



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, April 12, 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 7:04 pm

Roll Call by David Hatfield

### **In Attendance:**

DAVID W. HATFIELD, CHAIRMAN  
JAMES H. MCBAIN  
JOSEPH PRIDE, CLERK  
CHARLES L. TARBELL  
GREGORY W. MCINTOSH, ALTERNATE  
MICHAEL L. FEELEY, ALTERNATE  
KASUMI HUMPHRIES, ALTERNATE

### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **REQUEST TO CONTINUE:**

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

A request from Attorney McGrail to continue this matter until the meeting on April 26, 2023 in that they are now in the process of working on revisions to the plans.

A request from Attorney McGrail to also extend the time for the Board to render and file any decisions through June 30, 2023.

Chip moved to continue to April 26<sup>th</sup> and also to extend the requested time until June 30, 2023, Joe seconded both motions.

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





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KASUMI HUMPHRIES, ALTERNATE

### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **REQUEST TO CONTINUE:**

#### **(23-51) 377 MAIN STREET – DANA RODRIGUES**

A request from Attorney Brian McGrail to continue this matter until the meeting on May 10, 2023 in that they are still in the process of reviewing options.

Chip moved to accept the request to continue and Joe seconded

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



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KASUMI HUMPHRIES, ALTERNATE

### **Absent:**

THOMAS J. LUCEY

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### **CONTINUED 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 Franceschi, David Warner, Attorney Rob Schlein and Attorney Julie Barry

### **Discussion:**

At the last hearing the Board asked for additional plans and a rendering of what the school would look like from Farm Street.

Attorney Braillard explained on April 5<sup>th</sup> they submitted to the Board the requested plans.

Attorney Braillard said they reviewed all of the parking and the two parking lots that were non-conforming are now in conformity, they were able to reconfigure the spaces and add landscaping, what they did was eliminate a space in each parking lot. They do not need that relief now.

Attorney Braillard presented the updated site plan showing the reduced parking from 40 spaces to 39 which now has landscaping.



Views with superimposed views of the school from Farm Street were explained by Carl Franceschi.

Jim - said the superimposed views do not show as good as he had hoped.

Greg – asked how they came to the superimposed level that they did – was it scientific. Franceschi said it was a computer model.

Dave – explained that this Board still has the discretion to do a site plan review in spite of the Dover Amendment. They have the right to make sure that other departments and boards are still or have reviewed the project and they want to make sure the plans are all consistent. Dave explained to Attorney Braillard that although he and his team feel this Board is limited in what they can look at he disagrees. Dave explained that there may be conditions they need to incorporate into the decision from other departments/boards.

A memo from the Engineering Department was submitted just today that they are still reviewing including the Storm Water Management Report.

Attorney Braillard said he is having a hard time understanding why the Board feels they have to review more plans. The relief they are asking is for the height and driveway width and they have submitted all those plans already.

Attorney Rob Schlein explained that he strongly disagrees, the Dover Amendment limits what the Board can review.

He does not understand what more review of the plans would accomplish.

Dave said by not looking at all the plans they may need other relief.

Chip – site plan review is not needed in a single residential district, he is struggling. He feels they do not have the right to do a site plan review. We do not need to make it more complicated than it is.

William Renault – they would like to see if screening is needed, or see if there are issues with the roundabout. He doesn't necessary think a full site plan needs to be reviewed. But the process says that the ZBA shall have a hearing. His only recommendation is that the Conservation Commission has weighed in and all Boards requirements are met. He noted that there could be changes to the plans because ConCom is not finished with the storm water review.

Dave said what if the TAC finds that there needs to be conditions in the decision.

Attorney Schlein –they have complied with everything the Conservation Commission has required.

Attorney Julie Barry – said that storm water does not have anything to do with building height or driveway width. Barry also re-iterated that the Town of Wakefield has nothing in their by-law to allow the Board to look beyond the scope they are being asked to look at.

Greg – asked what the deadline is for the Board to render a decision – Attorney Barry said May 8<sup>th</sup>. Greg suggested consulting with our Town Counsel and the attorney's representing the



Vocational School along with Dave Hatfield to sort out these different opinions - what is the harm

Bill Renault – he does not understand why the Vocational Attorneys are pushing back so much. The ZBA has had minimal questions and he feels that they just want all the Boards to finish at the same time and he agrees.

