



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, December 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 7:02 pm

Roll Call by Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JOSEPH PRIDE, CLERK

JAMES H. MCBAIN

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 2/14/24, in that the client is in the process of changing building designs at the corporate level, which they desire to utilize in Wakefield. They now have concept plans on the new building style, but they would like to complete full architectural plans before moving forward.

The current extension for the Board to render and/or file a decision is through 1/31/24.

The applicant has agreed to extend the time for the Board to render and/or file any decisions until 3/31/24.

Chip moved to continue to February 14, 2024 and extend the time to render a decision until March 31, 2024.



Joe seconded

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

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Not Present:

DAVID W. HATFIELD

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 1/10/24, in that they are working with the Department of Public Works on their required conditions to be included in the draft conditions and O&M Plan.

Chip moved to continue to 1/10/24

Joe seconded

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

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Not Present:

DAVID W. HATFIELD

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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:

Met with DPW last week to go over where they stood with TAC and the drainage, which is a cooperative effort to help the neighbors with their drainage issues.

They will make a contribution to help out the neighbors.

TAC has requested a crosswalk, they anticipate having the DPW and TAC letter and hope to close out at the next meeting.

Jim Emmanuel presented an updated landscape plan.

Most of the changes have been made at the entrance of the building.

The granite stairs have been widened and have a flare at the bottom.

There are plantings along the foundation – shrubs and trees.

Chip said they have done a nice job with the plantings. He wondered if the brick would be hard to maintain.

Jim wondered if the Town would do the sidewalks or would they be doing them. Brian said they are doing them.

Andy Zalewski presented renderings and the changes in the materials booklet.

Andy will have samples of materials dropped off at the Building Department

Tom would like the roof plan sent to the Board.

Jim did not see any material given for the garage entrance.

Jim wants to know what the cut sheet is on the columns and a bigger picture of them at a distance.

Also the windows need more clarification.

Chip asked what is being done about gutters and down spouts. Andy said they are shown in the architectural drawings – Chip wants them specked.

Greg reminded them that they need a spec on the openings to the garage and what kind of lighting is also in the back and how will it work.

Public Testimony:

None

Next Hearing:

Specs and materials to the building department

Draft Conditions

O&M

TAC Memo

DPW Memo

Plans Presented:

- Site Plan – prepared by Hayes Engineering, revised with Engineering Department Comments, dated 12/1/2023
- Materials and Color Selections – prepared by The MZO Group, dated 11/13/23

Chip moved to continue to 1/10/24

Joe seconded

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

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Not Present:

DAVID W. HATFIELD

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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, Gerry Keane (owner), John Ogren (Civil Engineer and Artain Sadiku (architect)

Discussion:

Brian explained that they are working with DPW to finalize plans

Artain Sadiku reviewed the site plan, building plans and elevations and massing.

They have worked with different manufacturers to come up with the materials.
A presentation of materials and colors on the building was made.

Chip asked how the entrance canopy is being held up, the answer was steel supports on the window grid.

Kasumi asked how the stainless steel hand rail is finished – is it abrasive or satin. She never saw a polished hand rail.

Joe asked about signage – is it backlit at night or during hours of operation. The owner Gerry said he did not need the light on all night. Jim suggested looking at what the Board required at the storage facility or Shaw's for timing of the lights.

Public Testimony:

None

Next Hearing:

O&M including limitations on signs

Plans Presented:

- Updated Plans, Elevations and materials prepared by VITA Architects, dated 11/28/23
- Lighting Layout Plan, prepared by Keystone Technologies, dated 11/28/23
- Building Sign Layout Plan, prepared by Boston Building Wraps Inc, dated 12/7/23

Chip moved to continue the hearing to 2/14/24 and extend the time to file/render a decision until 3/31/24.

Joe seconded

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

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Not Present:

DAVID W. HATFIELD

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CONTINUED HEARING:

(24-10) 0, 119, 1127, 135 NAHANT STREET – THE RESIDENCES AT NAHANT, LLC.

