



MEETING MINUTES

Wednesday, April 26, 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 7:01 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:

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

A request from Attorney Brian McGrail to continue this matter until May 10th, 2023, the petitioner is in the process of working with Board member James McBain to review revised plans with the project architect.

Chip made a motion to continue as requested and Joe seconded.
Voting Members – Dave, Chip, Jim, Joe, Tom



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REQUEST TO CONTINUE:

(23-43, 23-44, 23-45, 23-46, 23-47, 23-48, 23-49, 23-50) 314, 330, 336 SALEM STREET – GRANITZ FAMILY TRUST, LLC

A request from Attorney Brian McGrail to continue this matter until May 10, 2023, the petitioner is in the process of working with Board member Jim McBain to review revised plans with the project architect.

Chip made a motion to continue and Joe seconded.

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

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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, Attorney Julie Barry and Joe DiSantas

Discussion:

Attorney Braillard explained at the last hearing the Zoning Board requested that a meeting with Town Counsel, William Renault, Dave Hatfield and the school attorney's be set up to resolve questions the board had to be able to look at other aspects of the project besides the relief they felt was necessary (height of the building and driveway width) the meeting took place on April 21. As a result of that meeting they have compiled plans and a spreadsheet.

Carl Franceschi walked through the items on the spreadsheet. There were some items that were questioned whether or not additional relief was needed by this Board.

- Parking of unregistered cars in the SR District
- Commercial vehicles parked in SR District – the Board does not think this needs relief
- 190-31K - Irregular shape of the lot

Greg had a question about the number of trees on the plan in the parking lots.

Rob Schlein said there are already so many trees in the parking lot there cannot be any more, Dave Warner said they have already placed the trees in the parking lot where it is necessary and adding more would be a maintenance problem for the School.

The Board does not have issues with the above but Tom Lucy said it is just sloppy.

The Board discussed the above items in question and came to the conclusion that the only relief needed was building height and driveway width.

Public Testimony:

Bob Brooks – 7 June Circle – asked about the equipment and compressors that will be on the roof. Is there any noise regulations? Is this a zoning board issue?

Plans Presented:

- Zoning Analysis Table

Chip made a motion to overturn the Building Inspector's Decision and that they meet requirements of the Dover Amendment MGL Chapter 40A, Section 8 and Article X, Section 190-65 of the Wakefield Zoning Bylaw.

Joe seconded the motion

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

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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:

Attorney McGrail explained they are cooperating with the Town regarding their easement. They will come to a resolution in a good way but they are still working on it.

They are still waiting for a memo from TAC.

Tonight's topic is the architecture, at the last hearing the question was what is going to happen to the appearance of the bank.

There will be minimal construction on the outside of the building. Some of the windows will have to be removed and in-filled. They are thinking of leaving the walk up bank window in place.

Material boards were dropped off at the Building Department for the Board to review.

Dan Martinez walked the Board through all the changes since the last renderings.

Floor plans of the bank apartments were shown.

Greg – asked if the easement was for the transformer and if there was enough clearance with the bridge being so close. Brian said the WMGLD has given the ok to this transformer location.

Jim likes option B for the brick.

Chip asked if it would be whole brick or half – Dan said a foe brick.

The rest of the Board also likes option B for the brick.

Chip said until the easement is cleared up and the report from TAC has been finalized he feels they are almost there with this project.

Greg asked to see mechanicals. The parapet is 5 ft., Dan said he does not think it will be visible from the streetscape.

The Board wants to know if vents will be coming out the sides of the building. Jim feels they can go up to the roof

Jim wants to know more about the lighting in the garage and how it will work. Will it be motion censored?

The Board wants the plans to show the restaurant vents.

Jim thinks the teller window takes up sidewalk space and he would like to see it go.

The Board thinks it may be time to draft an O&M Plan, draft conditions and start to move forward.

Public Testimony:

None

Plans Presented:

- Third floor plans, exterior changes to existing building, prepared by Khalsa Design, dated 4/19/23
- Architectural and site plans, prepared by Engineering Alliance and Khalsa Design, dated various dates

Chip moved to continue to 5/10/23

Joe seconded

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

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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, Ashok Patel

Discussion:

The coloring, material and signage is now on the rendering.

Anthony said the material on the siding is a metallic
Landscaping is an important part of their plan.

Chip said the renderings do not show the proper grade.

Kasumi – asked if the signage is lit. The signs are back lit.
Kasumi feels that signage on the side is not in proportion with the building and asked how will it be lit at night.

The Board wants parameters of how late at night the sign will be lit.

Brian will send the renderings to the Board.

Joe asked about noise levels – Anthony explained their testing. It will not be heard

Brian and John Ogren presented parking calculations

Existing parking spaces is 261

The Hotel runs a shuttle service, buses bring people to the hotel. The hotel has provisions for overflow parking.