Chip would like to wrap this up tonight.

Bill suggested working on conditions in-between now and the next hearing.

Attorney Brillard – said that the plans submitted won't change when they meet with ConCom.

Jim – likes the suggestion to weigh in with Town Counsel and the Vocational School's attorneys.

**Public Testimony:**

Jennifer Fanning – 4 Pheasantwood Drive – she thought there would be a rendering from Hemlock. Franceschi said he is quite confident that a view would not be seen.

**Plans Presented:**

- Updated Plans and Renderings, prepared by DRA, Warner Larson, Nitech Engineering, dates prepared - various

Chip made a motion to let Dave as Chairman, work with Town Counsel and the petitioners attorney's and requested if possible, that conditions be worked on with the representatives of Town Departments ahead of time and ready for the next hearing so they can be reviewed.

Joe seconded

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

Chip moved to continue to 4/26/23

Joe seconded

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



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### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **CONTINUED HEARING:**

**(23-39, 23-40, 23-41, 23-42) 10 BROADWAY – NEW CREEK LLC**

**Attendees:** Attorney McGrail, John Ogren, Donny Lo, James Emmanuel

**Purpose:** Special Permits, Site Plan Approval and Variance to allow a 124 unit mid-Rise apartment building (now reduced to 106 units)

### **Discussions:**

They are still working on architecture

They have a revised site plan to present tonight

Brian presented the current site – it is a sea of pavement. It now has a 60 foot driveway opening, which is very dangerous. The site is blighted.

John Ogren presented the previous site plan vs. the updated plan with an updated parking plan which opened up a triangular space in the front of the building for green space. It is about 15% more open space than what was presented before.

James Emmanuel – presented the landscape plan.

- Outdoor amenity spaces were presented, there will be 4 different areas
- Paved plaza area on the north side of the building
- Amenity space for grilling it will have concrete pavers
- Seating/dining area along the MBTA



- Dog run/park
- Corn hole/gaming area
- All these areas are landscaped and will have picnic tables, lawn chairs and greenspace areas

Chip – asked what they are doing with fencing? A fence along the MBTA side and along the other side. They think an opaque fence probably 6 ft. high, they have not picked out materials yet.

Chip is concerned it will be all closed in. He does not think they would like to see a solid wall. There are ways to do it but not a solid barrier. The trees along the road will be at a significant height.

Kasumi – is this a mixed use project? If so will there be chairs on the plaza area. Brian said no mixed component, all residential.

Joe – is there an elevation of the train side of the building. And is the back of the building going to turn into an alley way, he does like all the amenities though.

Brian updated the Board on the status of TAC.

Scott Thornton is updating his traffic report since they reduced the number of units. The Town is looking at the possibility of putting traffic lights at the intersection of Broadway and North Ave then people could take a left hand turn, which is not allowed now. This project could not fund the whole lighting project but is willing to make a contribution.

Jim asked for some new elevations on the lake side portion of the building and they hope to have those for the next meeting.

They would like to see what the lighting on the site will look like.

Chip would like to see the elevation of the parking lot and the alley way and how it will be screened and how it will work. Donny Lo said they will really look at that space.

#### **Public Testimony:**

Noah Thompson – 670 Main Street - he works from home and will be looking at this building, he is supportive of this project.

His only comment is he feels the parking in the front of the building at Broadway is creating a dead zone. He thinks it would look like Walgreen's. Donny Lo explained that emergency personal, Uber and deliveries would park there and also visitor/service parking.

#### **Plans Presented:**

- Sketch Layout Plan, prepared by Hayes Engineering, dated 3/27/23
- Landscape Plans, prepared by James Emmanuel Associates, dated 4/2/23

Chip made a motion to continue to 4/26/23

Joe seconded

Voting Members All in Favor - Chip, Joe, Jim, Greg, Dave



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### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **CONTINUED HEARING:**

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

**Purpose:** Special Permits, Site Plan Approval, Variances to raze some of the structures and create three separate lots with a 19 unit mid-rise apartment building, a single-family dwelling.

