



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, February 14, 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 WITHDRAW:

**(23-66, 23-67, 23-68) 1 AUDUBON ROAD – MEERA LLC/ SKY GROUP INVESTMENTS, LLC**

A request from Attorney Brian McGrail on behalf of his clients, respectfully requests that the Board of Appeals allow all the above referenced applications to be withdrawn without prejudice at this time.

Dave made a motion to allow the petitioner to withdraw without prejudice and Joe seconded the motion.

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



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### **REQUEST TO CONTINUE:**

**(23-77, 23-78, 23-79) - 3 MELVIN STREET – N.E. WAREHOUSE BOSTON, LLC**

A request from Attorney Brian McGrail to continue this hearing until March 13, 2024, they are still in the process of working on items requested by the Department of Public Works Engineering Division. Attorney McGrail also requested an extension of time for the Board to render and/or file any decisions until April 30, 2024.

Dave made a motion to continue to March 13 and also to allow the request for an extension until April 30, 2024. Joe seconded the motion

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

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### **REQUEST TO CONTINUE:**

**(24-32, 24-33) 93 SPRING STREET – SAMUEL MATTISON AND SARAH MATTISON**

A request from Attorney Brian McGrail to continue this hearing until February 28, 2024. His client is in the process of making a revision to the plans.

Dave made a motion to continue this matter until February 28, 2024, Joe seconded the motion. Voting members all in favor – Greg, Dave, Joe, Chip 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 Cooke, Bill Mandel

### **Discussions:**

They made an adjustment to the site plan to accommodate access to Lot 12.

Mr. Tarbell has worked with them to tweak the landscaping; Chip agreed the landscaping change was de minimis.

Tom pointed out that there are only 4 voting members and they are Chip, Joe, Greg and Tom.

The site plan was also updated to designate two visitor parking spaces.

The conditions were updated slightly and reviewed with the Board.

Parking is going to be prohibited on neighborhood streets during construction.

Joe asked about a construction schedule.

Jim Cooke said from the time the site gets cleared to occupancy should be about 12 months.

Tom asked for an extension to render a decision until April 15<sup>th</sup>.

**Public Testimony:**

Al D'Addario – 1 Hope Street – Mr. D'Addario expressed excitement to see this project move forward. He and his wife Jane feel it is going to be a nice place to live, and they both thank the Board.

Before Chip made motions and findings he referenced the final plans as:

- Final Site Plan by Hayes Engineering, Inc dated February 9, 2024
- Final Landscape Plan by James Emmanuel dated February 9, 2024
- Final Architectural Drawings and Materials Booklet by the MZO Group dated January 18, 2024

**1. Chip 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 19 Unit Mid-Rise Apartment on Lot 11 of the Final Site Plan as shown on the Final Site Plan, Final Landscape Plan and Final Architectural Drawings.**

**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 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 blighted property to a beneficial use and add to the affordable housing inventory.
- G. The proposed 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.
- H. Lot 11 is in the Business Zoning District, which the Board has determined is extended pursuant to Section 190-9 of the Bylaw.

### *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 AS ALREADY PRESENTED

Joe seconded the motion

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

#### **2. Chip 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 19 Unit Mid-Rise Apartment on Lot 11 of the Final Site Plan as shown on the Final Site Plan and Final Architectural Drawings including the following:**

- A. Allowing a reduction and/or alteration in the required Lot Frontage and Lot Width to be that as shown on the Final Site Plan;
- B. Allowing a reduction in the required Front, Side and Rear setbacks to be that as shown on the Final Site Plan.
- C. Allowing building or lot coverage of 39.5% and as shown on the Final Site Plan.
- D. Eliminating the requirements of Footnote 6 (which requires compliance with Section 190-31) and Footnote 7 of Table 2 of the Bylaw.

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 Final Architectural Plans.

Same Findings as the last Special Permit and furthermore these reductions and/or alterations will enhance the 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 – Greg, Joe, Chip and Tom

#### **3. Chip 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 190-37D of the Bylaw ----Reducing the required width of the aisles to allow the aisles as shown on the Final Site Plan.
- b. Section 190-37E(1) of the Bylaw----Reducing the required setback of off-street parking areas to allow them to be closer than 7.5 feet to the building as shown on the Final Site Plan and eliminating the requirement that open parking areas shall be separated from the street line by a landscaped strip not less than 15 feet in width.
- c. Section 190-37F of the Bylaw-Eliminating the requirement for screening.
- d. Section 190-37I(3) of the Bylaw-Allowing the common driveway and eliminating the requirements stated in this section.
- e. Section 190-40B- Eliminating the requirement for screening pursuant to Section 190-31G of the Bylaw.
- f. 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 Plans.

