



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

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

A request from Attorney McGrail to continue this matter until the meeting on October 11, 2023 in that the client is in the process of changing building designs at the corporate level, which they desire to utilize in Wakefield.

The current extension for the Board to render and/or file a decision is through October 31, 2023. The applicant has agreed to extend the time for the Board to render and/or file any decisions until November 30, 2023.

Chip moved to continue to September 27, 2023 and extend the time to render a decision until November 30, 2023.



Joe seconded

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

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

(23-77, 23-78, 23-79) NORTH EAST WAREHOUSE BOSTON, LLC

A request from Attorney McGrail to continue this matter until the meeting on October 11, 2023 in that we are still in the process of working on items requested by the Board.

The current extension for the Board to render and/or file a decision is through October 31, 2023. The applicant has agreed to extend the time for the Board to render and/or file any decisions until November 30, 2023.

Chip moved to continue to October 11, 2023 and to allow an extension until November 30, 2023. Joe seconded

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

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

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

Discussions:

Attorney McGrail explained:

- Updated materials were submitted Friday
- TAC Memo
- Final Sign-off from DPW/Engineering Department was just submitted tonight before this meeting.

Updated architectural plans were submitted and they were presented by Attorney McGrail
A note was made that no exhausts will be on the side of the building; they will be located on the rooftop.

All light fixtures will be dark sky compliant and the lighting in the garage will be sensor.

The only changes on the site plan were from the Engineering Department, which were mainly on Albion Street.

Tom suggested that the memo from engineering that was just submitted tonight be added to the conditions – there were only a couple of minor items.

An O&M Plan was submitted to the Board on Friday to review, which Brian said was standard from other restaurants and projects similar to this one.

Draft Conditions were reviewed:

Changes:

Item 2 – should reference the plan.

Item 7 - was broken out to become Item 7 and 8

Item 11 – wording – “WMGLD Legal Counsel”

Item 18 – Deliveries – the applicant will comply with Town Officials on delivery times for safety reasons. Brian will go back to similar prior decisions to come up with the appropriate language.

Jim pointed out that there are 3 street trees and 5 areas of plantings on all the renderings but they are not called out on the plans.

Tom suggested putting something in the O&M Plan regarding the 5 areas of plantings. Also, sidewalk trees should be looked into. The Board agreed it can all be mentioned in the O&M Plan. Chip suggested talking to Denise Fazio and/or Town Engineer to see what the feasibility of planting street trees are.

Brian is hopeful that at the next hearing there can be a vote.

Tom agreed.

Public Testimony:

None

Plans Presented:

- Site Plans, prepared by Engineering Alliance, Inc, dated 8/25, 2023
- Floor Plans, Elevations and Renderings, prepared by KHALSA, dated 9/8/23
- Draft Conditions
- Draft O&M

Chip made a motion to continue to September 27th.

Joe seconded

Reg. voting members – Greg, Tom, Jim, Chip, Joe

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

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, Brian O'Connor, James Emmanuel, Chris Santoro

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 they are hoping this project can be closed out at the next hearing.

They are closed out with the Conservation Commission and an order of conditions is being worked on.

TAC, Fire and Engineering have all signed off

Tom suggested that the VHB memo be reviewed with the Board. Brian read the highlights of the memo.

The landscaping plan has been updated and now specifies all plantings and will be irrigated; paver materials have been called out. The Board is satisfied.

Updates on site plan –

- Includes final requests from the Town Engineer
- Includes some electric vehicle parking spots – 16 EV parking spots available, they can accommodate other vehicles
- Designated visitor parking – 8 spaces out front
- Photometric plan has been updated and all fixtures are dark sky compliant and speck sheets on all fixtures have been added
- Proposed gate arm was called out
- The ledged called out concrete curbing – it should be removed to call out granite curbing

Architectural Plans -

- The plans for the entry way have been updated to reflect Option 1 – the Board preferred that option
- Mesh system on the balconies
- Updated more materials on the materials sheet
- Roof venting of the HVAC system are in the middle of the building and all venting is to be through the roof – none on the side of the building.
- Elevator override is now on the plan.

