



## MEETING MINUTES

Wednesday, March 22, 2023 – 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  
THOMAS J. LUCEY  
JAMES H. MCBAIN  
JOSEPH PRIDE, CLERK  
CHARLES L. TARBELL  
GREGORY W. MCINTOSH, ALTERNATE  
MICHAEL L. FEELEY, ALTERNATE  
KASUMI HUMPHRIES, ALTERNATE

Joseph Pride Read the Legal Notice

### **REQUEST TO CONTINUE:**

**(23-43, 23-44, 23-45, 23-46, 23-47, 23-48, 23-50) – 314, 330, 336 SALEM STREET – GRANITZ FAMILY TRUST, LLC.**

A request from Attorney McGrail to continue the hearing until April 12, 2023 in that they are in the process of working with Board member James McBain to review revised plans with the project architect.

Also, a request was made to extend the time for the Board to render and file any decisions through May 31, 2023.

Chip moved to accept the request to continue the hearing until April 12, and extend the time to May 31, 2023. Joe seconded

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



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### **NEW HEARING:**

**(23-60) 100 HEMLOCK ROAD - NORTHEAST METROPOLITAN REGIONAL VOCATIONAL SCHOOL DISTRICT**

**Purpose:** Party aggrieved, for review of a decision made by the Building Inspector to construct a new school building

**Attendees:** Attorney Adam Braillard, David DiBari, Kevin Nigro, Carl Fransceschi, David Warner, Rob Sline and Julie Barry

Attorney Braillard explained they are here tonight because they would like to build a new school with athletic facilities in the SR zone.

Attorney Braillard explained they submitted plans to the building inspector and he denied them, which is why their application is aggrieving him.

They are continuing the use as an educational use and are exempt from zoning per the Dover Amendment. They are requesting that certain dimensional and bulk requirements be approved by this Board.

### **Non-conformities**

- Exceeds allowable building height
- Exceeds the allowable driveway width
- Does not comply with some landscaping requirements

A brief video was shown explaining an overview of what the vocational school is all about and how outdated it is. They cannot accept all the students that would like to attend. ADA standards are not met as well as other standards.

Carl Fransceschi (architect for the project) first presented the site plan.

The new school will be located in a different location – in the middle of the hilltop. Also, the entrance/exit will be in a different location on Farm Street, a new round-about will be created to help traffic flow.

While the new school is being built students can still attend the old school.

The access to Breakheart through Wakefield will remain accessible and available during construction.

There is complete access around the new building.

There are 5 levels in a section of the building to minimize the construction site and reduce the number of trees that have to be removed. But most of the building is 4 stories.

Traffic patterns were presented.

It was pointed out that before design was done it had to be approved by MSBA, which it has been.

Attorney Brillard explained that under the Dover Amendment educational facilities are exempt from most reasonable zoning requirements. The height of the building, driveway width and landscaping in two of the parking lots do not meet the zoning requirements in the Single Residential District.

- The peak of the building will be 68 feet, this is driven by a need standpoint to accommodate 1600 students vs. 1300. Also, to avoid buffer zone wetlands and minimize the footprint which will minimize tree removal.
- The driveway width requirement is 20 feet. Proposed is 24 feet to accommodate two-lanes of traffic.
- Proposing no interior landscaping in two of the 40 space parking lots as to not reduce the number of parking spaces.

Chip – said he did not see a design of the driveway or parking lot. He needs to see a site plan.

Dave asked Adam if he had a more detailed site plan.

Dave Warner the landscaping architect presented the two lots that they do not want landscaped. They would have to take one space out of each lot for landscape but these are remote lots with only 40 spaces. Chip asked to see the kind of trees/landscaping that they are proposing would be around the parking lot. Mr. Warner did not have that detail yet. Chip has a problem seeing all this in a schematic form.

Jim – Nice renderings but how much of the building is seen from Farm Street or other vantage points? How much height does it really have in relation to the neighborhood?

Jim also asked if there would be a shuttle bus from the fields to the school. Carl Fransceschi said the ramp is completely ADA compliant. David Warner said that the school has made a commitment to any student, staff or visitors to have accessible parking in the front of the building.

Jim asked if all but the 3 forms of relief being sought meet the requirements of the zoning bylaw. The answer was yes.

Joe – What is the number of stories in the current school? It is a two story building with a partial lower level, about 30 feet high. It would be nice to see some photo's superimposed to see the impact.

Kasumi – wondered if the parking lot in the front would be too congested for parents dropping off kids to the daycare with the buses pulling in and out. Any pedestrian walkways? Do they need to increase the number of parking spots? Carl Fransceschi said the drop offs are different times than when the rest of the students come.