**Attendees:** Brian McGrail, John Ogren, Andrew Zalewski (architect), Jim Cook & John Mandel (prospective owners of the property)

### **Discussions:**

This project is still in front of TAC and they are also working with Bill Renault. They are doing realignment on Salem Street/Lowell Street with cross walks and traffic lights and sidewalks.

They also went back to the fire department to see if they could reduce some of the pavement in the back of the property, unfortunately the fire department said they need that driveway to turn and get apparatus in and out.

They can do a lot of landscaping in this area.

John Ogren presented the new layout of the site plan.

The proposed new single family home has been pushed back to the corner of the lot. The fire department wants a 20 foot driveway/access way.

Attorney McGrail presented landscaping.



Chip suggested bringing in big boulders in the back to make it look natural and help with height differentials.

Jim asked why there isn't more landscaping behind the properties and around the parameters.

John Ogren presented the height context plan showing 10 of the abutting properties and their roof elevations and heights compared to their new building.

Andy Zalewski presented renderings and elevations

Jim explained that this started out as a box and now has become friendlier to the neighborhood. Jim feels it has made a huge leap to the neighborhood. He feels they need to move on to detailing, it is a great change.

Chip – was there any thought given to combining the right and left balconies and adding stairs. Chip is concerned with the columns in the garage – they will significantly reduce the parking space size.

Joe – asked if underground parking was considered. John Ogren explained there was no way that they could do that and they wouldn't be gaining anything more.

Greg – still not sold on the height. He feels the massing study John presented did a disservice to them. Also, it is closer the street. The massing still bothers him. Jim explained how they came up with this concept to reduce the massing.

Chip feels that Joe's idea of underground parking should be looked at, it would bring the first floor down and reduce the height. John Ogren said it would be steep driving in. The team said they will look at it.

Joe would like to see how the building to the right of the property will look in context to this.

### **Public Testimony:**

Jim Sullivan – 6 Harwick Rd – sent an e-mail to Gail Conroy regarding the lot lines. Brian explained that the lot lines that are there now do not comply, but the Planning Board signed an ANR plan endorsing the lot lines. They have requested Variances for them and what they are doing with the lot lines are better than what is there now. Mr. Sullivan said that the Board has not really discussed or given the lot lines much consideration. Chip said John Ogren presented it and they looked at it as a whole.

Mr. Sullivan feels that this project is way too big for the neighborhood, but does think the look of 5 separate units looks better, but it does not look like anything else in the area.

Jane D'Addario – 1 Hope Terrace – this site has been a problem site for years and she is looking forward to some vitality in that space. There is a lot of traffic and chaos now, it is an improvement.

Al D'Addario – 1 Hope Terrace – he feels this building will fit into the neighborhood – it will be the facelift that this area needs. He does not think it is too high.



Kevin Gill – 12 Mitchell Lane – asking if there will be a more in-depth discussion regarding drainage. He sent in some pictures of his flooded backyard and wanted to make sure the Board got them.

Brian explained that they are looking into drainage, they are trying to get a better idea of the building layout before they get into drainage. Brian would like to meet Kevin on his property to discuss resolutions.

**Plans Presented:**

- New renderings prepared by Andrew Zalewski, not dated
- Landscape Plan, Layout & Materials Plan, Height Context Plan, prepared by Hayes Engineering, dated 4/7/23

**Next Hearing:**

Landscaping

Architecture

TAC Memo – still being worked on

Chip moved to continue to 4/26/23

Joe seconded

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**Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

**CONTINUED 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:**

They are looking for a parking reduction which they will discuss at the next meeting.

They would like to go over the site plan and architecture to make sure they are not missing anything.

John Ogren explained the site

Brian asked the Board if they had any concerns about the building.

Anthony explained that this building will be a little different than what is being presented. The design is 95% of what they are going to build. The structure is built to accommodate the machine.

Brian and the Board explained to Anthony that the plans that they approve have to be 100% what will be built.

Jim would like to see how this fits in with the hotel. More of an esthetic view.



Chip thinks it is a great opportunity to have a funky building and feels it does not have to relate to the hotel or anything around it. It will become a destination for Wakefield.

Joe – what are the hours of operations – Anthony said usually weekdays open 11:00 and will close at 8:00-9:00 pm

Weekends open a little earlier and stay open a little later.

No food or beverages will be on site.

