



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, May 24, 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

Not Present:

KASUMI HUMPHRIES, ALTERNATE

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 June 14, 2023 in that they are still in the process of working on the town easement issue and draft conditions. Tom moved to continue to June 14, 2023, Joe seconded the motion.

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



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MICHAEL L. FEELEY, ALTERNATE

Not Present:

KASUMI HUMPHRIES, ALTERNATE

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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 June 14, 2023, the petitioner is in the process of reviewing drainage with the Town Engineer.

Tom made a motion to continue to June 14, 2023, Joe seconded.

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

KASUMI HUMPHRIES, ALTERNATE

Joseph Pride Read the Legal Notice

CONTINUED HEARING:

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

Attendees: Attorney Brian McGrail, John Ogren, Donny Lo, Ahmed Aly

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

Discussions:

Attorney McGrail said tonight they will review the requested zoning relief

There are 3 times more open area than what is on the property now. The project makes a dramatic improvement in the quality of the area by adding 73 trees, 290 shrubs and 66 grasses and perennials.

Brian presented the site plan they started with at the first hearing and compared it to how they have reduced the building, made more green space.

The zoning table was presented.

The majority of the lot is in the industrial district.

A zoning table comparison to other recently approved projects vs. this one was presented.

Parking calculations were reviewed again.

19 units will be affordable out of the 106.

Brain would like to take a deeper dive on architecture with Jim McBain but they want to make sure the Board is ok with the footprint so far.

Tom Lucey's position has not changed, he still feels the massing is too large and dense for the site.

Donny Lo said they have looked at this site pretty hard with their engineer and have squeezed as much green space as they can. If asked the Board if they find another way to get 1.5 % of open space to meet the relief would that be sufficient to the project. Dave said it really isn't just that one item. It is the whole massing that some of the Board members are concerned with. Brian said they are being candid that they cannot really reduce the size/number of units.

Joe Pride said he is happy they have the parking, adding 1.5% more green space would not make a difference to him. He does not expect them to drop a story. The whole area is a dump and this project will make it better. He also asked where they are at with traffic plan and the new lights. Brian explained that Bill Renault is asking them to fund the design to better the intersection with new lights and to be able to take a left hand turn onto North Ave. Joe is in favor of the project

Jim McBain said he looks at this project as what is going to happen over time with the developments in the area. The appearance of the area has not progressed in many years. Jim thinks this melds into what is happening to Foundry Street and the new project being proposed at 460 Main Street. He looks at this project as a long term plan.

Chip is good, they made some reductions and this is an area that needs to be upgraded, he likes the planting plan. He likes the building but would like to see a little more development on the Main Street side of the building and the front entrance.

Dave is encouraged that this is headed in the right direction.

Public Testimony

None

Plans Presented:

- Power Point Presentation, prepared by Kimco, dated May 24, 2023

Brian requested to extend the time to render a decision until 8/30/23.

Tom made a motion to continue to June 14th and extend the time to August 30th.

Joe 2nd

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

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Not Present:

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CONTINUED HEARING:

(23-51) 377 MAIN STREET – DANA RODRIGUES

Purpose: Special Permit for a wall sign

Attendees: Attorney Brian McGrail, Roger Kruppa, Dana Rodrigues

Discussion:

Attorney McGrail explained that Mr. Rodrigues has done significant work on the building. Mr. Rodrigues provides, financial, investment and mortgages to clients.

At the last hearing they attended the Board felt the sign was too large. It was also rejected by the DRB before that.

The team went back to the drawing board and came up with a new design and went back to the DRB. The DRB approved the new sign being presented tonight.

They are proposing a sign that is 2 feet high, 35 feet long, letter height is 20" and is blue, which is lower on the building and just on the Albion Street side of the building.

Jim McBain submitted a letter to the Board breaking down the relief they are asking for.

Greg asked why a bracket sign was not entertained. A lot of businesses on Albion Street have recently installed bracket signs.

Jim said it fits with the character of the building and it is up to the business to request what they want.

Chip asked what the sign is made out of.

He was told raised 1" letters with a gold and blue background and the material is wood with laminate.

