



MEETING MINUTES

Wednesday, September 27, 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 Thomas Lucey

In Attendance:

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

Not Present:

MICHAEL L. FEELEY, ALTERNATE

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 that the site plan has been cleaned up and was submitted today. The parking and zoning table were cleaned up.



The conditions have been revised pursuant to the last meeting, Brian reviewed.

Public Testimony:

None

Tom made a request that the time to file a decision be extended to November 17.

Dave moved to accept the request, Joe seconded

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

MOTIONS:

Before Dave made a motion he stated that the -

- Final Site Plan is by Engineering Alliance Inc, dated September 27, 2023.
- The Final Architectural Plans is by Khalsa Design Architects, dated September 8, 2023

1. Dave made a motion to approve a Special Permit and Site Plan Approval, pursuant to Section 190-32 and 190-45 of the Wakefield Zoning Bylaw, allowing a 20 Unit Garden Apartment in combination with a 7,888 square foot restaurant use as shown on the Final Site Plan and Final Architectural Plans.

Findings:

- A. The use requested is listed in the Table of Use Regulations as requiring a special permit in the district for which application is made.
- B. The requested use is essential and/or desirable to the public convenience or welfare-there is a dire need for housing including affordable housing in the Town of Wakefield and the surrounding area.
- C. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system for such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. The requested use will not impair the integrity or character of the district or adjoin districts nor be detrimental to the public health, convenience or welfare.
- F. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood. This use will put a vacated and blighted property to a beneficial use and add to the affordable housing inventory.
- G. The proposed use will not be detrimental to the neighborhood and it will not adversely affect the zoning district. Furthermore, the nonresidential uses permitted in the zoning district are not noxious to the residential use.

Section 190-45 – Wakefield Zoning Bylaws

The Board has also reviewed this section of the Bylaw, which in pertinent part states that: In reviewing a site plan, the special permit granting authority and the other applicable agencies shall consider, among other things, the following:

- 1) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

- 2) Adequacy of the methods of disposal for sewage, refuse and other wastes and methods for surface and storm water drainage.
- 3) Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the lot or tract.

The Board has considered all of the above-referenced criteria and is satisfied.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

2. Dave made a motion to approve a Special Permit, pursuant to Section 190-32.1 of the Wakefield Zoning Bylaw, allowing reductions and/or alterations to dimensional requirements under Section 190-32D and Table 2 of the Bylaw related to a 20 Unit Garden Apartment in combination with a restaurant use as shown on the Final Site Plan and Final Architectural Plans including the following:

- A. Allowing a Floor Area Ratio of 1.98 and as shown on the Final Site Plan.
- B. Allowing a reduction in the required Front, Side and Rear setbacks to be that as shown on the Final Site Plan.
- C. Allowing open area of 2.2% and as shown on the Final Site Plan.
- D. Allowing building or lot coverage of 66.9% and as shown on the Final Site Plan.
- E. Allowing a maximum height of 40 feet and as shown on the Final Site Plan
- F. Eliminating the requirements of Footnote 6 (which requires compliance with Section 190-31) and Footnote 7 of Table 2 of the Bylaw.
- G. Any other reductions and/or alterations from the requirements of Section 19-32D and Table 2 of the Wakefield Zoning Bylaw to allow the project to be constructed as shown on the Final Site Plan and Final Architectural Plans.

Furthermore, the Board determines that the two buildings on the Property are attached so that the 50' minimum distance between buildings requirement under Section 190-32 is not applicable.

Findings:

Same Findings as the last Special Permit and furthermore these reductions and/or alterations will enhance the project as a whole and allow it to benefit the neighborhood in which it is situated.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

3. Dave made a motion to grant a Special Permit, pursuant to Section 190-36C of the Wakefield Zoning Bylaw reducing the requirements of the standards for off-street parking and loading under Article VII of the Bylaw as follows:

- A. Section 190-37C-Reducing the required size of some of the parking spaces to allow the parking spaces as shown on the Final Site Plan.
- B. Section 190-37D of the Bylaw-Reducing the required width of the aisles to allow the aisles as shown on the Final Site Plan.
- C. Section 190-37E(1) of the Bylaw-Reducing the required setback of off-street parking areas to allow them to be closer than 7.5 feet to the building as shown on the Final Site Plan and eliminating the requirement that open parking areas shall be separated from the street line by a landscaped strip not less than 15 feet in width.
- D. Section 190-37F of the Bylaw-Eliminating the requirement for screening.
- E. Section 190-37I(1)-Allowing the driveways serving parking facilities to exceed 30 feet in width at the street line and to be spaced closer than 100 feet to another driveway serving the same lot as shown on the Final Site Plan.
- F. Section 190-40B-Eliminating the requirement for screening pursuant to Section 190-31G of the Bylaw.
- G. Section 190-41-Reducing the number of required parking spaces pursuant to Section 190-41 Table 3 of the Bylaw to a total of 28 parking spaces for the 20 residential units and the restaurant use.
- H. Any other necessary reductions in the requirements and/or standards for off-street parking and loading under Article VII of the Bylaw related to the project as shown on the Final Site Plan and Final Architectural Plans.