Joe asked if an EV charger for cars would be on site. Anthony said if the municipality requires it they will but they normally do not, the average person is not on site that long.

**Next Hearing:**

Details on signage

Lighting plan

Elevations

Landscaping

**Public Testimony:**

None

**Plans Presented:**

- Site Plan presented by John Ogren
- Prototype Plan

Chip moved to continue to 4/26/23

Joe seconded

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



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**Absent:**

THOMAS J. LUCEY

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**NEW HEARING:**

**(23-69) 6 CORDIS STREET – JCG INVESTMENTS, LLC**

**Purpose:** Application for a Determination and/or Finding to raze and reconstruct a single-family dwelling

**Attendees:** Attorney Brian McGrail, James Gatuso (JCG Investments, LLC)

**Discussion:**

Brian explained that Mr. Gatuso has built in Wakefield several times, he most recently did the two homes on Mansion Rd, and on Nelly Street.

Mr. Gatuso acquired the property at 6 Cordis Street from a bank foreclosure.

He is trying to evict the tenants.

The property is in disrepair.

Brian presented the site plan.

The property is in the SR district, it is a legal non-conforming property.

Brian ran through the setbacks which are getting better.

Floor plans and elevations were presented.



Jim said he lives on Cordis Street-the home needs to be replaced it is really in disrepair. The proposed house would not be out of character with what is going on in the street. He is very positive about this happening.

Chip – not sure about the grade of the garage to the front door. Is there a lot of excavation needed?

Mr. Gatuso said part of the hill will be scraped down and tapered down. Chip asked what materials would be used for the retaining walls, Jim said he wants it to be kept in line with the neighborhood. Gatuso said it will be field stone and it will be like an old farm house. It will stay classic.

Chip knows this is just a finding and it is hard to condition things like him promising to do a field stone wall.

Joe – asked if this house is on the historical list – yes it is, they went in front of the historical commission and they implemented their 6 month demo delay.

**Public Testimony:**

Frank Callahan - 160 Main Street – he is an abutter, he is excited about this project, it is badly needed and he is looking forward to it.

His question is will the house have rodent control when it is razed.

Brian explained that as part of the building permit he has to submit documentation that the property has been abated.

**Plans Presented:**

- Site Plan, prepared by P.J.F. Associates, Revision date 1/26/23
- Architectural Plans, prepared by HPA Design, Inc, dated 11/11/22

Chip made a motion to approve the Finding based on the architectural plans and the setbacks on the plot plan, they find it does not intensify the neighborhood and if it were to be more intensified the non-conformities are not more detrimental to the neighborhood.

Joe seconded

Voting Members all in favor - Dave, Chip, Joe, Jim, Greg



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### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **NEW HEARING:**

**(23-70, 23-71, 23-72) 460-466 & 472 MAIN STREET – A&E REALTY TRUST**

**Purpose:** Applications for Special Permits and Site Plan Approval to allow a 16 unit Garden Apartment Building with other uses including Retail/Service Establishments

**Attendees:** Attorney McGrail, Andreas Tsitos, Rick Salvo, Peter Sandorse, Scott Fitzpatrick

### **Discussion:**

Attorney McGrail explained that the owners of the property are proposing a total revitalization. There was environmental contamination on the property, which has been remediated.

Rick Salvo, the Civil Engineer from Engineering Alliance, Inc. presented the site plan.

- 22 parking spaces under the building
- 24 spaces are required for residential and 18 for retail for a total of 42 required spaces, they are asking for parking relief.
- A portion of the building will be removed to make the driveway opening wider for the residents to drive into.

Peter Sandorse presented floor plans and elevations.

- 6 Retail Spaces – total SF of the floor area 4,400 SF
- 16 Residential Units will be made up of (2-Studio Units); (Ten 1-Bedroom Units); (Four 2-Bedroom Units)



- There will be amenity space for the residents

Peter discussed their thoughts on color schemes and materials

Brian said Andreas has an impeccable reputation on these projects and in the field. He is very accommodating and easy to work with. Scott Fitzpatrick, the general contractor, is very knowledgeable and respected in the field also.

Chip thinks that it looks like a railroad station. Peter thinks the cornice is needed. Chip asked why they are moving away from using brick. Chip also asked if and how are they working with the Envision Program, Brian said they are working with Bill Renault regarding Envision.