#### **FINDINGS**

Same Findings as the prior Special Permits and furthermore 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 – Greg, Joe, Chip and Tom

#### 4. Chip made a motion to grant –

**A Special Permit pursuant to Section 190-31C(1) of the Wakefield Zoning Bylaw allowing a driveway to exceed a width of 20 feet on Lots, 11, 12 and 13 as shown on the Final Site Plan.**

Same Findings as Prior Special Permits

#### CONDITIONS ALREADY PRESENTED

Joe seconded the motion

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

#### 5. Chip made a motion to grant –

**A Variance from the requirements of Sections 190-31C(1) and 190-37I of the Wakefield Zoning Bylaw by allowing a common driveway to serve Lots 11, 12, and 13 as shown on the Final Site Plan and eliminating the requirement for off-street parking spaces on Lots 12 and 13 so that they have no required off-street parking spaces.**

Also, eliminating the requirement in Section 190-31C(1) that 60% of the front yard shall be maintained as open area on Lots 12 and 13.

- a. Unique Circumstances. The Board found that the property has a unique topography and shape.
- b. Hardship. The Board found the variance allowing a common driveway diminishes the risk of an accident caused by how the Property currently accesses Salem Street and the harm that could be caused by multiple driveways serving the Property. There is degree of danger that could result from compliance with the ordinance.
- c. Substantial Detriment and Derogation. The Board found that the requested relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

#### CONDITIONS ALREADY PRESENTED

Joe seconded the motion

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

**6. Chip made a motion to grant –**

**A Variance from the requirements of Sections 190-35 of the Wakefield Zoning Bylaw allowing the Property to be divided or subdivided into Lots 11, 12 and 13 as shown on the Final Site Plan.**

- a. Unique Circumstances. The Board found that the property has a unique topography and shape.
- b. Hardship. The Board found the variance allowing the Property to be divided or subdivided as shown on the Final Site Plan eliminates a requirement that a nice single-family dwelling be raised, which would be a financial hardship.
- c. Substantial Detriment and Derogation. The Board found that the requested relief could be granted without substantial detriment to the public good and without nullifying of substantially derogating from the intent or purpose of the Bylaw.

**CONDITIONS ALREADY PRESENTED**

Joe seconded the motion

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

**7. Chip made a motion to grant –**

**A Variance from the requirements of Article VI and Table 2 of the Wakefield Zoning Bylaw, including, but not limited to, lot width, all yard setbacks, and lot shape (co-efficient of regularity) requirements under Section 190-31K relating to Lot 12 to allow it to be a buildable lot as shown on the Final Site Plan.**

- a. Unique Circumstances. The Board found that the property has a unique shape and topography.
- b. Hardship. The Board found the shape and topography of the Property prohibits development consistent with the Zoning Bylaw warranting the Variance.
- c. Substantial Detriment and Derogation. The Board found that the requested relief could be granted without substantial detriment to the public good and without nullifying of substantially derogating from the intent or purpose of the Bylaw.

**NO CONDITIONS WITH THIS VARIANCE**

Joe seconded the motion

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

**8. Chip made a motion to grant –**

**A Variance from the requirements of Article VI and Table 2 of the Wakefield Zoning Bylaw, including, but not limited to, lot width, all yard setbacks, and lot shape (co-efficient of regularity) requirements under Section 190-31K relating to Lot 13 to allow it to be a buildable lot as shown on the Final Site Plan.**

- a. Unique Circumstances. The Board found that the property has a unique shape and topography.
- b. Hardship. The Board found the shape and topography of the Property prohibits development consistent with the Zoning Bylaw warranting the Variance.
- c. Substantial Detriment and Derogation. The Board found that the requested relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

**NO CONDITIONS WITH THIS VARIANCE**

Joe seconded the motion

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

**9. Chip made a motion to extend the time to render a decision until April 15<sup>th</sup>.**

Joe seconded – all in favor – Greg, Joe, Chip and Tom

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### **REQUEST TO CONTINUE:**

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

Tom Lucey read a letter from Attorney Panos into the record –

Attorney Panos requested to continue to 2/28/24. (See letter in file) dated 2/14/24.

There was a discussion:

Tom explained that at the working group subcommittee meeting held on February 8<sup>th</sup> there were a lot of the neighbors that attended– about 40 people. They made a little progress in trying to have them move forward with massing and traffic.

Chip said they were at a little of an impasse because the petitioners were not willing to reduce the mass until traffic was completed.

They did not extend the 180 days but will address that with Attorney Panos.

Greg pointed out that they hadn't started the traffic report and now just three weeks later they have a date with TAC.

Chip moved to continue to 2/28/24

Dave seconded

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

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### **CONTINUED HEARING:**

**(24-20) 32-32A, 36 NAHANT STREET – 32 NAHANT STREET, LLC**

**Purpose:** Comprehensive Permit to construct 32 rental units

### **Attendees:**

Attorney Paul Haverty, Chris Sparages, Andrew Jones, Scott Green

### **Discussion:**

Chris Sparages presented changes to the site.

