



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, January 24, 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 7:00 pm

Roll Call by Thomas Lucey

In Attendance:

THOMAS J. LUCEY, CHAIRMAN

JOSEPH PRIDE, CLERK

DAVID W. HATFIELD

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

KASUMI HUMPHRIES, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Joseph Pride Read the Legal Notice

REQUEST TO CONTINUE:

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

A request from Attorney Paul Haverty requesting that the hearing be continued to February 14, 2024 and also agreed to extend the 180 day period for the Board to close the public hearing for a time period to commensurate with the time between tonight's hearing and the Board's next hearing. The applicant's team is working to revise the plans.

Dave made a motion to continue until February 14th and agreed to the extension of the 180 days.
Joe seconded

Voting members – Dave, Joe, Chip, Mike, 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 Cooke, Bill Mandel, Andy Zalewski

Discussions:

Brian explained that they were hoping to close this project out tonight but discovered that there is a tweak in the site plan regarding the common driveway and that will also affect the landscaping plan.

The Board had no questions on the submittals that were sent to them and Chip said he has no problem working with them on the final site plan and landscaping.

Dave asked if there was guest parking and if so was it designated. Dave suggested at least 2 spaces be designated. 29 spaces required and they have 33 spaces.

Jim Cooke said he has no objections to designating the two parking spots.

Tom Lucey said there will only be 4 voting members on this project, they will be, Tom, Chip, Joe and Greg.

The draft conditions were reviewed.

Since Jim McBain always reviewed the plans for the Board there is new wording as a condition in the decision, which a final affidavit will be given to the Building Inspector stating the plans are in compliance with what the Board approved.

No on street parking for construction trucks will be added to the conditions.

The Board suggested getting rid of condition #22.

No questions on the O&M Plan.

Public Testimony:

None

Chip moved to continue to 2/14

Joe seconded

Voting members in favor - Chip, Joe, Greg and Tom

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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, Andreas Tsitos, Scott Fitzpatrick

Discussion:

They would like this project closed out and are ready tonight.

The owners plan on starting demo soon and construction as soon as the appeal period is over.

Draft conditions were reviewed.

There will be an added condition - no construction personnel parking in all the spaces on Main Street.

Public Testimony:

None

Before Dave made his motions he noted that the Final Plans were as follows:

- Final Site Plan by Engineering Alliance dated January 19, 2024
- Final Architectural Drawings by Phoenix Architects dated January 24, 2024

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 16 Unit Garden Apartment

in combination with a Retail Stores or Service Establishments or Restaurant uses as shown on the Final Site Plan and Final Architectural Drawings as noted above.

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 adjoining 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 requested 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 the 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 the above-referenced criteria and is satisfied.

CONDITIONS ALREADY PRESENTED

Joe seconded the motion

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

2. Dave made a motion to grant 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 16 Unit Garden Apartment in combination with a Retail Stores or Service Establishments or Restaurant uses as shown on the Final Site Plan and Final Architectural Drawings including the following:

- A. Allowing a Floor Area Ratio of 1.63
- B. Allowing open area of 6.5%
- C. Allowing lot coverage of 75.7%
- D. Allowing a reduction in the required Front, Side, and Rear yard setbacks to be that as shown on the Final Site Plan.

AND

- 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 and Architectural Plans and Final Landscaping Plan.

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.

CONDITIONS ALREADY PRESENTED

Joe seconded the motion

Voting members all in favor - Dave, Joe, Jim, Chip, 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 sizes as shown on the Final Site Plan.
- b. Section 190-37D -Reducing the required width of the aisles to allow the aisle widths as shown on the Final Site Plan Section.
- c. Section 190-39-Off Street Loading-Reducing the number of required off street loading bays pursuant to Section 190-39 of the Bylaw to a total of 0.
- d. Section 190-41-Reducing the number of required parking spaces pursuant to Section 190-41 Table 3 of the Bylaw to a total of 22 parking spaces for the 16 residential dwelling units and the retail stores or service establishments or restaurant uses as

shown on the Final Site Plan and the Final Architectural Drawings with no limit on the number of seats or the number of employees at the restaurants.

- e. 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 Drawings.—

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 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 or 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.

CONDITIONS ALREADY PRESENTED

Joe seconded the motion

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

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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)

Discussion:

Attorney Panos asked who the voting members are.
Tom will get back to him.

The Board is surprised by the materials submitted Friday for today's hearing, what they submitted was not what the board had requested.

The Board made a number of requests at the last hearing especially on the massing. Tom said he is underwhelmed.

Attorney Panos said he feels it is premature to discuss unit reductions.

Tony Capachietti, ran through the swipe plan to demonstrate how ladder apparatus could enter and exit the property.

Capachietti said this traffic and safety analysis will be provided to TAC.

Tom suggested to the Board that he would like the Towns TAC to review first before the board makes comments.

Also, Tom suggested having Town officials at a hearing to discuss the public safety of this project.

Chip suggested they continue with TAC then have Town Officials come to a meeting.

Tom does not want them to go forward with architecture before knowing the massing.

Chip feels it may be time to set up the subcommittee to help with massing and architecture.

Kasumi said after looking at the plans and seeing 100 units, she did not see any package rooms, amenity spaces, no direct entrance from Nahant Street, trash is in the back and a parking spot is in front of it. All these things take up parking spots. Where are the utility rooms? A lot is not planned out.

Joe said a month ago this board said it was too big and there was not enough parking spaces and in a month they have not done a thing.

Attorney Panos said this is not the time to talk about a density reduction. He wants a peer review. He said there has not been a traffic study completed.

