



# TOWN OF WAKEFIELD

## BOARD OF APPEALS

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### MEETING MINUTES

Wednesday, October 26, 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 7:03 pm

Roll Call by David Hatfield

#### In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

#### REQUEST TO CONTINUE:

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

A request was made from Attorney Jesse Schomer to continue the hearing to November 16, 2022 and extend the time of the public hearing through and including December 14, 2022. The applicant is continuing to work through engineering issues with the Town Engineer and are anticipating a final recommendation letter from the TAC.

Chip made a motion to grant the request to continue and extend the time.

Joe seconded

Voting members – Chip, Jim, Dave, Joe, Tom

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### **REQUEST TO CONTINUE:**

**(23-14, 23-15, 23-16, 23-17) 369-371 MAIN STREET – KINGMAN BLOCK, LLC**

Attorney Brian McGrail requested to continue the hearing until November 16, 2022 and extend the time to render a decision to February 28, 2023, the petitioner is in the process of working on revisions to the plans.

Chip made a motion to grant the request to continue and extend the time.

Joe seconded

Voting members – Chip, Jim, Dave, Joe, Tom

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### **CONTINUED HEARING:**

**(23-5, 23-6, 23-7, 23-8) 198 ALBION STREET – 198 ALBION STREET REAL ESTATE LLC**

**Purpose:** Special Permits, Site Plan Approval and Variance to Allow a 10 Unit Garden Apartment Building with a Combination of Other Uses Including retail/service establishments and/or restaurant

**Attendees:** Attorney Brian McGrail, John Ogren, Steve DeFuria, Giancarlo Tiberi (Owner)

### **Discussions:**

Brian explained that they had met with TAC and received a memo with some recommendations but overall they liked the project. One of the recommendations was more parking on the site. They thought that the site distance was fine and also traffic mitigation.

Brian said at the next meeting they will present a landscape plan. They are very close to addressing all of the Engineering Departments comments and should have that settled by the next hearing.

John Ogren presented an updated site plan showing the parking update from the TAC recommendations.

Two tandem spaces in the back, one on the side toward Albion Street and two smaller compact spaces in the back right side.

There is a total of 21 parking spaces.

They also added a bicycle rack for 3 bikes in the back of the building.

John Ogren presented a lighting plan. They went out at night and took a look and in the back of the building it was pretty dark, they are looking at adding four 11 foot lights. A sample of the lighting pendant was presented.

Board members are good with all the updates to parking and lighting.

Brian will forward copies of the plans for the file (site plan and lighting plan).

Steve DeFuria presented new floor plans and elevations

After the last hearing they blended the front of the building where the flex space was with two windows to match the residential windows above – Board members liked this new front elevation.

Tom Lucey pointed out that the bare wall on the side needed some plantings, everyone agreed and they will have Jim Emmanuel look at what kind of trees can be planted there.

Chip suggested Brian prepare conditions for the next hearing.

**Public Testimony:**

None

**Plans Presented:**

- Updated Layout Plan, Sheet C4, prepared by Hayes Engineering, revised to 10-24-22
- Photometric Plan, Sheet PH1, prepared by Hayes Engineering, dated October 26, 2022
- Proposed Floor Plans, Elevations and proposed Materials Sheet, prepared by Phoenix Architects, dated 10-26-22

Chip made a motion to continue the hearing to November 16, 2022. Joe seconded

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

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### **CONTINUED HEARING & NEW HEARING:**

**(23-22, 23-23, 23-24) 184 WATER STREET – ONE SYLVAN, LLC**

**NEW APPLICATION - (23-30) 184 WATER STREET – ONE SYLVAN, LLC – SPECIAL PERMIT-  
to allow a retail/service establishment use**

**Purpose:** Special Permits and Site Plan Approval to allow a 7 unit Garden apartment building with a combination of other uses including retail service establishments and/or restaurant

**Attendees:** Attorney McGrail, Saverio Fulcinti (principal of the property), Robert Paccione (architect)

### **Discussions:**

Attorney McGrail explained that they went to TAC last Friday and had a favorable outcome, TAC will issue their memo in the near future.

The Director of DPW also attended the hearing and is pleased that they are replacing the fence on their property and asked Mr. Saverio to let them know who the fence contractor will be so that the DPW can match the fence on the other side of the park, Saverio offered to pay to have the fence replaced on the Towns property also.

A request was also made from TAC for a bike rack, they agreed to put the bike rack on the park property.

Some of the other enhancements Saverio is making will be to the sidewalk on Water/Melvin, the Town Engineer suggested they do a flashing light in the cross walk on Water street to alert drivers that a pedestrian is in the cross walk. The cost is about \$10,000 to \$20,000 and Saverio is willing to pay for that.