Greg – Questioned no landscaping in the two parking lots, in his mind it would be a Variance.

Mr. Braillard explained they are not asking for a Variance, Special Permit or Site Plan Review.

Greg feels they are not demonstrating why landscaping is unreasonable.

Bill Renault – suggested having the design team come back to explain why they need the relief in more detail.

Greg said there is no evidence that it is unreasonable.

It was discussed that the Board usually receives a full site/civil plan in detail, total landscape plan with irrigation and species of plants/trees, TAC report and traffic flow is still needed by the Board to make an informative decision.

Attorney Braillard said they feel they gave the Board enough information but if the Board would like additional information they will provide it.

Mike – would like something in context with the height.

### **Public Testimony:**

Mary Judge – 16 Eaton St – has there been an environmental study, including endangered species.

Paul Rybicki – 152 Parker Road – would like to see the parking lots with no landscaping. Asked if there were sidewalks from those parking lots for the kids. It was explained that the rear lot is for car storage for the school. Asked what the elevation of the top floor was, Carl Frances said 80 feet from the first floor. Mr. Rybicki is disturbed that they are having people go down the ramp he feels this is an unreasonable design. A matter of time before people get hurt.

Bob Brooks – 7 June Circle – he had no idea that the building was going to be twice as high as it is now. He asked to see page 10 of the chart – Mr. Brook's would like an accurate distance in feet that his property line is to the parking lot. He feels it is only about 300 feet – that is close to the blasting area and all the noise. He was told his property line is about 400 feet away.

Bill Spaulding – 42 Gould St – Mr. Spaulding stated that he is on the Planning Board and Street Scape committee, he was wondering if the width of the road also has protected bike lanes. Mr. Warner said that they do not have a dedicated bike lane included in this driveway width. It would be accommodated with bike marks called sharrows.

Jennifer Fanning – 4 Pheasantwood Dr – she would like a rendering of what the building would look like from Breakheart? Mr. Fransceschi said it would not be an accurate rendering from that prospective. But they can do it from Hemlock Rd.

Andrea Krisiak - 25 Harmon Road – Saugus - The web site for the project is [Northeastbuildingproject.com](http://Northeastbuildingproject.com)

Joy Pearson – Malden - concerned about the ramp. The school design is not reasonable.

Bob Brooks – is it possible to see the renditions with and without trees. Will the road going in have sidewalks and if so will that count as the width of the driveway? The answer was only the driveway counts not the sidewalks.

Meghan – 5 Main St, Melrose – she is disabled and supports a new school but she is not aware if the ZBA knows about the ramp and lack of access to the schools and public evacuation.

Ryan O'Malley - 215 Main St – He supports a new Voke, all of the public is coming out now because it was a done deal. He is concerned it is going on the hillside. All the site work money could have gone toward the school itself.

Chip is having a problem asking for a lot of things, does it make a difference? It is reasonable vs. unreasonable.

Bill Renault – suggested talking to Town Counsel about reasonable parameters.

Jim – feels they clearly need to see what this is going to look like.

Tom – he is with Chip, they just didn't make a case for landscape in the parking lot. But the rest of the request was reasonable.

Mike – wants to see what this is going to look like.

**Next Hearing:**

Need renderings from Farm Street  
Need to study TAC report  
Landscaping

Julie Barry one of the attorney's representing the Vocational School asked for all the correspondence/comments.

Chip moved to continue to April 12.

Joe seconded

Voting members all in favor – Dave, Chip, Jim, Joe, Tom



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### **CONTINUED HEARING:**

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

**Purpose:** Request for a Determination and/or Finding, Special Permits and Site Plan Approval to allow a 20 unit Mid-Rise Apartment Building with a Mix or combination of other uses including restaurant, professional and business offices.

**Attendees:** Attorney Brian McGrail and Dan Martinez (architect)

### **Discussions:**

Daniel Martinez is here tonight to present updates to architectural plans since the last time the Board saw the project.

Chip asked what is happening under the balconies.

Chip would like to know what and where lighting will be. Also, what is happening to the old building? Is anything going to change?

Martinez said they have not developed all the lighting yet.

They have not looked into modifying the bank building yet.

Brian pointed out to Dan that it needs to be worked on next.

Greg – wants to know how the side of the bank building is going to change so they can see what it looks like together.

Is the trash enclosure on the right-of-way?

Kasumi – where do the tenants get their mail and where will deliveries be? Dan pointed out the package area in the rear. He will call out the mailboxes. A door will be added for the tenants to access the delivery area.