Findings:

The Board finds that the application of the standards for off-street parking and loading under Article VII proves to be infeasible and the reductions are supported by evidence of infeasibility due to the lack of suitable land, design considerations or other similar factors. The granting of such special permit will not adversely affect the healthy, safety, convenience, character or welfare of the neighborhood or district of the Town.

Furthermore, the Board determined that the location of the structure will not restrict visibility in such a way as to hinder the safe entry or exit of a vehicle from any driveway to the street or restrict visibility at a corner of two streets.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

4. Dave made a motion to Find under Section 190-50B of the Bylaw that any changes, extensions or alterations to any preexisting nonconforming buildings, structures or uses resulting from the project including, but not limited to, any existing non-compliance with the requirements of Section 190-31G of the Bylaw and any changes, extensions, or alterations of the

same are not substantially more detrimental than the existing nonconformities to the neighborhood.

Joe seconded the motion

VOTE:

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

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JAMES H. MCBAIN

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, 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,

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 presented the changes to the conditions. He worked with Greg McIntosh on wording on the parking requirements and other conditions.

O&M updates were reviewed.

John Ogren explained the changes that were made to the plan dated 9/22/23.

The legend was change to reflect granite curbing

They moved 6 EV charging spaces outside of the garage.

Public Testimony:

None

Dave made a motion to extend the time to render a decision to November 17th

Joe seconded

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

Before Dave made a motion he stated that the -

- Final Site Plan is by Hayes Engineering, dated September 22, 2023
- Final Architectural Plans by Cube 3 Architects, dated September 8, 2023
- Final Landscape Plan by James Emmanuel, dated August 29, 2023

MOTIONS:

1. Dave made a motion to grant a Special Permit and Site Plan Approval, pursuant to Section 190-32 and 190-45 of the Wakefield Zoning Bylaw, allowing a 106 unit Mid-Rise Apartment as shown on the Final Site Plan, Final Architectural Plans and Final Landscape Plan.

Findings:

- A. The use requested is listed in the Table of Use Regulations as requiring a special permit in the district for which application is made.
- B. The requested use is essential and/or desirable to the public convenience or welfare-there is a dire need for housing including affordable housing in the Town of Wakefield and the surrounding area.
- C. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system for such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. The requested use will not impair the integrity or character of the district or adjoin districts nor be detrimental to the public health, convenience or welfare.
- F. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood. This use will put a vacated and blighted property to a beneficial use and add to the affordable housing inventory.
- G. The proposed use will not be detrimental to the neighborhood and it will not adversely affect the zoning district. Furthermore, the nonresidential uses permitted in the zoning district are not noxious to the residential use.

Section 190-45 – Wakefield Zoning Bylaws

The Board has also reviewed this section of the Bylaw, which in pertinent part states that: In reviewing a site plan, the special permit granting authority and the other applicable agencies shall consider, among other things, the following:

- 1) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.
- 2) Adequacy of the methods of disposal for sewage, refuse and other wastes and methods for surface and storm water drainage.
- 3) Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the lot or tract.

The Board has considered all of the above-referenced criteria and is satisfied.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

Voting members NOT in favor - Tom

2. Dave made a motion to approve a Special Permit, pursuant to Section 190-32.1 of the Wakefield Zoning Bylaw, allowing reductions and/or alterations to dimensional requirements under Section 190-32D and Table 2 of the Bylaw related to a 106 Unit Mid-Rise Apartment as shown on the Final Site Plan, Final Architectural Plans and Final Landscape Plan including the following:

- a. Allowing Lot Width of 131.88 Feet and as shown on the Final Site Plan.
- b. Allowing a reduction in the required Front and Side setbacks to be that as shown on the Final Site Plan.
- c. Allowing open area of 28.8% and as shown on the Final Site Plan.
- d. Allowing a maximum height of 54.13 feet and as shown on the Final Site Plan and Architectural Plans.
- e. Any other reductions and/or alterations from the requirements of Section 190-32D and Table 2 of the Wakefield Zoning Bylaw to allow the project to be constructed as shown on the Final Site Plan, Final Architectural Plans and Final Landscaping Plan.