Purpose: Comprehensive Permit to construct a 100 unit apartment dwelling

Attendees: Attorney Jason Panos, Stefano Basso (SV Design-architect), Anthony Capachietti (Hayes Engineering-PE), Scott Thornton (Traffic Engineer)

Discussion:

Attorney Panos explained this Comprehensive permit is proposing a five-story, 100 rental units. 25 units would be affordable, all 100 units count as affordable housing inventory.

A portion of the project will be built in Single Residential District and partially in the Business District

Attorney Panos gave a portion of a power point presentation, some focal points are as follow:

- 135 parking spaces, 51 of those parking spaces are podium parking and 76 spaces are an open air parking lot.
- Conveniently located to public transportation, shopping and schools
- Breakdown in units – 63 Studio and One-Bedroom units; 27 Two-Bedroom units; 10 Three-Bedroom units

Attorney Panos pointed out that the Board must close its public hearing 180 days from receipt of EOHLA'S Safe Harbor Decision of December 12, 2023, which is Monday June 10th 2024.

Stephano Basso of SV Design at 126 Dodge Street Beverly presented the rest of the PowerPoint which was of the building, floor plans and materials, landscaping etc.

Anthony Capachietti noted that their team had met with TAC on December 1st and a traffic study will be performed.

The Board asked that traffic studies not be done during the holidays. They have to do them when school is going on.

Joe Pride – said he is trying to figure out how they got to their parking number and how did they come up with a 100 unit count.

Attorney Panos cited trends and Tom asked him to cite parking absorption.

Chip – asked why they have not introduced or talked about the principals of the property, what other projects has this group done in neighboring communities?

Chip said this building is not set back from Nahant Street, the building is ON Nahant Street, – they are towering over neighbors houses, 5 stories is too much and out of touch and totally inappropriate.

Chip also noted that the architecture is boring and simplistic.

Show a rendering that is real.

Struggling with the whole project.

Jim – the other projects that have been done in town that this Board has approved and that they show in their presentation, are not in this area at all. They need to look at what is in this neighborhood not others, which are miles away.

Provide a much better design and conjectural to this neighborhood.

Greg – worried about the safety of this project, he said it is a completely unsafe project. Nahant Street is a narrow windy road, it is not safe for the neighborhood. This is not economically feasible and not safe for the neighborhood. He is looking forward to hearing from TAC and Chief Skory.

Mikey – Safety is one of the things that can stop this project. If a fire truck cannot get to the neighborhood the safety will be the primary drive to his decision.

Kasumi – She agrees with everyone else the project is too big for the neighborhood. She disagrees that it is walkable to the train and stores.

Tom explained that it is a long way away from being a safe project. It has some serious issues to overcome.

Tom read letters from the file, some from Town Departments and some from residents.

Public Testimony:

Jack King – 3 Old Nahant Road – the traffic is very difficult on Nahant, Farm and Old Nahant Road. In the morning when the Middle School is starting you cannot get down the road. In the afternoon when the high school gets out it is a significant traffic problem. Enormous detriment to the neighborhood. Would be interesting to see a rendering to see the building from Nahant Street.

Next Hearing:

Architecture/Massing

Attorney Panos pointed out that they need to do the traffic analysis.

Greg said traffic is one thing but the safety is another. Tom agreed that they need safety reports first.

Mikey pointed out that traffic studies always seem to come at the end of the project, it is a strategy. He agrees safety first.

The Board discussed asking Ezra from Mass Housing to help out.

The Board also asked to see what will pedestrians, neighbors, cars going in both directions be looking at? They also want shadow studies. How are people going to live with this surrounding them?