Saverio presented:

- Progress and completed items
- Municipal feedback from TAC, WMGLD and DPW, FIRE DEPARTMENT
- New fencing along Water Street
- Tan colored vinyl fencing around the corner and on the other side of the park (next to Total Temperature Control), Chip pointed out the height of the fence needs to tie in to the Nasella wall.
- Update of Community impacts (see PowerPoint presentation)

Brian explained the new application for the new hearing he submitted is consolidated with the other relief. It was the recommendation of Town Counsel to file for a special permit for the restaurant use. Dave opened the new hearing.

There are now 4 separate applications to be considered.

#### **Public Testimony:**

Larry Rosenfield – Owner of Banner Glass

Larry is concerned about the parking on Melvin Street and Water Street he asked where are all these people going to park that are going into the retail space.

Saverio pointed out that there is plenty of parking. Brian pointed out the retail space only has 12 seats, the people that frequent the space will be people using the park.

Saverio told Larry he will work with him

#### **Plans Presented:**

- PowerPoint
- Updated Civil plans prepared by Allen & Major, revised through 10/21/22
- Updated renderings to reflect the fence

#### **Next Hearing:**

TAC Memo

O&M Plan & discuss how all lighting will work (on motion, for business, etc.)

Draft Conditions

DPW Comments – the site plan will be updated to reflect

DPW Final Memo

Chip moved to continue the new hearing and the continued hearings to November 16, 2022

Joe seconded

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

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### **NEW HEARING:**

**(23-31) 65 SALEM STREET – DANIELLE BLANCHETTE**

**Purpose:** Party aggrieved of a decision made by the Building Inspector

**Attendees:** Attorney Brian Brodigan, Dannielle Blanchette

Attorney Brodigan explained, Ms. Blanchette is an 18 year resident of Wakefield

She has been a dog walker since 2002.

She goes to her clients homes and walks their dogs and sometimes she brings them to her own backyard to run around and get some exercise.

This happens between 9:00 and 2:30 in the afternoon.

She never keeps dogs over night at her property.

Attorney Brodigan – presented pictures and a little history about the 3 dogs that are Ms. Blanchette's personal dogs that live at her property.

Support letters from her clients and neighbors in favor of Ms. Blanchette was demonstrated.

Attorney Brodigan said these complaints have come from an abutter at 73 Salem Street, there has been an ongoing harassment from the individual at 73 Salem Street.

Chips concern is running a business from her home. Chip believes she is not running a kennel, but argues that if she is bringing dogs back to her home she is running a business. Attorney Brodigan argued that customers do not come to her home, she picks the dogs up. They are here tonight because the Building Inspector issued a cease and desist for a kennel.

Danielle said if she brings dog's home it is only for 30 minutes.  
They are not there the whole time from 9:30 to 2:30  
Sometimes she will have up to 6 dogs but some are old and stay in the house.

**Public Testimony:**

Charles Riley – 73 Salem Street – Mr. Riley explained:

He has lived in Town since the 1950's

This is a full service dog business – boarding, sitting and walking

There are 4 to 6 dogs 3 to 4 times a day, barking and running around.

There are other people who utilize the yard for their dogs even when Ms. Blanchette is not home, when they come over they park on the sidewalk.

Some dogs stay for a week or more.

He said he has never threatened her as stated.

Mr. Riley said he and his wife are intimidated and do not want to work in the back yard.

He can even hear the dogs bark at night when they are inside the house.

The excessive barking is disturbing the peace.

Dave asked if Mr. Riley has any evidence of what is going on there, he stated that he did not take any pictures.

**Documents Presented:**

- Notice of Cease and Desist from the Building Inspector dated August 30, 2022
- Appellant's submission to the Zoning Board, submitted by Attorney Brian Brodigan (with exhibits A through J)

Chip moved to uphold the Building Inspectors decision that a kennel business cannot be operated at the property. Joe seconded

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



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### **OTHER MATTERS:**

#### **979 MAIN STREET – SIGNAGE – HEAR USA**

Jason Parillo from Sign Art Inc represents HEAR USA

Mr. Parillo presented an illuminated set of letters to replace the Atlantic Audiology sign. If he is not allowed the illuminated sign they will propose gooseneck lighting.

Chip likes the smaller elevation with the goosenecks as long as the goosenecks are the same size as the other ones on the building.

Dave pointed out that there are no new signs allowed on the free standing sign. It is in a decision that they must be phased out.

The Board unanimously liked Plan S2b, S3 and S4 elevations.

Chip moved to approve S2b externally illuminated FCO Letterset with goosenecks to match the plaza as well as S3 Door Vinyl Sign and S4 Interior Lobby Wall Sign, prepared by Priority Inc.

Joe second

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

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### **APPROVED MINUTES:**

Chip made a motion to approve the October 12, 2022 minutes as written.

Joe seconded

Chip, Tom, Joe, Jim, Greg, Mike and Dave – All in favor

The meeting adjourned at 9:05 p.m.