



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, January 10, 2024 – 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

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

(23-43, 23-44, 23-45, 23-46, 23-47, 23-48, 23-50) – 314, 330, 336 SALEM STREET – GRANITZ FAMILY TRUST, LLC.

A request from Attorney Brian McGrail to continue this matter until January 24, 2024 in that they are working with the Department of Public Works on their recent request to provide an easement to the Town of Wakefield, as part of the plan to help the town address existing drainage issue.

Chip made a motion to continue until January 24, 2024.

Joe seconded

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



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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 this matter until January 24, 2024 in that they are working with the Department of Public Works on their required conditions to be included in the draft conditions and an Operation and Maintenance Plan.

Dave made a motion to continue until January 24, 2024.

Joe seconded

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

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REQUEST TO CONTINUE:

(24-10) 0, 119, 127, 135 NAHANT STREET – THE RESIDENCES AT NAHANT, LLC.

A request from Attorney Jason Panos to continue the hearing until January 24, 2024 and to also extend the time in which the ZBA must close its hearing on the matter to June 7, 2024. Attorney Panos has a conflict the evening of January 10, 2024 which will prevent him from participating.

Dave made a motion to continue the hearing until January 24, 2024 and also to extend the time to close the hearing until June 7, 2024.

Joe seconded

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

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REQUEST TO CONTINUE:

(24-25, 24-26, 24-27) 117 NEW SALEM STREET – RICHARD AND CAROL HUBBARD

A request from Attorney Brian McGrail to continue this matter until January 24, 2024 in that they are working to close out with the Conservation Commission at their next weeks meeting.

Dave made a motion to continue until January 24, 2024.

Joe seconded

Voting members all in favor – Chip, Dave, Joe, Mike and Tom

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CONTINUED HEARING:

(32-32A, 36 NAHANT STREET – 32 NAHANT STREET, LLC

Purpose: Comprehensive Permit to construct 32 rental units

Attendees:

Attorney Jonathan Silverstein, Chris Sparages, Peter Sandorse, Andrew Jones

Discussion:

Attorney Silverstein briefed the Board – 32 units of rental housing, 4 stories and a Project eligibility letter was issued from Mass Housing.
The Board has filed a "Safe Harbor" claim with the state in an effort to stop the project.

Andrew Jones from Phoenix Architects presented the proposed plans

- 26 – One Bedroom Units
- 2 – Two Bedroom Units
- 4 - Three Bedroom Units
- There is covered parking
- Two outdoor terraces and a shared rooftop on the top floor
- The 4th floor is tucked in with a mansard style roof
- Front, side and rear elevations were shown
- Materials were shown for the exterior

Chris Sparages – Civil Engineer, reviewed the site plan and locus.

There is currently a two family home at 32 Nahant and 36 Nahant is a single family home, across the street is a two family home which is a condo.

The town owns a large parcel of open space in the rear of the site and the elevation drops off into marshy wetland. He said that a portion of the proposed site is within the wetland buffer zone, but no activity is proposed in that area.

The site plan was presented.

The lot is about a 26,000 sq. foot lot

Test holes were made in October of 2022, the Town Engineer Bill Renault was present.

The layout is very simple

The footprint of the proposed building allows them to have parking spaces next to the building and in the back of the building some spaces will be covered spaces

The total number of parking spaces is 48; 1.5 parking spaces per unit

There is an existing sidewalk that runs in front of their building and they will maintain that sidewalk and will close off a driveway opening.

Proposing to go underground for electricity

Very good soil so they have a stormwater management system.

Utilities are very simple for this project

Proposing a privacy fence on the left and right of the property.

Tom read letters into the records from Town Departments

Fire has some safety concerns

DPW recommends the Board deny their stormwater management program

Jim commented that he doesn't understand why these projects have to asphalt the whole property. There are barely 3 trees and hardly any grass.

Also, how are people going to get in and out of this site? This project does not compliment the neighborhood at all. There are only 2 story buildings in this neighborhood. There is a lot of work to be done on this project.

Mike – it would be good to know what the context of this building would be in this neighborhood.