There will be to 276 spaces

Ashok Patel – represents ownership of the hotel. Mr. Patel explained there are only 3 employees at night, they have never had parking issues and the restaurant only serves the hotel guests.

Chip said he wants a commitment from Mr. Patel that the site will look better than it does now.

The containers look terrible and he would like to see it all cleaned up. Mr. Patel said they were caught in the middle of COVID and the renovations. He agrees with Mr. Tarbell.

Chip asked if the hotel still had plans to add their pool. Mr. Patel said that was 15 years ago and they do not intend on doing a pool at this time.

They are going to Conservation Commission on May 2nd.

Public Testimony:

None

Plans Presented:

- Architectural, floor plans, interior plans, prepared by Page Southerland, Inc., dated – various
- Elevations, signage, prepared by Allen Industries, dated 8/11/22

Chip moved to continue to 5/24/23 and extend time to 8/30/23

Joe seconded

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CONTINUED 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, Steve DeFuria, Scott Fitzpatrick

Discussion:

Steve and Peter from Phoenix Architects presented the updated plans. They explored the right and left side of the façade and they explored using brick in the front of the building.

Chip wondered if they could take the details to the next step to make it look like the building is back in time instead of looking so modern.

Jim had pictures of the buildings in the 1950's.

Kasumi – likes what the outside looks like but feels there are too many brackets. Could the retail stores be emphasized more? She questioned the way the door opened on the stairs in the middle of the building, should it be opening that way and will the mechanical room stairs interfere. Peter said they will look at that.

Tom – asked how much brick is too much brick. It is something to think about. Greg agrees.

The Board would like to see good pictures of all angles of the building going up and down Main Street.

Public Testimony:

None

Plans Presented:

- Floor plans, elevations, color schemes, streetscape, prepared by Phoenix Architects, dated 4/26/23

Chip made a motion to continue to 5/24/23

Joe seconded

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CONTINUED 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 Brian McGrail

Discussion:

Brian update the Board.
Jim McBain has been working with them on signage.

Brian ran through the signage plans and what they are thinking about doing
Dave reminded him that the plans need to be updated with the proper dates

Public Testimony:

None

Plans Presented:

- Signage Plans

Chip moved to continue to continue to 5/10/2023
Joe seconded
Voting Members – Dave, Chip, Jim, Joe, Tom

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NEW HEARING:

(23-75) 116 OAK STREET – LORI A. FIONDA

Purpose: Variance for an above ground swimming pool in the side yard.

Attendees: Attorney Anthony Frate, Lori Fionda

Attorney Frate presented the plot plan, they are looking for a variance for an above ground pool to be in the side yard.

The hardship is the unique lot - its odd shape, there is no room in the backyard to install the pool, and the side yard is very large which can accommodate the pool.

Dave asked if there will be screening or a fence, Attorney Frate said a vinyl fence will be around the yard.

Lori Fionda the owner of the property explained where she is going to put the fence.

Tom asked if she has talked to the neighbors, Ms. Fionda said yes and they are ok with it.

Public Testimony:

None

Plans Presented:

- Plot Plan prepared by Edward Farrell, dated 8-8-22

Chip moved to grant a variance based on the site survey by Ed Farrell, dated 8-8-22, to go into the side yard, with the condition that the fence will be 6 feet around the yard.

Joe seconded

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

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NEW HEARING:

(23-76) 128 OAK STREET – ROBERT E. BURTON, JR., PATRICIA A. BURTON, ROBERT E. BURTON, III, MELISSA J. BUCCI

Purpose: Special Permit to add an accessory apartment

Attendees: Attorney Brian McGrail, Robert Burton, III

Discussion:

Attorney McGrail said nothing is changing with the property than what is there today. This property meets all of the requirements of the bylaw. They are asking for a special permit for the accessory apartment, everything else meets the bylaw and the standards of the bylaw were discussed in detail by Attorney McGrail.

All the Burtons are owners of the property

Brian presented elevations, calculations and also the floor plans of the main house and accessory apartment.

- Total Habitable Square Footage – 4,876 Sq. Ft.
- In-Law Apartment - 1,041 Sq. Ft.
- Total Percentage of In-law Apt. - 21%

In 2019 the Burtons obtained a building permit for a garage with a game room, with the intention of eventually using it as an accessory apartment. The kitchen was put in without a permit.

Brian talked to the building inspector and he said this issue has to be resolved; they must pull permits and be up to code, he must go into the house.

Bob Burton said he has been living in the addition since 2019.

Jim said he finds this all disconcerting. He has a problem with this.

Brian said the only misstep they took was putting the kitchen in without a permit and COVID came along and they never for the permits.

Tom said COVID is not an excuse. He is with Jim, the only reason they came to the ZBA is because of the neighbors.

Chip said he is also disappointed in how this happened. But we have a zoning code and they meet the zoning code, this is a building code issue. The only right they have is to make them pay some surety.

