



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, June 14, 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 7:02 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:

(23-14, 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 28, 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 28, 2023, Joe seconded the motion.

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



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REQUEST TO CONTINUE:

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

A request from Attorney McGrail to continue this matter until the meeting on June 28, 2023 in that they are still in the process of working with Board member James McBain to review revised plans and cross-sections with the project architect.

Chip moved to continue to June 28, 2023, Joe seconded the motion.

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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 28, 2023, the petitioner is in the process of reviewing drainage with the Town Engineer.

Chip made a motion to continue to June 28, 2023, Joe seconded.

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REQUEST TO CONTINUE:

(23-51) 377 MAIN STREET – DANA RODRIGUES

A request from Attorney McGrail to continue this matter until June 28, 2023 in that they are still in the process of finalizing the sign design.

Chip made a motion to continue to June 28, 2023, Joe seconded.

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REQUEST FOR CONTINUANCE:

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

A request from Attorney McGrail to continue this matter until June 28, 2023 in that they are still in the process of compiling additional sign information and finalizing matters with the Conservation Commission.

Chip made a motion to continue to June 28, 2023, Joe seconded.

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

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REQUEST FOR CONTINUANCE:

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

A request from Attorney McGrail to continue this matter until June 28, 2023 in that they have a meeting and site visit this week with William Renault, the Town Engineer, regarding coordination with Envision Wakefield.

Chip made a motion to continue to June 28, 2023, Joe seconded.

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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 Keane (owner)

John Ogren (Civil Engineer and Artan Sadiku (architect) had a conflict and could not attend tonight's hearing.

Discussion:

Brian presented an updated site plan since the last hearing, after the Boards suggestions to remove some of the outside stairs and parking spaces to increase landscaping and make the front more pleasing.

Brian presented the architectural plans which now show the new landscaping. The office layouts have been changed to accommodate the outside stairs to be built in the interior.

A new handicap/walkway ramp has been added.

Chip and Jim are pleased.

Chip said this is a nice warehouse entrance now.

The landscape plan was prepared by James Emmanuel and presented by Brian.

All landscape areas will be irrigated.

A plant schedule was reviewed and Chip feels they are all appropriate.

Brian asked where the Board was on signage, do they want more detail. Jim wants the specs on the signage. They may need more relief because there are two signs on the same side of the building. Or they can eliminate a sign.

Chip asked if there was lighting in the parking lot, Mr. Keane said yes there is. Chip wants specs on all lighting on the building and in the parking lot.

Next Hearing:

Draft Conditions

O&M Plan

Still working to satisfy Engineering

Cut sheets on railings & all metals

Materials on the building

Public Testimony:

None

Plans Presented:

- Updated Plans and Elevations, prepared by VITA Architects, dated 6/9/23
- Updated Site Plan, prepared by Hayes Engineering, dated 6/8/23

Chip moved to continue the hearing to 6/28

Joe seconded

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

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NEW HEARING:

(23-87, 23-88) 8 ALBION STREET – VISETH CHHUM & TASTING BOBA LLC

Purpose: Special Permit for fast food and a Special Permit for signage

Attendees: Attorney Brian McGrail, Viseth Chhum

Discussion:

Attorney McGrail explained that they have applied for two forms of relief but they only want to move forward with the fast food relief tonight because they are working with the Design Review Board on signage.

The Board waived a site plan approval at the last meeting because the building takes up the whole lot.

Brian explained that Boba will serve food but it will not be prepared on the property. Boba tea is becoming popular nationwide, it is a healthy way to have fruit and teas. They have desserts like mochi ice cream and macaroon's

Brian presented a google earth photo of the property. There is no parking and there will be no deliveries, they pick up the products themselves, there will be only 8 seats inside, there will be private trash pickup and the barrels are kept in the back of the store. They do not generate a lot of trash.

The windows in the front are going to be enlarged to open up the space.

Jim said a preliminary informal discussion has been made with the DRB. They will be meeting soon.

Chip is worried they will fill up the windows with signage.

Public Testimony:

None

The Board asked more questions about deliveries and hours of operation.

Greg suggested a condition of no deliveries, they all agreed the Board will have the discretion to revisit should the delivery situation change.

There will be a condition that no outside trash will be left.

Chip made a motion to continue the Special Permit for signage to July 12th.

Chip made a motion to grant the Special Permit for fast food to 8 Albion Street

With 2 conditions that trash be left inside until trash pickup and no deliveries by truck but they can come back for a minor modification should that change, the Board retains jurisdiction on deliveries.