What is the setback from Nahant Street to the building – 26 feet?

Size of parking spaces - 31 at 8 ½ x 18 and 15 x 9 x 18 and two handicap spaces

The project is way too big.

Greg – After hearing the safety concerns of fire and issues with DPW. Plus he agrees this is a simple building with no creativity. Not safe for the area.

Chip – Safety and traffic is an issue and he wondered if they have consulted the Towns Traffic Advisory Committee yet. Chris Sparages said the developer has had conversations with Vanasse.

Chip said the application is incomplete, the traffic study should have been issued with the application and they haven't even started the process yet. He suggested the 180 day clock not even start because it is incomplete. There is nothing safe about this building.

Kasumi – too big for the site and would like to see the relationship of the house to the right of this project. Concerned that delivery trucks will have to park on Nahant Street.

Dave – has a lot of the same concerns of the other board members. And the Fire Chiefs concerns. The number of parking spaces is a concern especially the compact parking spaces – there are too many.

They need visitor parking spaces.

Dave feels the application is incomplete; they should have already had a traffic study with the application package.

Jim – he feels that this board should not allow smaller parking spaces. He agrees with Kasumi about deliveries.

Tom – public safety concerns and traffic. He does not know how 32 units dropped into a neighborhood with single and two family homes fits.

Public Testimony:

Brandon Napstad – 42 Stark Avenue– glad to hear this Board has so much concern with this project, because the neighbors are also concerned.

Tom explained to Attorney Silverstein that until they have all the information, for example the traffic report which has to be reviewed by TAC, and have the Fire and Police Chief come to a hearing they cannot move forward, they do not even have a stormwater report.

He suggested that they extend the time. 180 days is just not enough time, Tom seriously suggested they extend.

Tom explained as they map out this, the hearings will be broken down into categories – example architecture, site/civil, traffic etc. There is usually a subcommittee to work through issues.

Mike – asked when they expected to have their traffic report to them and go to TAC.

Chris said the traffic engineer with reach out to the Town Engineer, Fire Chief and work out what they think then contact TAC.

Jim – pointed out they do not even have Vanasse & Associates or any other traffic company signed on yet. This should have already been done.

Chip – who is the owner, what have they done, where are other projects they have done. We need a list of projects they have done, what is their financial situation.

Scott Green was present and stated he was owner and developer.

Next Hearing:

Massing, fitting into the neighborhood

Chris Sparages asked if it would be easier to set-up a sub-committee to meet with the Fire Chief.

Tom said he wants the full Board to hear from the Fire Chief first and in a public hearing.

Chip said massing should be next.

Plans Presented:

- Existing and Proposed Site Plan, prepared by Williams & Sparages
- Proposed Floor Plans, Proposed Elevations and Proposed Materials, prepared by Phoenix Architects

Chip moved to continue to February 14, as requested by the applicant.

Joe seconded

Amended motion – after discussion it was decided to continue to the next hearing, if they were not ready then they could continue then.

Chip moved to continue to January 24, 2024

Joe seconded to amend the first motion.

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

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NEW HEARING:

(24-28, 24-29) 28 BREWSTER ROAD - CHRISTOPHER AND SIERRA NEUMANN

Purpose: Variance and Finding related to a proposed addition

Attendees:

Attorney Brian McGrail, Chris and Sierra Neumann, Molly Richter (Architect)

- Attorney McGrail said they are seeking a variance and a finding.
- There has been a tweak to the site plan that has been submitted this afternoon.
- Existing conditions site plan was presented by Attorney McGrail. The deficiencies of the lot is the lot width, frontage and the area is the uniqueness for the variance, also the dwelling is to the left of the property.
- Zoning table was provided and presented
- Context images were presented
- Brian ran through the architectural plan and floor plans and elevations
- Neighborhood letters of support have been issued.

Kasumi – pointed out that the new basement plan does not show windows on the elevation plans. Molly Richter explained they will just be small windows for a little sunlight and are missed on the elevations.

Mike – asked what hardship is needed to have a variance. Brian explained.

Dave – the proposal seems reasonable to him. They have to be mindful with a finding they are meeting all the prongs.

