



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, October 25, 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 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:

(23-70, 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, Perter Sandorse, William Renault, Scott Thornton

Discussion:

Bill Renault was present to explain the restrictions and concerns that TAC had on not being able to take a left hand turn and what the Envision Program was going to have on the project.

Bill presented a concept plan.



Greg asked if there would be a condition on not being able to take a left hand turn. There would not be a condition; if it did not work they would deal with it through TAC.

Jim asked why there could not be a marking on the road to have cars stop until the traffic light turned, like other areas in Town.

Chip asked about having an alarm to warn pedestrians when cars are coming out of the site. Scott Thornton said there could be a radar or video detector installed. Scott also said he agrees that allowing a left hand turn into the property would back up traffic on Main Street.

Brian said their parking is deficient by 2 spaces. TAC wanted them to find 2 more but they cannot. The majority of units are 1 bedroom units. They will have a condition in the decision that there be no off street parking.

There will also be a condition for signage and an alarm warning for entering and exiting the driveway.

They will update the plan with the no left hand turn and get the specs on the alarm.

Rick Salvo and Bill Renault are still working on drainage and they will be getting a memo on that in the near future.

Steve DeFuria answered the question Kasumi had at the last hearing regarding the window heights in the back of the building. DeFuria explained the second floor window is about 10'3" from where the parking level slab is and the Town house window is about 6'5" from the parking slab, someone would have to stand on their toes to look into the windows. Steve said they feel they will be ok with privacy.

Jim's concern about the bracket being open and birds and crows being able to go into it and make a mess so they got rid of the open bracket and found a solid one.

The garage spec was presented; it is the same one that was used on the project just built near Dunkin Donuts on Main Street.

Jim asked about signage on the building – would each business come back separately or will all the signage be the same.

Steve DeFuria said they would like to put signage on hold.

Jim suggested having a tenant standard.

Brian thinks that random signs will ruin all the work that went into this architecture. They all need to be uniform, they would like to come back when they are ready. Chip agrees, Tom said they can put language into the decision.

Public Testimony:

None

Next Hearing:

O&M

Draft Condition

And the items discussed above

Plans Presented:

- Existing and proposed site conditions and grading and drainage plans, prepared by Engineering Alliance, Inc., dated March 8, 2023
- Architectural plans and elevations prepared by Phoenix Architects, dated 10-25-23
- Drainage calculations and stormwater management plan, prepared by Engineering Alliance, Inc., dated 10-12-23

Dave moved to continue to 11/15

Joe seconded

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

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KASUMI HUMPHRIES, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

OTHER MATTERS:

PRESENTATION – MBTA COMMUNITY MULTI-FAMILY ZONING – M.G.L. c. 40A, Section 3A

Jim Hogan and Erin Kokinda presented the MBTA 3A multi-family zoning requirements, Greg McIntosh is also on this committee

Some of the PowerPoint presentation highlights are as follows:

- The Multi-family Zoning District allows as of right developments
- Wakefield will not be eligible for certain grants and the Attorney General has threatened legal action against non-compliant communities unless a multi-family district is passed
- The district cannot be more than ½ mile from commuter rail stations
- Minimum gross density of 15 units per acre
- Current zoning map vs. proposed multi-family district zoning map was presented
- Proposed dimensional requirements and criteria chart was presented
- Examples of multi-family homes were presented
- The State requirements are 1,696 units, the committee is proposing 2,355 housing units
- Hoping to vote at the Spring Town Meeting – a simple majority vote is needed

Greg highlighted areas of importance and how they chose the areas they did.

Kasumi asked if the State could come back and make them add the Greenwood area. Jim Hogan said only unless the State made a new law. They are complying with the State's law now.

Joe asked Jim what the Town vote amount would be – it is a simple majority.

Joe asked if Jim had feedback on what residents feel about this. Jim explained that it is something that is being mandated by the State and most residents know there is a need for housing. Greg said so far there have been multiple meetings on this including residents.

Chip – what is the square footage based on for an acre. Erin explained it is a State GIS model that is being pulled into an excel spreadsheet.

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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, Bill Mandel

Discussions:

Brian presented the lowering of the building and its effect on the foundation and to lower the wall.

John Ogren is still working on his plans to adapt to the updated architectural plans.

Jim Emmanuel is still working on the landscape plan to accommodate the changes.

They would like to meet with Chip Tarbell, the Town Engineer and Jim Emmanuel again and also with Jim McBain on architecture.

Jim would like materials, lighting specs and have the architect pull all that together.

Brian explained they are hoping to bring this all to an end at the November 15th hearing to be able to move on.