The Board does not like the name; it is not a business name. Brian said he is not sure if it is under the Board's jurisdiction that they can dictate the name on a sign. It comes down to freedom of speech.

Chip feels the sign needs to be better and more esthetically pleasing. It needs more character to it.

Greg does not agree with the size of the sign.

Mr. Rodriguez said he is for dressing up the sign but feels the size is very conducive for the building.

Dave is ok with the sign size and design. He would be in favor with the DRB as to what they are asking but would like to see a better sign.

Public Testimony:

None

Chip moved to continue to June 14

Joe 2nd

Chip, Joe, Jim, Tom, Dave

Plans Presented:

- Elevations and measurements of the sign

Chip made a motion to continue to June 14, 2023.

Joe seconded

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Not Present:

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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

Discussion:

Attorney McGrail told the Board they are currently in front of Conservation, the initial feedback has been positive.

They would like to cover signage tonight.

They will present a rendering of the night view of the sign.

Two angles were presented

Anthony said they will limit the amount of hours the sign is on and illuminated.

The bylaw states they can be on between 11-7, the Board can adjust the hours.

Jim reviewed the measurements of the signs.

Mr. Goudia said the signs they are showing are the standard signage that is on all their other buildings.

Jim pointed out in the bylaw it calls out not being able to using red lights. It was decided to check with the Fire Chief to see if he has any problems with the color for safety purposes.

Jim would like to see an elevation with a reduction in signage. Anthony agreed, he will come back with a reduced sign and asked if the Board had any other suggestions.

John Ogren said they have had a discussion with ConCom regarding landscaping. They have come up with a planting plan and will be in front of the Commission with it, then will bring it to the Zoning Board.

Public Testimony:

None

Next Hearing:

Sign options

Talk to Police Chief

Update architectural

Update landscaping if resolved with ConCom

Chip feels there should be a small O&M Plan because of lighting and ConCom regulations.

Plans Presented:

- Sign Elevation, prepared by Allen Industries, dated 8/11/23

Chip moved to continue to June 14, 2023

Joe seconded

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Not Present:

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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, Steve DeFuria

Discussion:

Steve DeFuria from Phoenix Architects updated the Board on questions they had at the last hearing and some changes they have made:

- More detail on window trim, cornices, banding over the retail space.
- They have added arched windows that anchor the entrance and give a historic feel.
- Lighting on the building
- Elevations coming up and down Main Street

Chip really wants to know how they integrate all this with Bill Renault's streetscape plans.

Joe likes the look.

Jim likes the direction this is going, he just is not sure about the windows in the middle being arched, and there are too many different types of windows.

Jim thinks the lighting on the signage needs to be studied more.

Mikey thinks it looks great and will be a good addition to downtown.

Greg likes the arched windows in the middle – don't do square, let's do something different.

Tom asked if there were 6 retail spaces, DeFuria said it will be 6 at most, some retailers may want to combine spaces.

No public testimony

Plans Presented:

- Graphic Elevation, proposed streetscape renderings, proposed nighttime renderings, prepared by Phoenix Architects, dated 5-24-23

Chip made a motion to continue to June 14, 2023

Joe seconded

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Not Present:

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CONTINUED 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, Artan Sadiku

Discussion:

N.E. Warehouse is looking to add an addition onto their warehouse.

At the last hearing the Board suggested they lose parking spaces that were not needed and add landscaping. They hired Jim Emmanuel to do a landscaping plan and he is working on this. They lost 17 parking spaces, they now have 30.

They took out the rolling doors and will install more windows to break up the façade. They are also doing solar panels on the roof as suggested by the Board.

Artan Sadiku ran through all of the above changes on the plans and presented the new elevations.

Chip would like to see some of the outside stairs removed and put inside. Sadiku thought that was a good point, he will look at that idea.

Next Hearing:

Landscaping
O&M
Stairs

Public Testimony:

None

Plans Presented:

- Updated Plans and Elevations, prepared by VITA Architects, dated 5/18/23

Attorney McGrail requested that the time to render a decision be extended to August 30.

Chip made a motion to continue this hearing to June 14, 2023 and to allow the applicants request to extend the time to August 30, 2023.