Jim – the tunnel connecting the buildings need to be really looked at – it will affect the height.

Attorney McGrail explained that an ALTA survey has been done on the property. It is a very extensive, certified survey – it picks up everything. The ALTA survey shows two easements. Now that the properties are under common ownership one of the easements has gone away. The other easement is the Towns 5 foot easement. But it does not connect to anything.

Chip suggested the dumpster get straightened out.

They are still waiting for the final letter from engineering  
They went to TAC February 10 – no major issues – a memo will be coming.

Attorney McGrail requested to extend the time to render/file a decision to May 31, 2023.

Material samples will be dropped off at the Building Department  
Chip is concerned about the Havana red brick.

#### **Public Testimony**

None

#### **Plans Presented:**

- Updated architectural plans and sample materials, prepared by KHALSA Design, Inc., dated 1/31/23

Chip moved to continue to April 12 and allow the petitioner to extend the time to render a decision to May 31.

Joe seconded

Voting members all in favor – Dave, Jim, Chip, Joe, Tom



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### **CONTINUED HEARING:**

**(23-39, 2340, 23-41, 23-42) 10 BROADWAY – NEW CREEK LLC**

**Attendees:** Attorney McGrail, John Ogren, Ahmed Aly (Cube 3), Donny Lo, Nick Brown, Brian O'Connor

**Purpose:** Special Permits, Site Plan Approval and Variance to allow a 124 unit mid-Rise apartment building

### **Discussions:**

At the last hearing the Board was not pleased with the density and parking of this project.

They went back to the drawing board.

They went to TAC

They feel it is possibly going to make traffic better and asked their traffic consultant Scott Thornton to go back and look at different things.

Jim McBain has been the project liaison for architecture. They have met and gone back and forth and made a lot of changes.

A power point presentation was presented comparing what originally was presented compared to the changes.

John Ogren presented the site plan.

Now proposing 106 units (from 124) and 159 parking spaces.

Chip asked if the back of the building could be flipped so that the units can look out at Crystal Lake rather than toward Main Street and the auto body shops.

Brian O'Connor said they did look at that but feel that this is a better view for the units.

Brian O'Connor presented a previous elevation

The proposed massing is more chopped up to make it look like different buildings.

Exterior materials were shown.

Jim explained that they needed to do something about the elevation along Main Street. Then they had to break it down by using different colors to make it look like different elements.

Chip's initial thoughts are that it is a very industrial look, and it doesn't really seem like one big building, it looks nice broken down. It will be interesting to see how it develops.

Joe – likes this design a lot better.

Tom – appreciates all the work but feels that it is still too many units for this site. They are right at the parking ratio. He feels more green could be introduced to the area.

Dave asked if there would be retail space

Kasumi – is the front of the building going to be tenant friendly? It could be greener, it looks like a missed opportunity. O'Connor said they are looking at the front of the building as a gathering area.

**Public Testimony:**

None

**Future Hearings:**

Architecture massing will continue to be worked on

Landscaping

Public amenities

The corner still looks like the old design – they will look at it from a materials and color point of view.

**Plans Presented:**

- Site Plan (Sketch Layout Plan), prepared by Hayes Engineering, dated March 15, 2023
- Architectural Plans, prepared by Cube 3, dated March 17, 2023.

Chip moved to continue to April 12 and extend the time to render a decision until June 30, 2023.

Joe seconded

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

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### **NEW HEARING:**

**(23-61, 23-62) DIANE PURCELL, TRUSTEE PURCELL FAMILY TRUST – 71 WHITTIER ROAD**

**Attendees:** Attorney Brian McGrail, John Ogren, Diane Purcell

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

### **Discussion:**

Attorney McGrail explained -

Diane is proposing to add an addition onto her house, there is an old addition that will come down and rebuilt.

Brian went over the zoning table, there are no new non-conformities.

They had to file with ConCom and the project has been approved with an order of conditions.

They are asking for a Special Permit for the accessory apartment and a Variance pertaining to lot area and allowing the addition to be extended and enlarged in the rear of the existing dwelling.

Brian presented the architectural plan.

The total dwelling footprint is 2,032 S.F

The new addition will be 732 S.F.

The accessory use will be approximately 37.5% to the existing house

Diane will live in the main part of the house and her granddaughter will live in the apartment.

A Declaration of Covenant will be issued and a letter will be given to the Building Department on a yearly basis stating the same residents are living in the dwelling.

