



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN
JAMES H. MCBAIN
JOSEPH PRIDE
CHARLES L. TARBELL, JR.
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

REQUEST FOR CONTINUANCE:

(22-36) 259 VERNON STREET – DEREK & KRISTA POPEK

A request was made by Derek Popek to continue until May 11, 2022 to allow more time to provide additional materials.

Chip made a motion to allow the Popek's to continue to May 11, 2022 and Joe seconded the motion.

Voting members - Chip, Dave, Jim, Joe, Mike – all were in favor



MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

REQUEST TO WITHDRAW:

(21-40) 21 MANSFIELD DRIVE – LYDIA CICCONE

A request from Attorney Timothy Doyle to withdraw without prejudice. The matter was heard as part of a separate Petition at the Board's April 13, 2022 meeting.

Chip made a motion to grant the request, Joe seconded the motion.

Voting Members –Chip, Joe, Jim, Tom, Dave – all were in favor

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN
JAMES H. MCBAIN
JOSEPH PRIDE
CHARLES L. TARBELL, JR.
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

CONTINUED HEARING:

**(21-50, 21-51, 21-52) 200-400 QUANNAPOWITT PARKWAY – CCF QUANNAPOWITT
PROPERTY COMPANY, LLC.**

Purpose: Applications for Special Permits for a multi-family mixed-use apartment community with 485 residential units, associated parking and a restaurant use. (Now at 440 Units with a restaurant)

Attendees: Attorney Brian McGrail, Matt D'Amico, Eric Samuelson (Cube 3)

Discussions:

Attorney McGrail explained how they have been working with Jim McBain on architecture.

They have also been working with the Town Engineer, Chair Hatfield and Town Counsel on conditions.

Eric Samuelson of Cube 3 gave a presentation on the new architectural aspects of the buildings.

The biggest changes have been Building 3 elevations along route 95. The comments from the last hearing was that it looked like an office building. They gave it a more residential look. The other two ends of the buildings have been updated to carry the same design elements.

Jim noted that he had several meetings with Mr. Samuelson. He feels the building has been broken up on the route 95 side to look more like the side that faces the lake. Jim feels the architecture is there.

Dave asked for more elevations/renderings to get a good feel for what it looks like overall. They are still working on them, tonight they just wanted to show the changes to the side and ends of the buildings.

Gregg feels that the screening on the garage does not represent a true representation and he does not care for the look.

Joe asked if the equipment would be seen, Samuelson said there will be a small parapet.

Brian pointed out that in the packet that they received, was the Quannapowitt Pkwy plan. It was determined that there was not a need to present it again.

The materials booklet has also been submitted. But the Board wanted a review. Garage materials need to be in the booklet.

Brian presented the Land Preservation plan.

9.3 acres are preserved in perpetuity.

Utility Easements are 2.06 acres, they are also preserved. The lake path area of 1.29 acres and the path maintenance area of 4.06 acres are also preserved. They will also maintain the public/town land. They will have a professional landscaper and want to maintain the area at their own expense. An invasive species plan will be part of their plan and be part of the conditions.

Brian reviewed the conditions that were worked out with Town Counsel, Chair of ZBA and Town Engineer.

Brian said they have had numerous meetings with the Conservation Commission that have been very helpful, one of the things they requested was that the roadway is pulled back on the right of the building. It is not really noticeable. Brian thinks the Conservation Commission is ready to close out this hearing and asked if this Board is comfortable with the site. Chip said it is getting to the time when all the plans need to be reconciled and asked if they would allow Jim to work with the petitioner to make sure that all the right plans are consistent.

Jim asked if the last landscape plan is dated 3/31? The planting key does not match up to the plants or does not show irrigation. Plan L100 does not seem fully coordinated.

Site, landscape, garage materials, architectural plans all need to be coordinated.

Chip pointed out they need an O&M Plan

Chip feels in this case a phasing plan would be necessary. Also, they need a pre-construction meeting with all town officials and a condition on this also.

Chip wants to know more details on amenities. Chip offered to work off line with Matt D'Amico as to not take up time in the meetings. Greg feels that it should be more than just an off-line meeting and should be covered in the next meeting. Brian said they have been struggling with this, they cannot have a coffee shop because it is considered fast food and not allowed in the Limited Business District.

The Board agreed that Chip and Gregg will work off line in a public meeting discussing the amenities.

Next Hearing:

Update architectural

Garage material

Circle back on conditions

Elevations

Greg & Chip will report back regarding amenities

Noted by Dave – the voting members are - Dave, Jim, Chip, Joe and Tom

Plans Presented:

- Materials & Color Selection Booklet
- Order of Conditions
- Land Preservation Plan, dated April 27, 2022, prepared by Allen & Major
- Architectural Plans, dated April 22, 2022, prepared by Cube 3
- R.O.W. Layout & Materials Plan, dated 4/22/22, prepared by Allen & Major

Public Testimony:

Dennis Cloherty – 1 Harvest Road – shared his screen and displayed drainage reports, site plans and documents regarding how the water is coming close to his property.