**Public Testimony:**

None

**Plans Presented:**

- Proposed Site Development Plans, prepared by Engineering Alliance, Inc., dated March 8, 2023
- Floor Plans and Elevations, prepared by Phoenix Architects, dated February 24, 2023

**Next Hearing:**

Architectural

Chip moved to continue to 4/26/23

Joe seconded

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



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### **Absent:**

THOMAS J. LUCEY

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### **NEW HEARING:**

**(23-73, 23-74) 610-614 NORTH AVENUE – 335 WASHINGTON STREET, LLC**

**Purpose:** Application for a Variance pertaining to signage and a Determination and/or Finding to construct an addition onto the existing building

**Attendees:** Attorney McGrail, Tim Williams

### **Discussion:**

Attorney McGrail explained this is an automotive dealership owned by Mr. Albrecht

They are looking to add an addition and do a facelift onto the building which is why they are requesting a Finding.

They also are asking for a Variance for signage.

Brian would like to get through the Finding and work with Jim McBain on the signage.

Tim Williams from Allan and Major Associates, Inc. presented the site plan.

What is being proposed is to enclose the two canopies areas and enclose the car drop off area.

The site has 87 existing parking spaces, they are proposing 100 spaces.

The site remains within the Business zoning but the abutting lot is in the Single Residential district but no residential houses surround the lot.

They will restripe all the parking spaces.



They are infilling the two areas that are canopy areas now.

They met with Bill Renault and the Conservation Commission. The Conservation Commission is fine with what they are doing, they do not have to file with them. Bill Renault has issued a memo to inform them of the work/improvements that is planned in the future in the front of the site.

Brian ran through the signage package – and again requested to work with Jim McBain off-line to review the plans.

**Public Testimony:**

None

**Plans Presented:**

- Signage Package, prepared by AGI, dated November 4, 2022
- Civil/Site Plan, Floor Plans, prepared by Allen & Major Associates, and The Curtis Architectural Group, dated December 9, 2022.

Chip made a motion to allow Jim McBain to work with Brian on signage discussed this evening and continue this hearing to 4/26/23.

Joe seconded

Voting Members all in favor - Joe, Jim, Chip, Greg, Dave



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### **Absent:**

THOMAS J. LUCEY

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### **OTHER MATTERS:**

**200-400 Quannapowitt Pkwy – CCF – Discuss Construction Management Plan**

**Attendees:** Matt D'Amico, Attorney McGrail, Pat Reardon

### **Discussion:**

Attorney McGrail reminded the Board that one of the conditions in the decision is that the Board must approve a construction management plan.

They had a meeting with all Town officials including Dave Hatfield regarding how the construction of the site would work.

Pat Reardon, from Callahan is the construction supervisor for the project, Mr. Reardon presented the construction management plan along with Matt D'Amico

- There will be four phases
- Entrance and exit from the site will be from Lowell Street
- 6 foot construction fence around the property
- Public pedestrian lake path is to remain open at all times
- Subcontractor parking has been called out along with porta toilets
- Construction site office is shown on the plan
- Locked construction gates will be located at Gate 1 and Gate B



Chip does not want the whole fence to advertise Callahan Construction – they will work out a solution.

Some questions were asked by the Board but they were fine with the plan.

Chip made a motion to approve the Construction Management Plan as presented tonight by Callahan and Matt D'Amico of CCF.

Joe seconded

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



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### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **OTHER MATTERS:**

#### **(22-30, 22-31) 611 Salem Street – Elite Metal Framing**

Attorney McGrail said they are asking for a minor modification to the approved plans.

Plans were presented.

Some windows sizes were changed and added.

Scissor stairs had to be constructed

Chip moved to grant these changes as presented tonight as a minor modification according to the plans prepared by O'Sullivan Architects, Inc., dated 8-16-22 and revised 11-8-22.

Joe seconded

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



## **MEETING MINUTES**

Wednesday, April 12, 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 7:04 pm

Roll Call by David Hatfield

### **In Attendance:**

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

### **Absent:**

THOMAS J. LUCEY

Joseph Pride Read the Legal Notice

### **APPROVED MINUTES:**

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

Joe seconded

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

The meeting adjourned at 12:00 a.m.