Joe seconded

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

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NEW HEARING:

(23-89, 23-90) 5 LANTERN LANE – MICKOLSZ REVOCABLE TRUST & KELLEY & GAGE SILVA

Purpose: Variance and Special Permit to add and addition for an accessory apartment

Attendees: Attorney McGrail, Robert & Robin Mickolsz (mom & dad), Kelly and Gage Silva

Discussion:

There are 4 applicants, there is a medical emergency in the family – Bob has significant heart issues.

Kelly & Gage just sold their house and will live in the main house with their 4 children – all under the age of 6.

Bob and Robin will live in the apartment.

They would like to construct a single story addition off the side/back of the house, they are also seeking a Variance for the addition for a setback issue.

The house is a split level house

The plot plan was presented with the proposed addition and the zoning table was reviewed.

The rear setback will be 18 feet.

They would like to maintain the two car garage, which is needed.

Brian presented the architectural drawings, floor plans and pictures showing the topography of the driveway and garage.

The proposed add-on for the accessory apartment will be 715 sq. feet 18% of total habitable space.

Neighborhood support was presented.

Brian ran through the standards and the hardship of the Variance and all the requirements and standards for the Special Permit being requested.

Public Testimony:

Kate Simeola – 7 Lantern Lane

Ms. Simeola state that they live next door and would like to express their support for the project. They think it is good for the neighborhood and are thrilled to have more kids on the street.

Plans Presented:

- Proposed and Existing Plot Plan prepared by John D. Sullivan and Paul Finocchio, dated 5/6/23
- Floor Plans, Photos, and Elevations prepared by Home Reimagined LLC, dated 5/3/23

Chip moved to grant the Variance for the rear yard setback of the addition as defined in the plans presented tonight.

Joe seconded

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

Chip moved to allow the the use of varying the addition to be part of the Special Permit for an accessory apartment.

Joe seconded

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

Chip moved to grant the Special Permit to allow an accessory apartment at 5 Lantern Lane as presented tonight. And surety will be based on a letter presented to the building department on a yearly basis.

Joe seconded

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

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OTHER MATTERS:

(20-4, 20-5, 20-6) 259 WATER STREET – ANTHONY ACARI & 259 WATER STREET, LLC

Attendees: Attorney McGrail, Anthony Acari

Attorney McGrail said the project is coming to a close.

A request has been made to the Building Inspector for a 90 day temporary occupancy.

Everything has been signed off and the regulatory agreement has been signed off they are just waiting for the HUD signature to record it at the registry.

As part of the conditions of the decision, all landscaping must be done before a certificate of occupancy can be issued, the landscaper cannot finish some of the landscaping and cannot install the irrigation yet for a month and Mr. Acari is ready to lease the apartments July 1.

The Board does not think they need to give the Building Inspector the ok for a temporary occupancy because they do not meet the Boards conditions.

After much discussion from the Board and after Attorney McGrail explained that the Building Inspector would like the Board to issue him a letter, it was decided that it was appropriate.

Chip moved to allow Dave (the Chair) to correspond with the building inspector and issue a letter.

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

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OTHER MATTERS:

(23-18) 151 BROADWAY – EMANUEL SEVEN, LLC

Attendees: Attorney McGrail, Darguin Fortuna

This was a Finding that the Board granted September, 2022.

They are here tonight looking for a minor modification

They were not supposed to go higher than 28.9 feet, in this district 35 feet is allowed, the plans had shown 28.9.

They had a problem with head room on the third floor so they built dormers and are asking for consideration to allow them to go to 32'8 7/8ths.

And they would like to change the fascia, add shutters and bring bead board around to make it all look more uniform.

Dave asked if this is already built – yes.

When Ben saw this he put the brakes on it.

Darguin said the design had no attic headroom.

Chip voted to allow the minor modification as presented tonight and prepared by Flow Design Architects, dated 6-14-23.

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

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OTHER MATTERS:

(22-67, 22-68) 1 Hickory Hill Road – David H. Barrett

Representing the petitioner - Attorney Brian McGrail

Mr. Barrett obtained a Variance and Finding to raze and reconstruct a 3-family dwelling on 7/13/22. They are requesting a 6 month extension to exercise the Variance, to 2-10-24.

Chip moved to grant the request to exercise the Variance to 2-10-24

Joe seconded – Voting member is favor – Dave, Chip, Jim, Joe, Tom

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APPROVE MINUTES:

Chip made a motion to approve the minutes of May 24, 2023 as written.

Joe seconded

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

The meeting adjourned at 8:55 p.m.