Public Testimony

Melissa Estrella – 4 Holland Road – she is a direct abutter, allowing this to happen sets a bad precedent, she would like the Board to certify occupancy to make sure the property is not used for something else.

Plans Presented:

- Elevations and floor plans, prepared by JFA Design Group, dated March 13, 2023

Chip made a motion to grant the Special Permit to allow an accessory apartment as presented tonight they meet all the specifications for a Special Permit. They waive surety but have to give an annual letter.

Joe seconded

Voting members in favor - Chip, Joe, Tom, Greg, Dave

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NEW HEARING:

(23-77, 23-78, 23-79) 3 MELVIN STREET – NORTH EAST WAREHOUSE BOSTON, LLC

Purpose: Special Permits, Site Plan Approval, Variance and a Determination and/or Finding to construct an addition onto a warehouse

Attendees: Attorney Brian McGrail, Jerry Keene, John Ogren, Tan Sadiku

Discussion:

Brian explained the location – it is the old Crystal Trucking Company

There is no more trucking terminal. The granite company is leaving the site. Jerry is looking to put an addition onto the building. The addition will meet all the density requirements. What they do is warehouse for companies. When stuff comes in it stays there for 2-3 months. He has about 5 trucks in and 5 trucks out every day.

There will be a reduction of 7 loading doors

Site plan was presented with calculations

John Ogren presented site/civil plans

Brian presented the zoning table and parking requirements
58 parking spaces are required and they are providing 47 (2 handicapped accessible)

Jerry explained the operation and the number of employees and dock workers – the parking spaces are not needed.

Tom suggested since there are no parking spaces on the side that borders Shaw's, why not landscape to make a nice buffer.

Chip is all in favor for Tom's idea for a significant buffer and adding green space. Chip asked what the operation hours are and how many 18 wheelers will be parked on site at night. No trucks at night.

Chip suggested getting rid of the big garage doors that are not being used and also to install some windows to make it not look like a big box and bring more lighting in. He wants the façade broken out.

Kasumi asked if roof top units will be on the roof – Sadiku said yes, but they have not gotten to the details of that yet, but does not think it will be seen because the building is so large they will put the units in the middle. Dave said they want to see renderings with all the mechanicals on it.

- Break up wall
- Reducing parking and buffer
- Show Mechanicals

Public Testimony:

None

Plans Presented:

- Site/Civil, prepared by Hayes Engineering, dated March 8, 2023
- Architectural Site Plan, Floor Plans, Elevations, prepared by Vita Architects, dated 10/24/2022

Chip made a motion to continue to 5/24/23

Joe seconded

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OTHER MATTERS:

(22-52 to 2-55) 356 LOWELL STREET – NOURIA ENERGY – MINOR MODIFICATIONS

Attendees: Attorney McGrail, Hussein Sevincgil, Michael Durant

Attorney McGrail explained they are here asking for minor modifications

The site plan changes – Adding EV Chargers on the site – they are able to make 4 of the 6 parking spaces charging stations.

One of the tanks has to be changed to a 6,000 tank. Also a special tank has to be added that works with the diesel tank called a deft which gets rid of harmful environmental elements. It is a fuel additive. And there will be only 1 pump that will have that element if people need to use it.

Greg asked if the EV parking spaces were also parking for other vehicles.

Michael Durant said anyone can park there. Ground markings are usually sufficient. The Board does not want any markings.

They have to have the Shell branding on the pump and canopy. The canopy will not be illuminated. On the Shell sign the shell is the only thing that is illuminated.

The coloring and branding is the only change on signage.

They have chosen their tenant which will be "Nourias Kitchen" that sign was already approved, they decided to take a sign off of the Lowell Street side of the building.

The free standing sign has both Shell and Nouria on it and only a portion of each will be lit. The height and size of the signage is the same it is just the signage in-between that has changed.

Plans Presented:

- Site plan changes, prepared by GPI Engineering, dated 4-20-23
- Signage Plans, prepared by Phase Zero Design, revision date 4/7/23

Chip made a motion that based on what was presented tonight for changes falls under minor modifications and they approve it.

Joe seconded

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OTHER MATTERS:

115 ALBION STREET

Attendees: Dave Giannattasio, Treasurer of the condo association, Nick Donovan one of the trustees

This project was permitted with a Special Permit from the ZBA on 9/18/2006.
They are here to ask for a minor modification to the original decision.

Mr. Giannattasio explained that the pergolas on the roof decks have made structural damage to the building.

Mr. Giannattasio presented a power point presentation which showed the structural damage. They would like to remove pergolas for unit 1 and 4. They have already taken the pergolas off units 2 & 3.

Plans Presented:

- Power Point Presentation
- Letter to Zoning Board

Chip moved to deem what was presented tonight a minor modification and accept it as a minor modification.

Joe seconded

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APPROVED MINUTES:

Chip made a motion to approve the minutes of April 12, 2023 as written.

Joe seconded

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

The meeting adjourned at 11:52 p.m.