Public Testimony: - None

Dave moved to continue to 11/15

Joe seconded

Reg. V/M – Dave, Jim, Chip, Joe, Tom

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Not Present:

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NEW HEARING:

(24-11) 361 SALEM STREET - 361 SALEM STREET WAKEFIELD, LLC

Purpose: Special Permit to allow reductions in the requirements and/or standards for off street parking related to a two-family dwelling to be constructed

Attendees: Attorney McGrail, John Ogren, Ryan Barry

Discussion:

Proposing to raze a single family dwelling and construct a two-family dwelling. It will all be in the business district and can be done by right. The Special Permit they are requesting is for parking relief.

At the pre-application meeting the Board expressed that they wanted the building moved back. The Board asked for dimensions on the building – which they presented.

John Ogren presented existing conditions and explained how they are proposing the site. The zoning table was shown, they are meeting all the requirements. The current home does not meet the requirements so they will be more in compliance. There are some DPW/Engineering items they have to work out with them.

Jim said it appears that off the decks there are no walkways shown. It appears that the roof that covers the decks extends over the garage? John Ogren said there is a little inconsistency. They

will answer that question at the next hearing. Jim wants to see more character on the front going around the side.

They will share the changes with Jim.

Tom asked Brian to give the Board the DPW memo along with their comments the Friday before the next hearing. (If he receives the memo in time from Engineering)

No public testimony

Plans Presented:

- Existing and proposed site plans prepared by Hayes Engineering, dated September 19, 2023
- Memorandum from Hayes Engineering regarding Stormwater Calculations, dated 9/19/23
- House elevations, dated 8/13/23

Dave made a motion to continue to 11/15

Joe seconded

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

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Not Present:

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NEW HEARING:

(24-12) 149 PROSPECT STREET – JERRY M. GIULIANO & MAUREEN E. GIULIANO

Purpose: Variance to construct a shed

Attendees: Attorney McGrail, Jerry & Maureen Giuliano

Discussion:

Requesting relief for a shed.

The Giuliano's have done significant work on this house.

Photos were shared with the Board of the incredible work done on this property.

Brian shared the site plan.

The requirements for a shed is 7 ½ from the rear and side of the property line. They are meeting the rear setback but not the side.

The Marando's who abut the property (145 Prospect St) are in favor of the shed. A letter of support was presented.

A drawing of the shed was presented.

The lot width gets narrow in the rear of the property and that is one of the unique circumstance.

This shed is 12 x 20 = 240 sq. feet, 1200 is the allowable size.

Kasumi was concerned about snow or debris falling off the shed roof and into the Marando's yard. Brian said the neighbors never mentioned that.

Greg wondered if this is really a pool house.

Tom asked if the shed was an afterthought after installing the pool and remodeling the house, seems like they built themselves into this variance.

Public Testimony:

Meredith & Zachary Rose – 10 Morrison Road West – They asked what the height of the shed is – about 15 feet or so.

Is there a window on the side because it would look directly into our property? Maureen said yes, there would be a window.

The Rose's said it has taken two years to rehab the house, so what is the projected timeframe for the shed project. Jerry Giuliano said it should not be more than 8 weeks. Brian explained that it would be about 45 days before they could even start the buildout. The Rose's asked what the use would be and the Giuliano's said it will be to store pool equipment and lawn equipment, not for recreational use.

Joe inquired about the plan that is presented tonight it is a Reed Ferry's shed, but it was disclosed that this is not the shed they are buying, they are going to build to that spec. They agreed that they will build the shed exactly as depicted.

Dave moved to grant the variance to vary the requirements for the distance of the lot line for an accessory structure. Based on the plot plan prepared by LJR Engineering, Inc., dated 9-11-23 and the architectural rendering of the proposed plan prepared by Drafting Concepts, LLC, and the depiction of what the intent of the shed will look like. The hardship is the shape and size of the lot and denying it would be of substantial detriment to the petitioner.

Joe seconded

Regular voting members all in favor – Dave, Greg, Jim, Chip, Tom

Tom suggested that maybe Dave's language was not strong enough for the shed to be built consistent to the plan. The Board agreed they will get the wording right in the decision. The petitioner agreed to take the window off the side of the shed on the Rose's side.

Amended Motion: Dave moved to amend the motion that the shed will be constructed in the same style and size and shape as depicted in the package shown here tonight and will not have a window on the side facing 10 Morrison Road West.

Joe seconded

Regular voting members all in favor – Dave, Greg, Jim, Chip, Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

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NEW HEARING:

(24-13, 24-14) 20 LAWRENCE STREET – J-MARG, LLC

Purpose: Variance and Finding to raze a detached garage and reconstruct a new three car detached garage

Attendees: Attorney Brian McGrail, Dave Piscatelli

This house was in terrible disrepair.