Joe – he supports this.

Town Correspondence – Chief Sullivan – no objections, DWP/Engineer – no objection just standard comments

Letters of support from neighbors were read into the record

Public Testimony:

Melanie Green – 32 Drury Lane – all in favor for the plan that the Neumann's have put into place.

Dave made a motion to move that this board grant a finding to construct an addition onto the existing single-family dwelling at 28 Brewster Road according to the site plan prepared by Ludwig Survey Solutions, LLC, revised January 10, 2024, and the architectural drawings/elevations prepared by Hogan Richter Architects, undated. Although this intensifies or increases the existing nonconformities it is not substantially more detrimental than the existing nonconformities to the neighborhood.

Joe seconded

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

Dave made a motion to grant a variance to reduce the required side yard setback to 8 feet on the westerly side of the property, owing to the topography and location of the structure on the lot, according to the plans noted above.

Joe seconded

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

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OTHER MATTERS:

(24-19) 47 SALEM STREET – MARGARET WILSON

Attorney Brian McGrail reminded the board that they approved a Finding on November 15, 2023 and the decision was filed with the Town Clerk on December 18, 2023, and they are here tonight for a minor modification to the plan.

Jeff Tucker, the architect presented the changes on the plan.
There is a pitch on the dormer and on the front porch that they have to change.
The side, upper shed dormer is now slightly wider to give more head room.
Also two windows have been removed on the bottom lower half of the building.
Mr. Tucker presented front and side elevations compared to what was approved.

Board members were all ok with these minor changes.

Dave made a motion that the proposed changes as depicted on the drawings prepared by Tucker Architecture dated January 5, 2024 are a minor amendment to the Decision.

Joe second

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

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OTHER MATTERS:

200-400 QUANNAPOWITT PKWY - CCF

Attorney Brian McGrail explained that they are in the process of having an agreement with a high end restaurant and there are too many windows in the restaurant also the restaurateur has requested other changes and they will be back all at once for that.

But they are asking tonight for a modification in the mockup panel. CCF wants to make a mini building as a mock up but it is going to take some time to do this. They do not want to delay their foundations but would like the wording changed in condition number 13. They took out the words "buildings foundation is backfilled and before any of the"

Jim explained his findings after meeting and reviewing the restaurant plans. A wall in the building is being proposed and some signage on the building. He feels these changes will be minor.

Dave made a motion to change condition #13 to eliminate the requirement for the mockup to be done prior to the foundation being backfilled. This is a minor modification to the Special Permit. Joe seconded

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

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OTHER MATTERS:

89 HOPKINS STREET – A/K/A o TARRANT LANE

Attorney Jesse Schomer, John O'Connor, Anthony Bonocorrso, Elliott Brundage, Dave Reppucci

Attorney Schomer explained that Condition #21 of the decision required the applicant to show the final sign plan.

Attorney Schomer reminded the Board of the previously proposed signage, he then presented the new sign being proposed:

- There will be only one up light
- 6 feet in height from the ground (prior height was 7 feet)
- 1 ½ feet wider than the previous proposal for a total width of 7.5 feet.
- Aluminum base, granite posts, the logo and name on the sign is Aster at the Summit

They have decided to stick with the original location and orientation of the sign and the sign will be single sided, the plan states it is two sided, that will be updated.

Elliott Brundage – explained the plantings around the sign.

Dave moved to approve the monument sign prepared by Expos Signs and Graphics, Inc., proof date of 12/7/2023.

Joe seconded

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

Attorney Schomer then presented a change to the site plan. They moved the dog park and some parking spaces. Attorney Schomer explained that Ben deemed it to go back to the Board but after 20 days it is deemed approved if the Board makes no determination pursuant to 760 CMR 56.05(1)(b).

The Board made it clear and wanted it to be on record that they are fine with the changes but in the future and out of respect and with a project of this size they must come back to them for this type of minor modification.

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APPROVE MINUTES:

Chip made a motion to approve the minutes of December 13, 2023 and the executive session minutes of December 27, 2023 as written.

Joe seconded

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

The meeting adjourned at 9.32 p.m.