Phoenix Architects, dated 4-13-22

Chip moved to continue to 4/27

Greg 2nd

Voting Members - Mike, Greg, Jim, Chip, Dave

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Legal Notice Read by Charles Tarbell (Chip)

NEW HEARING:

(22-46 & 22-47) 442 MAIN STREET – DOUG HART – HART'S HARDWARE

Attendees: Tom Galvin of LYF Architects, Doug and Tina Hart

Purpose: Special Permit and Variances for New Signage

Discussion:

Tom Galvin presented the existing façade, which is very old and outdated, and detailed all the new signs, colors, lights etc.

Jim pointed out that he and the DRB had a number of meetings on this project. The DRB figured out dynamic ways to use both store fronts to make this signage work. The DRB supports what is being asked for relief.

Chip is very pleased with what Harts is proposing.

Dave agrees

Dave read letters from Town Departments into the record.

Joe asked Jim if the lettering on the glass was ok – it seemed like a lot to him.

Public Testimony:

None

Plans Presented:

- Elevations & Existing Conditions; Sign Area Table; Proposed Lighting, prepared by LYF Architects, with a revision date of 3/5/22

Dave pointed out to the petitioners that there are only 4 voting members and variances require all 4 to vote in favor. If one voted not in favor they would have to wait 2 years to come back.

The Harts and Tom Galvin said they have no concerns and would like to move forward.

Chip made a motion to grant all relief in accordance with the plans dated 3/5/22 from LYF Architects as presented

1. Grant a Special Permit for projecting bracket signs
Joe 2nd
Voting members in favor - Joe, Chip, Mike, Dave – all in favor
2. Grant variances to allow two bracket signs one on Main Street and one on Water Street
Joe 2nd
Voting Members - Joe, Chip, Mike, Dave – all in favor
3. Grant variances to allow the Water Street wall sign on the elevation to be 29.25 sf and the Main Street wall sign elevation to be 21.65 sf and allow for a third wall sign on the corner of Main Street and Water Street.
Allow the strip window signs to exceed 10%
Allow extra strip window signs on Main, Water and the corner.
Joe 2nd
Voting Members - Joe, Chip, Mike, Dave – all in favor

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Legal Notice Read by Charles Tarbell (Chip)

NEW HEARING:

(21-48, 21-49, 21-50) 21 MANSFIELD DRIVE – LYDIA CICCONE

Purpose: Special Permit and Variances for an Accessory Use

Attendees: Attorney Timothy Doyle, Lydia Ciccone

Discussion:

At the last hearing the Board pointed out a deficiency in the filing.

The relief they are asking for is a Special Permit for accessory use, Variance for lot width requirements and a Variance for size of the apartment

Attorney Doyle presented the plot plan and showed the lot width deficiency. The subdivision lot showed most of the lots are shaped with narrow backs.

Lot shape is the hardship for the Variance.

Architects plans and calculations were presented, along with the floor plans.
The apartment is within the dwelling.

Public Testimony:

None

Dave read letters into the record – there were no objections

Plans Presented:

- Site plan by Thomas Winslow of Hayes Engineering, Dated 12/20/21
- Subdivision plan prepared by Hayes Engineering, dated 8/10/78
- Architectural drawings and floor plans prepared by Domenic Sicari Associates, dated 1/24/22

Chip moved to grant the Variance to allow an accessory apartment with lot width to be less than 100 sq. feet based on the site plan by Hayes Engineering, dated December 20, 2021.

Joe 2nd

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

Chip moved to grant a Variance that the apartment size will exceed 25% of the habitable area

Joe 2nd

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

Chip moved to grant a Special Permit to allow the accessory apartment at 21 Mansfield Drive.

Joe 2nd

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

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Legal Notice Read by Charles Tarbell (Chip)

NEW HEARING:

(22-51) 910 MAIN STREET - HIGH MOUNTAIN LLC

Purpose: Special Permits and Site Plan Approval to allow for a warehouse use and allow reductions in the requirements for off street parking/loading

Attendees: Attorney Brian McGrail, Gilbert Tsang (owner), John Ogren (Hayes)

Discussion:

This property has been in front of this Board two times over the years.

Seeking a wholesale use, and a Special Permit for a reduction for parking and loading. No signage being requested at this time.

Gilbert has the property under agreement.

Mem Tea is the name of the company, they import full size tea leaves and package them and ship them, and they do a little retail. They just sell the leaves. The plan would be to warehouse them there and they would have a small packaging and a small retail and office space.

They have a retail store in East Cambridge (Davis Square) now.

Gil talked about his plan – they source tea leaves and import them and are the dominate market in this area. They sell to hotels, restaurants, tea shops and training centers. They need growth and a headquarters space.

Gil explained what they would be doing in his retail store to educate people on his teas/leafs.

There would be a box truck coming once a week for deliveries. And to ship either UPS or a company truck will deliver.

They are not proposing to change any of the parking.

The striped parking spaces have been sealed over but they are willing to have a condition and re-stripe, that will not change. Gil visions this location to be bulk packages.

The requirement is 35 spaces and they are providing 17 spaces. They reduced parking 30 from 17 spaces in the last decision.

Chip asked how many employees, office staff and retail people would be there on a daily basis. Gil said currently he has about 7. Gil said he has a couple of employees that will take the train.

Jim asked about snow removal – there is room.

Jim pointed out that there is a free standing sign now that never came before DRB or got a building permit.

Chip said he is ok with parking if it gets that big then it would be a greater issue then just parking.

Joe asked how long people would be visiting the store, probably only 10-15 minutes. There should be plenty of parking.

Jim would like the free standing sign taken down and any other signage until they come to the DRB/Board.

Greg feels this is exactly the kind of business that is being attracted to Wakefield.

Public Testimony:

None

Plans Presented:

- PowerPoint presentation
- Site Plan prepared by Hayes Engineering, dated 3/11/22

Chip made a motion to grant a Special Permit and Site Plan Approval allowing a wholesale and retail use to allow the sale of tea leaves and the manufacturing of tea leaves and office use. Chip read all findings (see bylaw)

Conditions

1. all existing signage shall be removed and all new signage will be approved by this Board
2. no exterior changes unless the Board approves them
3. all staff parking will be on site
4. parking spaces will be re-striped to match the site plan

Jim 2nd

Voting members - Dave, Jim, Chip, Joe, Greg – all in favor

Chip moved to grant a Special Permit for any necessary reductions in standards for off street parking and loading related to all mixed uses just mentioned above.

To allow 17 parking spaces, reduce the size of the parking spaces, allowing the width of the isles as shown on the site plan, and the spaces to be closer than 7.5 from the building and any other standards.

Jim 2nd

Voting members - Dave, Jim, Chip, Joe, Greg – all in favor

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Not Present:

AMI WALL, CLERK

THOMAS J. LUCEY, ALTERNATE

Legal Notice Read by Charles Tarbell (Chip)

APPROVE MINUTES:

Chip made a motion to approve the minutes of March 23, 2022.

Joe 2nd

All were in favor

The hearing adjourned 9:33 p.m.