Tom explained that he has also been doing 40B's and has been on this Board for a long time and has never had an applicant not be willing to discuss reducing massing.

Tom volunteered to be on the subcommittee and so did Chip.

The Board once again explained to Attorney Panos that the Town runs peer reviews through this Board and the Town Officials.

Public Testimony:

None

Dave moved to continue to February 14

Joe seconded

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

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CONTINUED HEARING:

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

Purpose: Special Permit, Variance and a Finding/Determination proposing an addition and accessory apartment

Attendees: Attorney Brian McGrail, Carol and Richard Hubbard

Discussion:

Brian reviewed the site plan and showed the uniqueness of the lot.
They have gone to the conservation commission.
Brian ran through the zoning table

Chip went by the property and asked if they were closing off the garage. Carol Hubbard said yes, they will only use the garage for storage. They will park on the side, they are parking there now.

Floor plans were presented.

Existing house is 1852.60 s.f.; Total habitable area with accessory apartment will be 2537.40 s.f.; the accessory apartment will be 885.80 s.f.

The apartment is 34.90% of the total habitable area of the house, 25% is what is allowed in our by-law.

Board members asked a few questions but overall were ok with the plans.

Public Testimony:

None

Dave made a motion to grant a Finding and Determination that the proposed changes at 117 New Salem Street, according to the site plan prepared by Stephen M. Melesciuc, Revised 1/4/24 and the proposed plans titled "architectural drawings", dated 1/24/24. Although these changes do increase the existing non-conformities of the structure we find that the proposed changes are not more detrimental to the neighborhood.

Joe seconded

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

Dave made a motion to grant a Variance to the property at 117 New Salem Street according to the plans listed above. Owing to the shape of the lot and topography and structures on the lot. Specifically approving a Variance that involves the enlargement of the existing dwelling and approving an accessory apartment.

Joe seconded

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

Dave made a motion to grant a Special Permit for an addition of an accessory apartment based on the same plans as mentioned above except for the apartment size being at 34.90% it does exceed the 25% which is allowed. All other requirements are met.

Joe seconded

Chip – Discussion – The Board will require a letter submitted in lieu of a bond or surety.

Amended motion

Joe seconded

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

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NEW HEARING:

(24-30, 24-31) 10 CENTRAL STREET – JOSEPH DONNELLAN, CHRISTINA TAMER & BRIDGET C. TAMER

Purpose: Variance and Special Permit seeking relief to add an accessory apartment

Attendees:

Attorney McGrail, Joe Donnellan, Christina Tamer and Bridget Tamer

A site plan was presented and the zoning table was reviewed.

They do not meet lot width, they are asking for a variance for that requirement.

There is no addition associated with this accessory apartment.

Architectural drawings were presented.

451 s.f. is the gross habitable area of the accessory apartment 17.1% and is under the 25% requirement.

Bridget Tamer is Christina's mom and she will be living in the apartment.

No objections from Fire Dept. and Engineering Dept.

Public Testimony:

None

Dave made a motion to grant a Variance to 10 Central Street per the plans prepared by William Turville Architect dated 12/2/23 and the plot plan dated 4/15/22 by RJ O'CONNEL & Associates as discussed, owing to circumstances related to the shape of the lot. This is in connection to an

accessory apartment, this lot does not meet the required lot width and this request is to vary that.

Joe seconded

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

Dave moved to grant a Special Permit for an accessory apartment per the plans previously stated and it meets the requirements of an accessory apartment. In lieu of bond or surety a letter will be given on the status of family members living in the apartment.

Joe seconded

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

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OTHER MATTERS:

(23-53) 28 LAFAYETTE STREET – BRIAN PRUE & LAUREN STERN

Present: Attorney Brian McGrail, Lauren Stern and Brian Prue were present.

They are making a minor modification to previously approved plans and decision that were approved with the Town Clerk on January 31, 2023.

They got a Finding to allow additions to the single-family dwelling, the side yard setback was to be at 5.1 feet.

Now they want to trim it to 5.2 feet, it will be further away from the lot line.

They have reduced the addition significantly.

Board members felt this was a minor modification.

Dave made a motion that the alterations at 28 Lafayette Street per the site plans dated 1/8/24, prepared by LeBlanc Survey Associates, Inc and the Architectural Drawings prepared by A Point Design Inc, dated 1/8/24, are a minor amendment to the Decision.

Joe seconded

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

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OTHER MATTERS:

888 MAIN STREET – HALLMARK HEALTH – CHANGE SIGNAGE TO TUFTS MEDICINE

Attendees: Vasu Patel - of Fast Signs

Mr. Patel represented Tufts Medicine

He explained that the sign needed to be changed because of the new name/branding.

They will keep the sign as is, they are just changing the faces.

Tom asked when the lights were lit and was told they will follow the same approved guidelines.

Dave made a motion that this is a minor modification.

Joe seconded

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

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OTHER MATTERS:

356 LOWELL STRET – NOURIA ENERGY CORPORATION

Attendees: Attorney Brian McGrail

Attorney McGrail explained that there is a field change, they have to extend the retaining wall, and this is due to a grading issue.

The extension is about 48" longer and 4 feet high and tapers down to nothing.

Dave made a motion to find that the updated site plan dated 1-2-24, prepared by Greenman-Pedersen that shows the extension of the retaining wall on the side of the property be deemed a minor modification.

Joe seconded

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

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APPROVE MINUTES:

There were no minutes to approve

The meeting adjourned at 9:20 p.m.