Plans Presented:

- PowerPoint Presentation, prepared by SV Design, dated July, 2023
- Site Plan, prepared by Hayes Engineering, dated July, 2023

Chip moved to continue to January 10, 2024

Joe seconded

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

NEW HEARING:

(24-21, 24-22, 24-23) 16 WEST PARK DRIVE – VICTOR PASSACANTILLI JR. & CHRISTINE PASSACANTILLI

Purpose: Special Permit, Variance and a Finding/Determination to add an addition and a proposed accessory apartment

Attendees: Attorney Brian McGrail, Christine Passacantilli (owner), Jeff Moretti (architect)

Discussion:

Attorney McGrail presented the plot plan

The lot width is one of the reliefs they need, it intensifies the current lot width but is not more detrimental.

It does not meet the current side setback but it does not meet it now.

The plan states it is a 2-story addition but it is a 1-story addition. They will correct the plan.

The father and mother will live in the accessory apartment.

Total floor area is 2,806 sq. ft.; Total accessory area 654 sq. ft. which is 23 % of the total floor area.

Jim McBain – does not see why they have to add on and use that calculation.

Greg disagrees with Jim, he would rather the applicant come to the ZBA and ask for a variance rather than build an addition and then ask for forgiveness, it is better to ask for it up front.

Tom agrees, it is not going to be out of character with the neighborhood.

Public Testimony:

None

Chip made a motion to find that the addition as presented tonight for 16 West Park Drive does increase the nonconformity however with the increase it is not more detrimental to the neighborhood according to the plot plan prepared by George Collins, dated 10/10/23 and the plan prepared by Moretti Design, dated 11/1/23. (The plot plan showing the addition will be relabeled as a 1 story addition.)

Joe seconded

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

Chip made a motion to grant a Special Permit to allow the accessory apartment according to the plans mentioned above.

Joe seconded

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

Chip moved to grant a Variance for lot width and allow the extension of the residence to include the accessory apartment according to the plans listed above.

Chip moved to allow a letter to be issued to the Building Department yearly instead of surety.

Joe seconded

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

NEW HEARING:

(24-24) 30-64 FARM STREET – TOWN OF WAKEFIELD PERMANENT BUILDING COMMITTEE

Purpose: Appealing the decision from the Building Inspector to allow the construction of a new Wakefield Memorial High School

Attendees: Attorney Brian McGrail, Craig DiCarlo, Erin Prestileo, Peter Rebuck, Joe Bertrand (Bldg. Committee) Lynn Stapleton, Baker, Tom Faust

Discussion:

Chip Tarbell recused himself – he is on the Permanent Building Committee

Joe Bertrand gave an introduction to how they got here with the High School project.

Erin Prestileo Civil Engineer – SMMA
Gave a presentation of the status of Local Approvals

Existing conditions were presented – a number of parcels are involved.

Aerial view of all parcels and the current High School and Woodville School was presented.

Floor plans were presented by Tom Faust

Attorney McGrail said the property is in the municipal overlay district, which is a special zoning map for Town owned property.

The Dover Amendment allows only reasonable restrictions for school projects.

Attorney McGrail ran through areas that did not comply with the Zoning Bylaw

- Parking in the front yard
- Driveways cannot exceed 20 feet in width
- Lot shape
- Off-Street parking set back shall be at a minimum of 7.5 feet from all buildings that open to parking areas and shall be separated from the street line by landscaped strip not less than 15 feet in width.
- At least 5 percent of the interior parking lots with 40 or more parking spaces have to be landscaped
- A driveway may not exceed 30 feet in width at the street line and shall not be spaced closer than 100 feet to another driveway serving the same lot

There are two possible proposed layouts for the roundabout.

Town department correspondence read into the record by Tom Lucey

Joe Pride – asked if they had a plan showing the parking deficiencies

Brian presented the plan

Public Testimony:

Gillian King – 3 Old Nahant Road - she thinks the roundabout will be dangerous. How will kids cross a roundabout?