Joe seconded

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

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Not Present:

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Joseph Pride Read the Legal Notice

NEW HEARING:

(23-83, 23-84, 23-85, 23-86) 9 ELM CREST ROAD – CHRISTINE HILL

Purpose: Special Permit, Variances seeking relief for an accessory apartment in the basement

Attendees: Attorney Aiello, Christine & Denis Hill

Discussion:

Attorney Aiello explained they are here tonight for an in-law apartment. He ran through the relief he filed – special permit for the apartment, a variance for side yard setback, a variance for lot width/street frontage, a variance to increase the square footage allowed for the accessory apartment.

Attorney Aiello presented the plot plan.

Chip pointed out that this is a legal non-conforming lot, with non-conforming setbacks. He does not need variances. Dave said they may need at least one of the variances. Dave said it does look like they applied for more relief than they need.

Floor plans were presented to show the square footage of the entire house vs. the square footage of the apartment, which is 36% - 25% is allowed. The total square footage of the apartment will be 1,132 sq. ft.

When his client purchased the house last year it already had the accessory apartment in the basement and did not know it was problematic. They would like to change the layout to flow better. The parents of Ms. Hill will live in the apartment.

Dave said they need a Special Permit, but the size of the apartment can be varied by the Board if warranted without a Variance. The Variance for lot width is needed. The Variance for lot minimum yard setback requirements is not needed. The Variance for exceeding the apartment size is not needed.

Dave reminded Attorney Aiello that they must assert with the building department on a yearly basis that the same people are living in the apartment.

Board members were good with this petition.

Public Testimony:

None

Plans Presented:

- Floor Plans, prepared by Copia Real Estate Design, dated 3/15/23
- Square footage plan, prepared by Amy Carroll Architect, dated 4/11/23
- Mortgage Plot Plan, prepared by B/M Engineers, dated 4/6/87
- Assessors Map
- Pictures of the property

Attorney Aiello requested that application #23-84 – the Variance under section 190-22A(1)(f)(5) for minimum side yard setback requirements and application #23-85 – the Variance under section 190-22A(1)(f)(6) for exceeding the square-footage of the accessory apartment be withdrawn without prejudice.

Chip moved to grant the request

Joe seconded

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

Chip made a motion to grant a Variance for lot width under section 190-22-A(1)(f)(2) for an accessory apartment as presented on the site plan presented tonight, prepared by B/M Engineers, dated April 6, 1987.

Joe seconded

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

Chip made a motion to grant a Special Permit for an accessory apartment as presented this evening with the size of the apartment being greater than 25% and in lieu of surety the applicant will send a letter yearly to the Building Department and state who is living there.

Joe seconded

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

KASUMI HUMPHRIES, ALTERNATE

Joseph Pride Read the Legal Notice

OTHER MATTERS:

(23-22 to 23-30) 184 WATER STREET – ONE SYLVAN, LLC

Present - Attorney McGrail, Saverio Fulacheti, Rob Paccione

Purpose – Requesting a Minor Modification

Saverio Fulciniti explained that they are trying to make a couple of small changes:

1. Materials on the façade – the material that was approved by the ZBA is going to take a long time to get.
2. Venting

Robert Paccione presented the materials that were approved and new proposed substitutions. Elevations with the new materials were presented.

Additional louvers are now shown on the elevations for the garage.

Chip asked how long it would take to get the original material, Saverio said at least 6 months, and it is sourced out of the country.

Chip argued that the cost of this new material is probably at least 3 times less than the original approved materials. Saverio argued that cost is not the only reason for changing material.

Chip asked the Board if they want to actually see the samples.

Jim pointed out they are cement board.

The Board is ok not seeing the samples before voting.

Chip moved to allow this to be a minor modification based on what was presented this evening.

Joe seconded

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

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Not Present:

KASUMI HUMPHRIES, ALTERNATE

Joseph Pride Read the Legal Notice

APPROVE MINUTES:

Chip made a motion to approve the minutes of May 10, 2023 as written.

Joe seconded

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

The meeting adjourned at 10:23 p.m.