Kasumi asked if there would be a gate going into the garage – there will be a garage door.

Joe asked why there are so many EV stations – Donny Lo explained that the stretch code is requiring more.

At the last hearing the Board was concerned with parking being charged to the tenants because they may park in the street or elsewhere.

Brian gave the Board examples of parking being charged in other Wakefield projects that have been approved; it is very common in high end apartments. And most of the apartments within the 495 area charge for parking.

They have 159 parking spaces of which 8 are visitors – they allocate 1 parking space for each unit, they have 53 parking spaces left over less the 8, so there are 45 extra parking spaces, they would have a condition in the leases that each unit would have to lease one space if they have one car and two spaces if they have two cars. If there are extra spaces not being used they would become visitor parking spaces.

Jim suggested putting some of the EV charges outside, so tenants would not be charged a premium parking fee. Brian will draft this condition and have Greg review it, the Board agreed. Donny Lo said he could split the spaces - have EV stations half inside and half out outside.

O&M reviewed:

- Chip said the only thing he feels that should be added is the outside gate and how it is going to work, especially with how guests use it.

Draft Conditions:

- Chip asked how many units are handicap units, O'Connor said this has to comply with the building code. Some units are built handicap adaptable and some are only built as needed.
- Item 17 – deliveries are close to the Middle School and Town Officials have to weigh in and it has to be conditioned – Brian will work out the wording.

Joe asked if they had any idea of a start date – Donny Lo said it would take about a year to get started then 18 months to construct.

Public Testimony:

None

Plans Presented:

- Memo from DPW/Engineering-Tim Wilson, dated 9/5/23
- Photometric Plan, prepared by Hayes Engineering, dated 8/28/23
- LED Wall Luminaires, dated 8/28/23
- Landscape Plan, prepared by James Emmanuel, dated 5/8/23
- Stormwater Water Management Report, prepared by Hayes Engineering, dated 10/14/23
- Site Plan, prepared by Hayes Engineering, dated 8-28-23 (with engineering comments)
- Floor Plans & Elevations prepared by Cube 3, dated 9/8/23
- Memo from Vanasse & Associates, Inc, dated 8/1/23
- Memo from Hayes Engineering, dated 8/28/23
- Outside Lighting Pole Specs, dated 8/28/23
- Draft O&M, dated 9/8/23
- Draft Conditions

Chip moved to continue to September 27, 2023

Joe seconded

Voting Members – Greg, Tom, Chip, Jim, Joe

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

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, Jim Cook

Discussions:

Attorney McGrail updated the Board on drainage/stormwater problems that neighbors are having on Eunice Circle and Mitchell Lane.

This project presents an opportunity to solve some of the water issues for the abutters.

Attorney McGrail explained that the Town Engineer approached them and asked that they be a good neighbor and work with the neighbors to try to solve drainage issues. Since that time they have lent Hayes Engineering to look at the problem, they have also sent cameras down to take a look at the situation and they think they can help. Other neighbors will have to cooperate and agree to some easements.

An easement on their property would be needed, and they are willing to provide and commit some financial support to help solve the problem.

They did find out that water comes from Salem Street onto the properties and becomes a water basin. They were hoping the pipes would lead them to the problem but they did not, so some further studying has to be done.

They have been working with Jim McBain on the architecture which is coming along. One of the items that the Board wanted them to look at was the wall in front of the building, they have not looked at that yet. They would like to meet with Jim before the next meeting.

Greg reminded the team that the Board also wanted them to look at underground parking.

Public Testimony:

Kevin Gill – 12 Mitchell Lane – Mr. Gill thanked the team for looking at this and any help is much appreciated.