**Public Testimony:**

None

**Plans Presented:**

- Architectural drawings prepared by John Sava Architects, LLC, dated August 16, 2022
- Site Plan prepared by Hayes Engineering dated October 12, 2022

Chip moved to grant a Variance for an accessory apartment and to allow the addition to 71 Whittier Road as described in the plans presented tonight.

Joe seconded

Voting members all in favor – Dave, Chip, Jim, Joe, Tom

Chip moved to grant a Special Permit given the circumstances presented tonight to allow the accessory apartment.

Joe seconded

Voting members all in favor – Dave, Chip, Jim, Joe, Tom

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**NEW HEARING:**

**(23-63) ALBION FLOWER INC – 117-117A ALBION STREET**

**Purpose:** Special Permit for fast food in conjunction with a retail store/service establishment and residential

**Attendees:** Attorney Brian McGrail

**Discussion:**

The Board waived the site plan requirement at a pre-application meeting. The building takes up the whole site.

The owners want a fast food sushi take-out restaurant in one of the commercial portions of the dwelling.

They will go to the DRB for their signage at a later date.

Chip asked if there would be any cooking – the answer is no.

**Public Testimony:**

None

**Plans Presented:**

- Mortgage Inspection Plan, prepared by Reney, Moran & Tivnan, dated 8/1/22

Chip made a motion to grant the requested Special Permit or a fast-food use for sushi take out. Joe seconded.

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

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### **NEW HEARING:**

**(23-64, 23-65) PATRICK T. O'NEIL AND PATRICIAL A. O'NEIL – 26 EASTERN AVENUE**

**Purpose:** Application for a Determination and/or Finding and a Variance to add a front porch

**Attendees:** Attorney Brian McGrail, Patrick & Patricia O'Neil

### **Discussion:**

The O'Neil's suffered a catastrophic fire – it was a 4 alarm fire  
The O'Neil's were allowed to rebuild their house by right, but as construction progressed they thought the property would look better with a farmer's porch.

Brian shared the site plan, they need a Finding and a Variance.

Renderings were shown

Neighborhood support was submitted

The Board asked a few questions but had no problems with the porch being added.

### **Public Testimony:**

None

### **Plans Presented:**

- Land Survey, prepared by Bartram Land Survey, dated February 9, 2023

- Architectural drawings/elevations prepared by Deer Hill Architects, LLC, dated November 14, 2022
- Signatures from abutters in favor of the front porch addition

Chip made a motion to Find that the addition of the front porch does not intensify or increase the existing nonconformity and even if it did it is not more detrimental to the neighborhood.

Joe seconded

Voting members all in favor – Dave, Chip, Jim, Joe, Tom

Chip made a motion to grant the Variance for the front farmer's porch and to allow a 12.8 foot setback from Court Street.

Joe seconded

Voting members all in favor – Dave, Chip, Jim, Joe, Tom

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### **NEW HEARING:**

**(23-66, 23-67, 23-68) MEERA LLC & SKYGROUP INVESTMENTS, LLC – 1 AUDUBON ROAD**

**Purpose:** Applications for a Special Permit, Variance and Finding to construct an additional building on the premises

**Attendees:** Attorney Brian McGrail, Anthony Goudia of Sky Group, LLC, John Ogren,

### **Discussion:**

Attorney McGrail explained they would like to add a building to the site which will house Sky Group which goes by the name iFly.

They have been meeting with the Town on this project for about a year. They are excited about it and Erin Kokinda, the Towns Economic Development Director, wrote a memo to the Board in support of this business. Erin said it will be a win for the town and community.

Mr. Goudia presented a video they developed to demonstrate what they do.

- It is a state of the art vertical wind tunnel.
- It is indoor skydiving
- It is for all ages and abilities/disabilities
- Educational - local schools can learn about weightlessness
- People who want to actually sky dive use this to practice/learn
- They have private events
- They have particular days for people with disabilities
- They have locations around the country



Brian ran through the relief needed.  
John Ogren presented the site plan.

They will be filing with the Conservation Commission in the next week or two.  
They are working with the Engineering Department, a memo submitted from them was discussed.

Board members asked questions and look forward to hearing more at the next hearing.

**Public Testimony:**

None

**Plans Presented:**

- Architectural floor plans, dated 10/4/21
- Storm Water Management Report, prepared by Hayes Engineering, dated 1/22/23
- Water Shed Map and Site Plans prepared by Hayes Engineering, dated 1/17/23 and 2/16/23

Chip made a motion to continue to April 12<sup>th</sup>

Joe seconded

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

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### **APPROVED MINUTES:**

Chip made a motion to approve the March 22, 2023 minutes as written.

Joe seconded

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

The meeting adjourned at 11:55 p.m.