Findings:

Same Findings as the last Special Permit and furthermore these reductions and/or alterations will enhance the multifamily project as a whole and allow it to benefit the neighborhood in which it is situated.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

Voting members NOT in favor - Tom

3. Dave made a motion to grant a Special Permit, pursuant to Section 190-36C of the Wakefield Zoning Bylaw reducing the requirements of the standards for off-street parking and loading under Article VII of the Bylaw as follows:

- a. Section 190-37E(2) – Eliminating the landscaping requirements stated therein.
- b. Any other necessary reductions in the requirements and/or standards for off-street parking and loading under Article VII of the Bylaw related to the project as shown on the Final Site Plan and Final Architectural Plans.

Findings:

The Board finds that the application of the standards for off-street parking and loading under Article VII proves to be infeasible and the reductions are supported by evidence of infeasibility

due to the lack of suitable land, design considerations or other similar factors. The granting of such special permit will not adversely affect the health, safety, convenience, character or welfare of the neighborhood or district of the Town.

Furthermore, the Board determined that the location of the structure will not restrict visibility in such a way as to hinder the safe entry or exit of a vehicle from any driveway to the street or restrict visibility at a corner of two streets.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

Voting members NOT in favor - Tom

4. Dave made a motion to grant a Variance from the requirements and/or standards for off street parking and loading under Article VII of the Wakefield Zoning Bylaw as follows:

- a. Section 190-37D(1) of the Bylaw-reducing the required setback of off-street parking areas to allow them to be closer than 7.5 feet to the building as shown on the Final Site Plan and eliminating the requirement that open parking areas shall be separated from the street line by a landscaped strip not less than 15 feet in width.
- b. Section 190-37E(2)-Eliminating the landscaping requirements stated therein.
- c. Any other necessary reductions in the requirements and/or standards for off-street parking and loading under Article VII of the Bylaw related to the project as shown on the Final Site Plan and Final Architectural Plans.

Findings:

Unusual Circumstances Affecting Land or Structures. The Property currently houses a large box shaped building used as a fitness center and is a split zoned lot, which necessitates this variance. The existing building will be razed, and the Project will result in a cleanup and revitalization that will be a benefit to the Property and the neighborhood. This situation provides a unique circumstance relating to the land and structures.

Hardship. The board finds that the application of the standards for off street parking and loading under Article VII of the Bylaw proves to be infeasible and reductions are supported by evidence of infeasibility due to access and egress limitations and design considerations.

Substantial Detriment and Derogation. The Board finds that the requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

The conditions are as already presented.

Joe seconded the motion

VOTE:

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

Voting members NOT in favor - Tom

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CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

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, Jim Mandel

Discussions:

John Ogren presented a site plan showing drainage and the water problems in the area of Mitchell Lane and Eunice Circle.

Ogren explained that the Town has determined that they need to get a pipe out from their own property to where there is drainage; there are three different possibilities and they were demonstrated by Ogren, he said easements would be needed.

They are willing to give financial relief and an easement to help the neighborhood.

They are going to go back and look at the height of the building and work with Jim McBain.

They have looked at the possibilities of lowering the building but there are limitations with that.

John Ogren said one of the problems would be drainage. He explained how there cannot be a garage under the building because of traps and drainage. John said they can only go down about a foot and a half.

Also, they will lower the height of the ceilings from 9 feet to about 8 feet to help reduce the height of the building by about 3 feet.

Jim McBain explained that the retaining wall in front can be mitigated. The architect will look at that too.

Brian said by reducing the height by 3 feet it will make the wall out front not look so big. The height will be about 40'.

Chip suggested not using traditional block for the wall, they should go back to traditional field stone and tier it and let the landscape grow into the neighborhood.

There was a lot of discussion regarding lowering the garage. Chip feels they can do more and there are lots of things they can do.

Chip will work with Civil/Engineering and Jim will continue to work with the architect.

Public Testimony:

Jane D 'Addario – 1 Hope Terrace – she lives across the street and hopes this project can move forward. Living across the street from that site for so long has been terrible. She is in favor of the project and the height does not bother her.

Attorney McGrail asked what the direction is; the Board wants the height of the building looked at as much as possible and the wall out front minimized as much as possible.

Dave made motion to continue to 10/11/23

Joe seconded

Reg. V/M – Dave, Jim, Chip, Joe, Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

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

Discussion:

Attorney McGrail gave the Board a brief update on the status of the project.

