



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, November 15, 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

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

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

A request from Attorney Brian McGrail to continue the hearing until December 13, 2023, in that they are working on draft conditions and an Operation and Maintenance Plan.

Dave moved to continue to 12/13/23

Joe seconded

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



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NEW HEARING:

(24-20) 32 NAHANT STREET – 32 NAHANT STREET, LLC

Purpose: Comprehensive Permit to construct a 32 unit apartment dwelling

Attendees: Attorney Paul Haverty

Discussion:

Tom Lucey, Chair – explained that the Board believes that the Town now fits into one or more of the so-called "safe harbors" created by the 40B regulations for communities that have achieved various statutory minima or that have made recent progress toward doing so in growing its subsidized housing inventory.

Tom suggested that this hearing be continued until a definite date and time to permit the Board to write to the state to assert its safe harbor status and allow the applicant to file any rebuttal and to receive a decision.

A motion was made by David Hatfield to continue this hearing until 7 pm on Wednesday, January 10, 2024. Joe Pride seconded the motion

All in favor of continuing by stating aye – Chip, Jim, Dave, Joe and Tom

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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, Jim Cooke, Jim Emmanuel, Andy Zalewski

Discussions:

Attorney McGrail said they are waiting for the TAC memo.

They worked with Jim McBain on architecture and the foundation. They found a material to wrap the foundation and will talk about the materials for the wall.

They also met with Chip Tarbell and James Emmanuel regarding landscaping.

Andy Zalewski discussed and presented all the materials, colors and lighting that are being proposed on the dwelling, which included siding, railing material soffits, down spouts doors and location of vents.

The wall in the front will be a natural field stone wall and be similar in character to the neighbors' wall.

The foundation facing the road will be a cultured stone veneer

Chip said he likes what they are doing but there are a couple of things missing;

columns, garage venting, will there be a garage door, stair treads, walkway pavers, concrete, everything needs to be specified by manufacturer and style.

The front door needs to be added to the booklet.

Chip has problems with vents coming out of the building on the Salem Street side.

Kasumi commented that the residential wall sconces for the entrance and the canopies on the back seem out of style from the rest of the building.

Jim commented that unfortunately the rendering is poorly showing the colors and he would like samples of the exact colors be brought to the building department to review. Also, more specific manufacture detail.

What is the underside of the decks?

Dave – said the roof plan on sheet 5 does not show anything coming out of the roof like mechanicals and venting.

Dave also pointed out that the plans that are being shown tonight did not come to the Board.

Jim Emmanuel presented the landscaping plan

Chip feels the walkway needs to be grander and not pre-fab or concrete, whatever is needed, he suggested maybe bluestone or fieldstone.

The Board wants the stairway leading to the entrance to be wider and grander – it gets lost now.

Kasumi – asked if delivery trucks can turn around easily when they pull out back.

Next Hearing:

- Will work on discussions tonight
- Will work with Engineering
- TAC memo for the next hearing.
- Draft conditions

Public Testimony:

None

Plans Presented:

- Site Plan – prepared by Hayes Engineering, dated 11/3/23
- Elevations, floor plans and renderings – prepared by The MZO Group, dated 10/18/23
- Operations and Maintenance Plan – prepared by Hayes Engineering, dated 10/14/23
- Hayes Engineering memo in response to DPW/Engineering Comments, dated 10/26/23
- Stormwater Management Report – prepared by Hayes Engineering, revised to 10/31/23

Attorney McGrail requested an extension until the end of February.

Dave made a motion to extend the time for the Board to render a decision until February 29, 2024.

Joe seconded

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

Dave made a motion to continue until this hearing until December 13, 2023.

Joe seconded

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CONTINUED 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.

Brian explained that the last time they were before this Board there were some questions on the architectural details. They met with Jim McBain and worked on them.

They also had comments from DPW on drainage and how they would deal with utility connections because the road is being repaved. The developer brought in his own equipment and connected all the utilities and the road is now repaved.

The Town Engineer has signed off on the project and issued a memo today.

An elevation with the updated architectural detail was presented and Jim McBain commented that he is satisfied with how it works and looks with the roof area.

John Ogren presented the changes to the site plan – they now match up to the architectural plans.