Chip moved to continue to 9/27

Joe seconded

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

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

CONTINUED HEARING:

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

Purpose: Special Permit for Signage

Attendees: Attorney Brian McGrail

Discussion:

- Attorney McGrail explained - this property has already been approved for fast food and they are here tonight for signage.
- They have gone before the Design Review Board and it has been a great process and a cooperative effort.
- They have come up with a nice plan.
- Jim has written a memo as Chair of the DRB and approved the design.

Jim said they had at least 3 meetings.

They have no real space for a wall sign because of the design of the façade.

A bracket sign is best for this façade - 11.8 sq. feet.

They are asking for two forms of relief –

1. A Special Permit for a projecting bracket sign

2. To increase the bracket sign to 11.8 sf from the 9 sf allowed and to allow an increase in the sign height to 15'6" from 14' allowed under our bylaw

There is no lighting.

Public Testimony:

None

Chip moved to grant the Special Permit based on the DRB presentation tonight and according to the memo sent for approval from the DRB to have a bracket sign at a different height and size as presented tonight.

Joe seconded

Reg. voting members Greg, Mike, Joe, Tom, Chip

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

NEW HEARING:

(24-6) 9 WOODVILLE CIRCLE – MICHAEL A. PICARDI

Purpose: Determination and/or Finding to construct an addition

Attendees: Attorney McGrail, Michael Picardi, John Ogren

Attorney McGrail explained that Mr. Picardi would like to construct an addition.

Brian ran through the zoning table –the only relief needed is the distance to the stream.

They have already gone to the Conservation Commission. John Ogren explained that they wanted them to keep the impervious area near the driveway. Some of the driveway will be removed. They have issued an order of conditions and approved the project.

The addition will be 2 stories with a two car garage underneath. The area above will be either a great room or bedroom with a bathroom.

Public Testimony:

None

Chip moved to find in favor of the applicant and although the addition is intensifying the nonconformity by moving the structure closer to the stream it does not intensify the non-conformity and even if it did it is not more detrimental to the neighborhood.

Joe seconded

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

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

OTHER MATTERS:

200 WATER STREET- RD&D, LLC (CATALDO AMBULANCE)

Attorney McGrail represents the petitioner, he explained that they are requesting what they hope is a minor modification.

They need to make a change on two sides of the building concerning material.

Brian presented the approved plan.

The materials that were approved is a metal material and as they have priced it out they found the cost to be excessive. They would like to keep the sides of the building that are not seen by the public stucco. He will save about \$150,000 to \$200,000, which is significant.

The stucco will be painted the same color as approved.

Brian presented an updated plan.

Jim said the texture should be decided on and specked out, is it rough or smooth etc. and the blue line should be included in the elevation.

Tom has no problem but how come it took so long to find out about the cost, Brian said the architect had specked it out that way.

The Board decided the texture does not have to be specked out.

The Board does not have a problem with this.

Chip moved to find this as a minor modification.

When submitting the plans to the building department a color and rendering match appropriate for the blue line and a color match for the new material should be specified.

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

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

OTHER MATTERS:

271 VERNON STREET – VERIZON WIRELESS

Modification to existing telecommunications facility

Audra Maher from SAI Communications was present to represent Verizon

Ms. Maher presented plans and explained that they need to make the tower water tight and install reinforcement along with ventilation for any potential of overheating, they will be replacing louvers, and also there has been some water damage. They will have to move the antennas down.

There was much discussion whether this was more of a repair to the tower and the need was a building permit or whether it falls under the Middle Class Tax Relief Act.

But after review the Board found that the radios to be relocated and the ventilation system added within the existing facility did fall under the Act of 2012.

Chip made a motion to find that given what was presented tonight was work that falls under the Middle Class Act of 2012 and this Board should approve the changes for Verizon Wireless according to the plans prepared by TEP/Hudson Design Group, dated May 9, 2023.

Joe seconded

All in favor – Tom, Chip, Jim, Joe and Greg

MEETING MINUTES

Wednesday, September 13, 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 Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

APPROVE MINUTES:

Chip made a motion to approve the August 16, 2023 minutes as written.

Joe seconded

All members were in favor.

The meeting adjourned at 9:48 p.m.