The Board suggested that Matt and his team work with Dennis, Matt said he has met with Mr. Cloherty and walked the site. They have studied this and looked at his concerns and pointed out that Dennis has also been to the Conservation meetings.

The Board feels that it would be possible to close the hearing with just two more hearings.

Chip moved to continue to 5/11/22

Joe 2nd

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

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

NEW HEARING:

(22-52, 22-53, 22-54, 22-55) – 356 LOWELL STREET – NOURIA ENERGY CORP.

Purpose: Applications for Special Permits, Site Plan Approval, Variance and a Finding to allow the construction of a new gasoline station in conjunction with a retail store and fast food.

Attendees: Attorney McGrail, Michael Durant (Project Manager), Chris Tymula (Site/Civil Engineer), Heather Monticup (Director of Traffic Engineering), John Selle (Architect)

Attorney McGrail said they are going to the Traffic Advisory Committee this Friday.

Attorney McGrail said that he had received various Town Department memos and he and his client will be contacting and working with them.

Attorney McGrail gave an overview and some history of the existing property.

They want to upgrade the site – it is in disrepair.

They previously wanted a drive-thru coffee shop and applied with the Board last November but Nouria decided to withdraw that application and take another look at the site. They eliminated the drive-thru.

In 2001 they were approved and permitted by the ZBA for exactly what they are asking to do now. But because of the economy and other reasons they never moved forward with the site.

The site was presented.

Landscaping areas were presented

Chris Tymula focused on the proposed plan.

Just the 3 fuel tanks will remain on the site everything else will be razed.

They want to provide diesel fuel for small vehicles – no tractor trailers.

Their plan is to remove the chain link fence and install a stockade fence around the property.

Heather Monticup – traffic engineer for the project introduced herself and explained where they were at.

They have had a meeting with VHB and the Town Engineer.

The MBTA is upgrading their bus routes on Vernon Street and there are going to be changes to traffic signals and other changes at the intersection.

This site does not bring traffic to it, people driving by will stop in and then move on their way.

They will have more information once the TAC meeting is held on Friday

John Selle – gave an overview of the floor plan of the convenient store and said there is a space for a co-brand for a tenant that is to be determined.

For the exterior of the building, a 3D rendering was presented.

John pointed out what the materials on the outside of the building were going to be.

The fueling canopy was presented.

Signage was presented

Chip asked who Nouria was – he has never seen a gas station with that name.

There is a location at Logan airport and they have over 165 locations.

Chip said they have never allowed diesel before.

The band around the canopy looks like a space ship.

It looks like the Cumberland Farms down the road.

Chip would like to hear about their commitment to landscaping and would like to see a wall in the front.

He wants to see all the specs on the equipment – they are so close to the school it cannot be noisy.

Tom questioned if they need both curb cuts on Vernon Street.

The façade on the building on the Lowell Street side looks quite plain – could they make it more interesting.

He suggested they mention the curb cuts at the Traffic meeting on Friday.

Mike Feeley - his concern is the proximity to the school and having diesel. The least amount of trucks in the area of the school the better.

Joe asked if the gas station has diesel now.

Mike Durant responded that this site currently does not offer diesel. Joe agrees they should not allow it.

He is not a fan of the cinder block look of the building.

Joe asked if they looked into EV charging stations. Mike Durant said they looked into that and they do not have room on the site. There are certain requirements and they do not meet them.

Parking - 20 spaces are required, they are providing 30 spaces (includes 12 at the dispensers)

Dave read letters from Town Departments into the recoded

WMGLD – wrote a correspondence regarding EV chargers.

ConCom have some comments

An abutter across the street wrote a letter of concern.

Engineering has made comments

Greg – questioned counting parking spaces while they were at the pump, he feels they should not be counted into the spaces provided.

Jim – asked if there was an air station to fill tires. A location is not called out as of yet.

Plans Presented:

- Civil/Site Plans, Elevations, Floor Plans, prepared by GPI and Phase Zero Design, various dates prepared
- Traffic Impact Study Memo, prepared by GPI, dated March 21, 2022
- Stormwater Management Reports, prepared by GPI, revised to 3/24/22
- Traffic Impact Study, prepared by GPI, dated 3/21/22

Public Testimony:

None

Jim suggested conditions such as - no ice machines, bundles of wood or things for sale on the outside of the building

Tom moved to continue to 5/11

Chip 2nd

Tom, Jim, Joe, Chip, Dave – all were in favor

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN
JAMES H. MCBAIN
JOSEPH PRIDE
CHARLES L. TARBELL, JR.
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

OTHER MATTERS:

50 EMERSON STREET – 50 EMERSON, LLC

Attorney McGrail and Chris (the owner) were present – they are here for a minor modification.

The basement plan called for a staircase on the left of the building but because of the electrical equipment they need to move the location of the stairs.

They are requesting to move the staircase to the front of the property. It works best for the unit.

Chip asked to see a site plan.

The original site plan did not show the staircases or the stairs rapped around.

Dave would really like a detailed site plan to show how it all works and ties in.

Public Testimony

None

Chip moved based on the information presented this evening with the plans dated 3/14/22 he deems the change in the direction to come out the front of the building should be approved as a minor modification.