Public Testimony:

None

Plans Presented:

- Hayes Engineering memo to DPW/Engineering, dated November 9, 2023
- Stormwater Management Report prepared by Hayes Engineering, revised through November 9, 2023
- Elevations, dated November 8, 2023
- Site Plan, Hayes Engineering, dated November 19, 2023

Dave moved to grant a Special Permit and Site Plan approval within the business district zoning regulation extending 30 feet as allowed, related to off street parking and loading for a two family dwelling being constructed on the premises

Reducing the isle width as shown on the site plan

Reducing the required setback of off street parking and allowing them to be closer than 7 ½ feet

Eliminated the requirement for screening

And any other standards for off street parking and loading as shown on the site plan prepared by Hayes Engineering, dated November 9, 2023 and the architectural plans entitled 361 Salem Street, dated November 9, 2023.

Joe seconded

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NEW HEARING:

(24-15, 24-16) 45 STARK AVENUE – DENNIS M. FOOTE AND DANIELLE E. FOOTE

Purpose: Finding and Variance for an Addition

Attendees: Attorney McGrail, Dennis and Danielle Foote

Discussion:

Attorney McGrail explained this application is for a Finding and Variance for a modest addition of a mudroom.

They are encroaching into the front setback.

Brian shared the site plan, zoning table and the uniqueness of the lot.
The way the building was originally built, which makes it unique, is way in front of the lot.

Neighbors are all in support of this project.
Two abutting neighbors already have this type of mudroom (pictures were shown)

Jim does not think it changes the character of the neighborhood and feels this project should be approved.

Public Testimony:

None

Plans Presented:

- Plot Plan prepared by Paul Finocchio, dated October 11, 2023
- Elevations and Floor Plans prepared by LUNA Design Group, dated 8/14/23

Dave made a motion to grant a Finding and Determination that the proposed changes and alterations at 45 Stark Ave per the site plan by Paul Finocchio dated 10/11/23 and the architectural plans by LUNA Design Group shall increase the nonconformity but does not substantially increase the nonconformities and is not more detrimental to the neighborhood.

Joe seconded

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

Dave moved to grant a Variance to pursuant to the same plans as above to add the mudroom, because of the shape and topography of the land.

Joe seconded

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

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NEW HEARING:

(24-17) 29 PARK STREET – JAMES HUTTON, JOAN HUTTON AND PATRICIA L. REED

Purpose: Variance to add on an addition to a two-family dwelling

Attendees: Attorney Brian McGrail, James and Joan Hutton and Patricia Reed, Andrew Jones

Discussion:

Attorney McGrail explained that this dwelling is a two family that has been condominiumized only one unit is proposing an addition on the back of the unit.

Brian presented the site plan and zoning table.

The Hutton's would like to expand their condo for more space.

Patricia Reed lives on the other side of the condo and is anticipating adding onto her unit in the future with a similar addition.

Neighborhood support was presented

Andrew Jones from Phoenix Architects presented elevations.

Jim asked to see the google map looking down on the neighborhood.

Public Testimony:

None

Plans Presented:

- Neighborhood support
- Floor Plans and Elevations by Phoenix Architects

It was pointed out that the final architectural plans have changed to get rid of some windows.

Dave moved to grant a Variance related to the proposed addition to the two-family dwelling per the plans site plan prepared by Paul Finocchio, dated 9/14/23 and the architectural plans prepared by Phoenix Architects dated 11/15/2023 owing to the shape of the lot and the topography.

Joe seconded

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NEW HEARING:

(24-18) 20 DELCARMINE STREET – THREE DUCKLINGS LEARNING CENTER, INC.

Purpose: Special Permit to allow a day-care center

Attendees: Attorney Brian McGrail, Taulant (owner of the day-care)

Discussion:

Attorney McGrail explained that they are here tonight for a Special Permit for a daycare center, they came to the board at a previous hearing to waive the site plan.

The use is permitted with a Special Permit by our bylaw and the use is protected under the Dover Amendment but the Dover Amendment does not cover issues like parking.

The board had been concerned about an outside play area – right now there is no plan to have an outside area, but they will come back to the board should they want one.

They will start with 10 children, the space only allows for 20 children according to the state.

The other concern was drop off and pick up. It was explained that parents park and walk the kids in and out of the building.

They have their own separate parking lot and the entrance is on the side of the building.

There will be only 2 or 3 employees

Greg – very concerns that there are only two parking spots and that everyone will be dropping off and picking up at the same time and it is very congested with the little league fields. Taulant said the workers in the building leave around 4:00 most parents pick up at 5:00 and there are plenty of spaces.