Attorney McGrail explained that the DPW recommended the roundabout to slow down the traffic. There may be traffic signals installed.

James King – 3 Old Nahant Road - the traffic circle will be pedestrian unfriendly.

Greg made a motion based on the plans tonight by SMMA dated November 20, 2023 with Sheets A104, A201, A220 and A221 Revised December 7, 2023 (the "SMMA PLANS")

1. **Boards Findings Are as Follows:**

- A. The Applicant is proposing a new Wakefield Memorial High School on the Assessors Parcels referenced in the application constituting the subject lot and property shown on the SMMA Plans.
- B. Pursuant to Massachusetts General Laws Chapter 40A, Section 3, the Wakefield Zoning Bylaw may not restrict the use of the land or structures for educational purposes and the Wakefield Memorial High School project qualifies as such. Furthermore, non-profit educational uses are allowed by right in all zoning districts pursuant to the Wakefield Zoning Bylaw.
- C. Also, pursuant to Massachusetts General Laws Chapter 40A, Section 3, the Wakefield Memorial High School Project may be subject to reasonable conditions regarding bulk

and height of structures, yard sizes, lot area, setbacks open space, parking and building coverage requirements.

- D. Pursuant to Section 190-34.A of the Wakefield Zoning Bylaw the Business Zoning District dimensional regulations are applicable to the Wakefield Memorial High School Project.
- E. The Applicant has presented to the Building Inspector and now this Board provisions of the Wakefield Zoning Bylaw that the Wakefield Memorial High School Project does not meet.
- F. The Applicant has taken the position that it would be unreasonable to require the Wakefield Memorial High School Project to meet said provisions or any other provisions of the Bylaw that would prevent said project from being constructed as shown on the SMMA Plans.
- G. As stated in a letter to the Applicant dated November 22, 2023, the Building Inspector has denied the Applicant's request to decide this matter and has deferred it to this Board.
- H. The Applicant has requested that this Board find that it would be unreasonable to require the Wakefield Memorial High School Project to comply with all the requirements of the Wakefield Zoning Bylaw including, but not limited to, the provisions not being complied with as delineated in the application and this said project should not be required to comply with those provisions or any other provisions of the Bylaw that said project does not meet.
- I. The Applicant has requested that this Board overturn the Building Inspector's decision of denial as stated in his letter to the Applicant.

2. **MOTION**

Greg moved that the Board overturn the Building Inspector's decision of denial as stated in his letter to the Applicant dated November 22, 2023. In doing so the Board finds that it would be unreasonable to require the Wakefield Memorial High School Project to comply with any bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements under the Wakefield Zoning Bylaw including, but not limited to, those provisions of the Wakefield Zoning Bylaw not being complied with as delineated in the application. Thus, the Wakefield Memorial High School Project shall not be required to comply with those provisions of the Wakefield Zoning Bylaw not being complied with as delineated in the application or any other provisions of the bylaw that said project does not meet, and said project is approved and may proceed notwithstanding any such non-compliance.

Furthermore, this applies to both the layout of the existing lot line and the layout with the possible lot line.

Joe seconded the motion

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

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Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

OTHER MATTERS:

o Greenwood Street, a/k/a o Cherry Lane – Nghi Luu

Tom Lucey explained to the Board that a typo was found in the January 23, 2023 ZBA Decision. Thomas Mullen prepared a Scrivener's Affidavit for the Board to approve tonight that will correct this error.

Chip moved to approve and allow the Scrivener's Affidavit to correct the site plan date to be January 15, 2023 instead of January 15, 2022.

Joe seconded

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

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Not Present:

DAVID W. HATFIELD

Joseph Pride Read the Legal Notice

APPROVE MINUTES:

Chip made a motion to approve the minutes of November 15, 2023 as written.

Joe seconded

All members were in favor – Tom, Jim, Chip, Joe, Greg, Mike, and Kasumi

The meeting adjourned at 10:55 p.m.