- There was a fire at this building but it will not affect the project.
- They have a meeting next week with Bill Renault.
- They are done with TAC.
- They are also waiting for a memo from VHB.
- The concerns VHB had was the exiting in and out of the project, they did not want a left hand turn coming in the building and there are a couple of other requests that have been made.
- They are trying to determination whether the building has to be entirely razed or if they can work with what is there. The Envision Program comes into play.

They would like to come back on 10/11 and present site and civil plans.

Dave moved to continue to 10/11/23

Joe seconded

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

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CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

NEW HEARING:

(24-7) 377 MAIN STREET – DANA RODRIGUES, TRUSTEE OF PSDA TRUST

Purpose: Special Permit Relating to Signage

Attendees: Attorney Brian McGrail and Dana Rodrigues

Discussion:

Attorney McGrail and Mr. Rodrigues explained that they would like to install a 24 x 2 foot sign similar to the one that was just approved on the Albion Street side of the building by this Board.

Jim explained that the Board did not meet on this matter. Jim as Chair suggested that Mr. Rodrigues come to the ZBA; that is why the DRB gave him a denial.

Jim ran through the relief needed.

There are 4 items:

- Sign Size – 15 sf. is allowed, proposed is 48 sf.
- Lettering Height – 14 inches is allowed, proposed is 18"
- Length of Sign – Sign will not exceed 2/3 of the "Business Establishment Storefront"
 - Existing frontage 33 ft. x 2/3 = 22 ft. allowed for sign length, proposed sign length is 24 ft.

Chip feels the sign is a little too long.

Greg wants a condition in the decision on the exact location of the sign.

Public Testimony:

None

Dave made a motion to grant the Special Permit to approve the sign at the location of 377 Main Street as proposed by the sign package and dated 8/1/23 with the condition that the sign will be centered on the façade on the front of the building.

And as presented in the letter from the DRB dated 9-22-23.

Joe seconded

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

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GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

NEW HEARING:

(24-8) 10 MYRTLE TERRACE – SHANNON CROSBY AND ELIZABETH L. CROSBY

Purpose: Determination and/or Finding to Construct an Addition

Attendees: Attorney McGrail, Shannon Crosby

Discussion:

Attorney McGrail said that Ben (the Building Inspector) required a finding, the house does not meet the current rear yard setback requirements and because it is going to be torn down and rebuilt he wanted them to come to this Board.

They want to take down the current addition and build a new two-story addition that will be a little wider; it does not intensify any existing non-conformities

Public Testimony:

Robert Goodwin - 11 Myrtle Terrace – Mr. Goodwin lives across the street and said - this is an incredibly steep road and hill. People drive on his front yard all the time it is so tight. He asked if there could be a construction plan or condition. He is concerned about parking on the street. He is also worried about the Crosby's losing some of their parking.

Kathy DeBenedictis – 3 Myrtle Terrace – Ms. DeBenedictis lives on the bottom of the hill and said it is very narrow and where this house is located there is quite a bend. The vehicles on the street make it very difficult for the neighbors on the street.

Andrew Gentile – 16 Myrtle Terrace – there are some hot times during the day like when delivery trucks are parked in the street and it holds them up.

Chuck Interbartolo– 21 Myrtle Terrace – it is a private way and a narrow road. Where Shannon lives is the narrowest part of the road. They are going to lose a parking spot and he is concerned.

Tom explained how the Board is limited on Findings. It is a very narrow parameter that the Board has jurisdiction on.

Dave made a motion to find that the proposed changes, extensions and alterations based on the plans prepared by J. Bradley Architects, dated 6/24/23, and the plot plan prepared by Massachusetts Survey Consultants, dated 5/25/2018, does not intensify the non-conformity.

Joe seconded

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

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

OTHER MATTERS:

20A DELCARMINE STREET – PRE-APPLICATION HEARING - THREE DUCKLINGS LEARNING CENTER

Attorney McGrail, Taulant Hibroj

Mr. Hibroj and his wife are starting this day care business.

There will be a maximum of 20 kids when it is fully filled.

They will come to the Board for a Special Permit but they are here tonight to ask that the site plan be waived. Brian explained that everything going on with the daycare is inside of the building. The building is also used for offices. The building is surrounded by the parking lot.

Chip asked if they would have a playground and Mr. Hibroj explained that in the future they may want one.

Tom wants them to explain how drop off and pick up will work when they come back for the Special Permit and will there be signage to direct parents.

Mr. Hibroj said the hours of operation are going to be 7:30 to 5:00.

Dave made a motion to waive site plan approval

Joe seconded

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

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

APPROVE MINUTES:

Chip made a motion to approve the September 13, 2023 minutes as written.

Joe seconded

All members were in favor.

The meeting adjourned at 10:02 p.m.