The investment that Mr. Piscatelli has put into this property is significant. Photos were shown.

This application has to do with the two-car garage in the back of the house.

The purpose is to raze and reconstruct a three-car garage to serve the three-family dwelling.

The new garage will be single story.

The new garage will be 7 ½ feet from the rear of the property line which is better than what is there now. Currently the garage is right on the property line.

Because it is a 3 family dwelling the 7 ½ feet requirement in the bylaw does not apply to 3 or 4 families just 1 and 2 family dwellings. This is legal non-conforming structure.

Jim asked about parking, besides in the garage. Brian explained by showing the plot plan, which because they are positioning the new garage better there will be additional parking on the property.

Public Testimony:

None

Dave made a motion to grant the Variance in accordance with the plans by Edward Dudley, dated 4-24-23 and site plan by Medford Survey and Engineering, dated 4/18/23 to allow the proposed razing and reconstruction of a new 3-car garage. Because of the shape and size of the property.

Joe seconded

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

Dave made a motion to grant a Finding and Determination that the proposed changes and alterations at 20 Lawrence Street based on the plans listed above will not be more detrimental to the neighborhood.

Joe seconded

All in favor - Greg, Dave, Jim, Joe, Tom

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Not Present:

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OTHER MATTERS:

(23-5, 23-6, 23-7, 23-8) 198 ALBION STREET – Request for Extension and Minor Modification

Attendees: Attorney Brian McGrail, Giancarlo, Steve DeFuria, Peter Sandorse

Attorney McGrail explained they would like to extend the Variance and Special Permits to 6 months.

Giancarlo will be moving forward to build the project.

They are asking for a modification to get rid of the elevator, the lead time and expense is extensive and is not needed for a 3-story building.

One of the units will be brought down to the first floor.

Steve DeFuria explained by getting rid of the elevator they need to have an ADA unit on the ground floor. The retail space is reduced a little and the front door has been moved over.

Storage units for each unit will take the space of the elevator.

The units on the top floor are larger and they got rid of a one bedroom unit, it is now a two-bedroom unit.

Kasumi pointed out that the shower in the ADA unit has to be flipped – Steve DeFuria agreed.

Dave feels what they are proposing is minor but it is unfortunate that they are losing retail space and roof amenity space, they spent a long time vetting this project.

Dave made a motion according to the updated plans from prepared by Phoenix Architects, dated 10/25/23 to be a minor modification.

Joe seconded

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

Dave made a motion to extend the Variance and Special Permit to July 4, 2024 to commence with construction.

Joe seconded

Dave, Joe, Jim, Greg, Tom

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

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OTHER MATTERS:

(19-39) 998-1000 MAIN STREET – GREENWOOD STATION, LLC – Request for Extension and Minor Modification

Attendees: Dan DiLullo, Eric Kenworthy, Ward Jaros

Jim explained that when he was doing his review for the building permit he came across the changes being presented tonight.

Daniel DiLullo presented elevations showing the change in louvers that they had to make because they cannot do the open garage. The louvers were not adequate to provide 50% open area. It would be difficult to meet the new energy requirements effective January 1, 2024. They are now showing a concrete wall that is the garage enclosure. If the Board would like to not use the louvers and replace them with something else they would be happy to change this.

The lighting fixtures will stay the same as what was approved and they will be sure to put them on the updated plan. Jim said there were a series of lights along the inside of the building and along the exterior where the specs were changed, now they will not be seen from the public because they will be on the other side of the building.

Jim has not looked at the venting they presented here tonight.

Ward Jaros introduced himself and said he is working on the project with Eric and Dan, he said that the revised lighting was given to Gail. The team could not pull the plan up on the screen.

Greg asked the Board if they could nudge them to do some landscaping or something to decorate the foundation wall.

Eric suggested to a decorative grill patterned metal or aluminum grill to hide the foundation.

Eric requested an extension of the comprehensive permit.

Dave made a motion to grant an extension to the comprehensive permit that was due to expire on 11/13/2023 for 1 year to November 13, 2024 with the stipulation he has to come back in 6 months which would be May of 2024 to update the Board and make sure he is on track.

Joe seconded

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

Eric, Ward and Dan will be back November 15th for the minor modification.

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

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APPROVE MINUTES:

Dave made a motion to approve the October 11, 2023 and the October 18, 2023 minutes as written.

Joe seconded

All members were in favor.

The meeting adjourned at 9:58 p.m.