Tom agrees with Greg, there are usually 3 games going on in the area and it gets very congested.

The board reminded the petitioner to work with the fire chief to satisfy some of his requests.

Public Testimony:

None

Plans Presented:

- Google views of the building and surroundings

Dave moved to grant a Special Permit to allow a daycare center based on the findings of this board which is in the table of use in our bylaw. Based on the condition that the Fire Chief's requirements are satisfied prior to the issuance of an occupancy permit.

Joe seconded

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

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NEW HEARING:

(24-19) 47 SALEM STREET – MARGARET C. WILSON, TRUSTEE OF THE WILSON FAMILY TRUST

Purpose: Determination and/or Finding to allow additions onto the existing dwelling

Attendees: Attorney Brian McGrail, Margaret Wilson, Jeff Tucker, Emily Barron

Discussion:

Attorney McGrail explained that this property is in the General Residential District, two families are allowed by right. They are looking to add an addition and keep it as a one-family dwelling.

Brian presented the site plan along with the zoning table. They are only asking for a finding, they are intensifying the non-conformities but not making them worse.

This is a legal non-conforming lot.

The lot gets narrower in the rear, which is one of the findings, the lot area also needs a finding.

Jeff Tucker (architect)

Presented floor plans and elevations

Kasumi asked where the door to the full basement is – they neglected to include on the elevations, but Mr. Tucker said it will be an egress window.

Jim is concerned about the expansion of this property and especially with all the windows being 15 ft. away from the neighbors. The driveway on the side of that neighbor separates them. And the other side they are 21 ft. away.

Brian presented an endorsement e-mail from the neighbor.

Greg – don't they need a variance because the two houses are too close? Brian double checked the bylaw. In our zoning table the distance only applies in the SR District not the GR District.

Public Testimony:

Peter Gangi – 8 Swain Place – stated that they are the abutters to the rear and they have no problem with the addition.

Dave made a motion to grant a Finding and Determination that the proposed changes and alterations at 47 Salem Street, based on the plans site plan presented tonight prepared by Otte & Dwyer, Inc dated 10/12/23 and the architectural plans (which will be updated to show the basement access) prepared by Tucker Architecture, dated 10-16-23. Shall increase the nonconformities because of the lot width and side yard setbacks nonconformities but they find that the alterations will not be more detrimental to the neighborhood.

Note: The plans have to be updated showing the basement or door

Joe seconded

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

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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

Ward Jaros – presented his memo which included the changes to the plans.

- The major item was the garage ventilation openings in the foundation. It did not indicate the approved finish and other material.
- The wall vents for dryers and bathrooms were not shown on the building elevations
- The drawing did not specify the approved lighting fixtures

Jim agrees with how they have now enclosed the garage, it will keep the bottom floors warmer and meet the energy code.

There was much discussion of the type of louvers.

Dan DiLullo presented his architectural changes

Deletion of garage louvers and the lighting fixtures have been fixed on the lighting sheet.

Greg thought at the last hearing it was discussed that landscaping or something was going to be presented to break up the foundation wall.

Approve plans will be clouded and today's date will be used for the minor modification.

Cloud Sheets A6, A7 and E-9.

A permit set will be revised and incorporated into the plans and the Chair will write a letter stating what the minor modifications are.

Dave made a motion to find that the proposed changes to the comprehensive permit for 998-1000 Main Street shown in the architectural drawings presented tonight as Sheets A6, A7 and E-9 will be modified showing the final added lap siding below the balconies and Effis to be scored to match the grab blocks to be a minor modification to the previously approved comprehensive permit.

Joe seconded

AMENDED MOTION PER GREG:

The changes are approved and deemed insubstantial pursuant to 760 CMR 56.05(11)

Dave amended his motion per the language above

Joe seconded

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

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OTHER MATTERS:

27 OUTLOOK ROAD – WARREN & GRACE MAGOON

Attorney McGrail explained that when the petitioner went to the Building Department for the building permit the Building Inspector noticed that the floor plans for the accessory apartment had changed.

The Building Inspector thought it best to have the Board approve the change.

Dave made a motion that the proposed changes as depicted on the Plans prepared by Pegasus Design, dated November 14, 2023 to be a minor amendment to the Decisions granted on August 8, 2023.

Joe seconded

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

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APPROVE MINUTES:

Dave made a motion to approve the October 25, 2023 minutes as written.

Joe seconded

All members were in favor.

The meeting adjourned at 10:22 p.m.