The landscape plan was presented.

Major changes:

- Building has been reduced from 32 units to 26 units by reducing a story.
- That let them increase the landscaping area and increase compact parking spaces, live parking for deliveries.
- 39 spaces are required, they now have 42 spaces. A couple of the spaces in the back are for visitor spaces.
- Dumpster locations have been moved to the rear parking lot.
- Landscape islands have been created.

Tom asked what the front setback was and if the building could be pushed back, Chris replied 16 feet from the back of the sidewalk to the front of the building. Chris said there is a 5 ½ foot setback in the back where the landscape strip was.

Chip asked what the total height of the building is, Chris replied 35 feet.

Greg commented that there are no amenities and no backyard

Dave – said by his calculations more parking is needed. They are required to have 42 spaces – no extra spaces. Chris agreed, he meant that typically 40B projects are 1.5 spaces per unit.

Andrew Jones presented the updated architectural plan:

Twenty-two -1 bedroom units

One -2-bedroom unit

Three - 3-bedroom units

Street graphics in context to the building were shown.

The floor plans have stayed the same on the 1<sup>st</sup> and 2<sup>nd</sup> floor.  
On the 3<sup>rd</sup> floor the only change is the mansard roofing.

Elevations – front, left, right and rear were shown.

None of the materials have changed since the last hearing.

Joe thinks they should get rid of the left side of the building – they would lose 4 units. The building looks lopsided now and would fit in better.

Kasumi asked about the live parking in the corner and the distance to the package room, Andrew agreed it is a long hike.

Shouldn't the mix of units be broken out better?

On the exterior Kasumi said she would like to see the main entry door wider, especially if the mail room is moved, Andrew agreed.

Can the windows be shifted to align the left elevation better?

Greg asked if two houses were coming down – the answer was yes.

The building is shifted to the right and is out of place.

Dave agrees the building needs to be balanced and it would maybe leave more room for amenity space. He would rather see the building get smaller and add amenities rather than making parking spaces smaller.

Mike said he had an opportunity to look at some of the condo's that are being developed and felt that they try to cram too much into these buildings. There were no amenities.

Andrew pointed out that their corridors are wider and they have more open space.

Chip asked where they stood with traffic.

Attorney Haverty said they anticipate on having traffic information in the near future. They are working with the same company as the other project on Nahant Street.

Tom said the application is really incomplete without traffic. He feels the 180 days should be extended.

Attorney Haverty said at this time they are not willing to extend time – there is plenty of time left. They want to fully work with the Board and if needed at the end of the project they will take a look at extending.  
They have not even talked about a TAC hearing date.

Tom said he would like a hearing with our Town Public Safety personnel present.

Greg pointed out that the traffic study should include both projects.

**Public Testimony:**

Brandon Napstad of 42 Stark Ave – voiced his appreciation to the Board for caring about these projects.

This plan has a laughable amount of greenspace. It has a handful of trees and shrubs. No consideration of snow removal, drainage etc.

Not considerate to the neighborhood. The proximity to the traffic light on Main Street is a concern. The neighborhood is plagued with traffic. There is a proposed project at the end of Stark Ave that should be taken into consideration when the traffic study is done. Attorney Haverty said it will.

Ellen Cummings of 10 Raven Road - concerned about school children being picked up by the buses. Concerned about the traffic congestion. So many large projects in the area which is generating lots of traffic, it is out of control.

Tom suggested a subcommittee.

Dave suggested that they need a traffic study first and comments from the towns public safety personnel.

Chip asked Chris Sparages what the open area ratio is because 30% is the bylaw, Chris replied that their open area now is 24%.

Mike feels that the traffic study seems intentional to delay the project. The process should have been started earlier.

Tom agrees it is frustrating.

Dave suggested they meet in two weeks to see if they have had a conversation with TAC and take the comments made tonight and come back.

Attorney Haverty agreed.

Dave moved to continue to February 28.

Joe seconded

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

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### **OTHER MATTERS:**

#### **400 AUDUBON ROAD – EXTRA SPACE STORAGE**

### **Attendees:**

Hussain Shakir – represented Extra Space Storage

Mr. Shakir explained that there is a name change/new owners.

They are changing the sign facing on two of the signs and they are proposing to add a sign over the office door to direct people and a small sign beside the door.

They are reducing the total sign package by removing two of the signs already on the building.

Chip said he is fine with this because they are reducing signage on the building, the rest of the Board agreed.

Dave made a motion to approve the sign package dated 8/16/23, prepared by Ezzi Signs as an update to the Boards previously approved signs. This Board is to retain jurisdiction of any sign changes according to the 2016 decision previously approved.

Joe seconded the motion

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

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### **APPROVE MINUTES:**

Dave made a motion to approve the minutes of January 10<sup>th</sup> and January 24<sup>th</sup> as written.

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

The meeting adjourned at 8:47 p.m.