Tom 2nd the motion

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

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN
JAMES H. MCBAIN
JOSEPH PRIDE
CHARLES L. TARBELL, JR.
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

CONTINUED HEARING:

(22-39) 596 NORTH AVENUE – o NORTH AVE WAKEFIELD, LLC

Purpose: Comprehensive Permit to Allow a 38-Unit Residential Dwelling

Attendees: Attorney Jesse Schomer (Legal Team), Dana Lopez (Property Owner), Chris Sparages (Site/Civil), Peter Sandorse and Andrew Jones (Architects)

Joe Pride recused himself – Chair Hatfield put him in the zoom waiting room

Discussions:

Attorney Schomer requested that they get more into architecture with a subcommittee but tonight they will show the building pulled back and rotated.

They will be in front of TAC.

They have been in contact with Elaine Vreeland and the Commission and Elaine is reaching out to Mass DEP to clarify whether the wetlands that passes through their land is a public water source and if it is Zoned A, the outcome will affect the way the stormwater runs through their site. But they have already accounted for that and Chris will show that in his presentation.

Also, being determined is the stream that runs along the property, it has to be determined whether it is perennial (river protection act) or intermittent (they believe it is intermittent).

Elaine also offered to participate in the working group subcommittee hearings as a representative of the Commission. (Commission members are not allowed to attend)

Chip asked Dave the status of getting the MHP consultant. They have not been assigned a consultant yet – Dave said he was asked by MHP if the meetings were virtual or in person so he knows they are working on assigning someone.

Chris Sparages presented his very detailed Site/ Civil/Stormwater and wetlands presentation

After the presentation the Board members expressed their opinion that they did not like this new site plan and felt it was similar to what they had seen in the previous two hearings.

Some of the comments:

- If the building was smaller it would not be so cramped
- It needs to step into the neighborhood
- Too dense
- Break the building down/transition it

Chris pointed out that the building next door at 598 North Ave has 18 units and is built on 15,000 sq. ft. of land and at 600 North Ave there are 24 units built on less buildable land, they have over an acre of buildable land and they do not feel it is cramped.

Greg said their land is not totally functional and it is not apples to apples, they are building into a neighborhood. The neighbors have very serious concerns.

Public Testimony:

Dennis Cloherty – 1 Harvest Road – presented various site plans and his findings on water flow from the site to the lake and into the Harvest Road neighborhood.

Christine Vasapoli – 9 Walcott St

After the second building was built she starting getting water.

She asked if this property would have a basement and would they put up a bond to ensure they wouldn't get more water.

Jim and Tom volunteered to be the subcommittee to work on architecture.

Next Hearing

- Working group will give an update on architecture
- Discuss TAC hearing

Plans Presented:

- Revised Site/Civil plans prepared by Williams & Sparages

Tom moved to continue to 5/11

Greg 2nd

Tom, Greg, Jim, Chip, Dave – all were in favor

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN
JAMES H. MCBAIN
JOSEPH PRIDE
CHARLES L. TARBELL, JR.
THOMAS J. LUCEY, ALTERNATE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

OTHER MATTERS:

(19-23) o TARRANT LANE – Discuss Status of the Project

Dave Hatfield explained to the petitioners - Attorney Jesse Schomer, Anthony Bonacorso (owner of the project), Chris Sparages (site/civil engineer) and Rob Shafer (architect) that if they are going to change anything on the plans that have been approved by this Board, they have to come back.

Jim explained that when he was reviewing the building permit set of plans a retaining wall was on them, landscaping was changed and dumpster location was changed.

Jim understands why these changes may have been made but they have to understand that they have to come back to this Board and he will not sign his name to approve them for a building permit. They need to come back for a minor modification.

Attorney Schomer gave a brief status of the project:

COVID delayed the project.

Grading and blasting is taking place.

Mass Housing should be approving in 4 to 6 weeks.

Attorney Schomer said it was their intention to come back to the Board for these changes.

They would like to come back to the Board at their May 25th hearing with all the changes.

Jim said the set of drawings should never have been submitted for a building permit and wasted his time.

Chip said he was the one that first saw the retaining wall and never would have approved it.

Chris said that the retaining wall was always on the plans along with corresponding materials and two types of blocks.

Jesse asked the Board to sign off on foundation permits only and they will come back to present the changes. The foundations will take 4 months to build.

Jesse said the Building Inspector said if the Board gives him the green light he will give foundation permits out. But then they admitted changes.

Anthony Bonacorso – said he directed his team to go through Jim's list. The footprint of the building has remained the same that is why they are asking for a foundation permit so they are not further delayed. If they do not get a foundation permit it will be catastrophic.

Dave will reach out to the building inspector tomorrow to see if he does in fact want to give them foundation permits.

Continued to May 25th

MEETING MINUTES

MEETING MINUTES

Wednesday, April 27, 2022 – 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 David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Gregory McIntosh

APPROVE MINUTES:

Chip made a motion to approve the minutes of April 13, 2022.

Joe 2nd

All were in favor

The hearing adjourned 10:51 p.m.