



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, May 25, 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 Joseph Pride

REQUEST FOR CONTINUANCE:

(22-35) 6 WINSHIP DRIVE – WILLIAM & PHYLLIS CATON

A request was made by Attorney Brian McGrail to continue this matter until June 8, 2022. The tenant has vacated the premises and the Building Inspector has requested to inspect the premises to confirm the same. A request to extend the time for the Board to render and/or file a decision on this matter until July 31, 2022 was also made by Attorney McGrail.

Chip made a motion to continue to 6/8/22 and Joe seconded the motion.

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

Chip made a motion to grant an extension of time to render and/or file a decision until 7/31/22 and Joe seconded the motion.

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



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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

REQUEST FOR CONTINUANCE:

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

A request was made by Derek Popek to continue until June 8, 2022, they have finalized the plans and are awaiting guidance from the Building Inspector.

Chip made a motion to allow the Popek's to continue to June 8, 2022 and Joe seconded the motion.

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

REQUEST FOR CONTINUANCE:

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

A brief memo was presented by Attorney Jesse Schomer updating the Board on the progress with the ZBA subcommittee.

A request was made to continue to the June 8, 2022 hearing.

Chip made a motion to grant the request to continue to June 8th, Joe seconded the motion.

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

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

REQUEST FOR CONTINUANCE:

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

A request from Attorney Brian McGrail to continue until June 8, 2022.

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

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MICHAEL L. FEELEY, ALTERNATE

Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

NEW HEARING -CONTINUED

(22-64, 22-65, 22-66) 237 WATER STREET – WATER STREET WASH J.V. REALTY TRUST

A request from Attorney Brian McGrail to continue until June 8, 2022, his client had a conflict and could not attend the hearing tonight.

Chip made a motion to continue to June 8, Joe seconded the motion.

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

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Not Present:

AMI WALL, CLERK

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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), Stef Theall, Allison Desbonnet

Discussions:

Since the last meeting

- A full size copy of landscape plans were delivered to the Board – Chip agrees it is a pretty extensive plan, but wonders how it will be built, Attorney McGrail suggested that at the end of the project an as-built from Copley Wolff Design which will be stamped and certified that it is according to the plan. Chip likes that idea. Tom noticed that some of the trees are only 1 ½ inch caliber. Allison Desbonnet explained that there are larger

caliber trees on the plan but those smaller ones are in conjunction with what the Conservation Commission would like because they are in the vegetation area. The Board discussed re-using the rain to irrigate the areas not being irrigated by sprinklers. They want the plan updated because it claims all areas are being irrigated. Allison said a lot of the planting beds are rain beds and do not have to have irrigation.

- O&M Plan - Tom Lucey had mentioned at the last hearing that all the conditions in the decision, order of conditions and O&M Plan were scattered and needed to be organized. They have been working on that. The maintenance of the public area is still being worked on. Brian feels he has really tightened up the conditions and grouped them together. The Board asked if the preservation plan was approved with The Friends of the Lake. Brian explained that someone reached out to the Town Administrator wanting to make sure that the language is in the conditions. Tom Mullen is working on language and tightening them up more to satisfy the Friends of the Lake. Gregg agrees he wants to see the full O&M. Brian said it should be ready for the next meeting, and Tom Mullen should be ready with his comments. Chip wants a sequencing plan, he wants to know if Building 1 is finished do they want an occupancy. They all agreed that there will be a condition and when the permits are issued they will have a better idea.
- Matt said on Tuesday May 31st they should have all final plans.
- The working group subcommittee had another meeting regarding amenities. Matt D'Amico gave a presentation. They have created a public terrace and moved the public restrooms. There could be food trucks, bike stations, community space, public community events, anyone can come to the community space to work. Gregg explained that all this met what he and Chip were looking for. Gregg likes the direction it is going in, it brings the community connected with the project. The restaurant will be on the other side of this public area. John Sullivan explained that they are always working to try new activities like picnics, movie nights and food trucks they have the staff on hand full time to do all of this. Gregg said that CCF just needs put these ideas on a plan and make the commitment. They need to show what materials are being used and how big that public space will be.

Allison Desbonnet presented the trees and vegetation along the garage which is on the highway side. Chip would like to see the plantings planted at the beginning of the project not in year 3.

Eric Samuelson presented different options on the garage.

The Board likes Option 2 – they want to see the materials and dimensions and they want them put on a plan.

Punch List

Tom Mullen's rap up on conditions

O&M Plan

Amenity area

Landscape plan update

Sequencing condition

Public Testimony:

None

Plans Presented:

- Draft Order of Conditions
- Land Preservation plan, dated April 22, 2022, prepared by Allen & Major Assoc.
- Landscape plans, dated May 6, 2022, prepared by Copley Wolff Design Group

Chip moved to continue to June 8th and Joe seconded
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Not Present:

AMI WALL, CLERK

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NEW HEARING:

(22-59) 45 VALE VIEW ROAD – JENNIFER & JASON LEON

Purpose: Variance for an above ground swimming pool in the side yard and reduce the side yard setback requirement.

Attendees: Peter deBernardo from Gibraltar Pools

Discussion:

Peter from Gibraltar pools gave a presentation.

The pool has to go in the side yard because of the slop and rocks in the backyard. Next to the garage there is a privacy fence so the pool will not be visible from the street.

There are two aspects to the variance – side yard and it is closer to the side lot line.

Joe asked if they talked to the neighbor to the right. Peter said there is a 6 foot fence and the neighbors have been notified.

Public Testimony:

None

Plans Presented:

- Plot Plan prepared by Gloral Associates, dated 3-23-22.

Chip moved to grant a Variance and allow the pool to go into the side yard as well as have a 7.5 setback based on the topography and shape of the lot, this is the only place the pool can go.

Tom seconded the motion

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

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

NEW HEARING:

(22-60, 22-61) 80 COMMON STREET – FIRST BAPTIST CHURCH OF WAKEFIELD

Purpose: Special Permit and a Party Aggrieved of a decision from the Building Inspector to reconstruct a church and a day-care facility that was destroyed by a fire

Attendees: Attorney Brian McGrail, Douglas Dry, Elaine Pappas, John Ogren, Kim Barnett, Treff LaFleche, Naomi Cottrell

Jim McBain recused himself and was put in the waiting room

Douglas Dry – Pastor of the Church spoke to the Board regarding what they have planned for the church.

Brian gave a presentation on the project goals and project phases, they expect completion by Christmas of 2023.

The size of the new church is smaller than the original church 7,724 vs. 11,700

John Ogren presented site details

Naomi Cottrell – presented the landscaping plan

Kim Barnett - presented floor plans –

She explained that in Phase 1 the First Floor will consist of the sanctuary, fellowship hall, offices, kitchen, and bathrooms

The second floor will be open space except for the mechanicals

Phase 2 – second floor will be classrooms and a meeting room. They will have to raise money to finish the second floor and cannot say how long that will take.

Renderings were presented

Proposed elevations were presented

Materials are very traditional, clapboard siding, aluminum windows

Brian presented the zoning table and the relief needed.

John Ogren met with the Town Engineer and had discussions on drainage and the Engineer wanted an expansion on their findings. They submitted a memo late today with other conditions.

Chip is struggling – he does not see why there should be a lot of debate about this project. They are making it smaller, they would like a day-care which they already had. They can condition that they meet the requirements of the Engineering/DPW Department.

All the Board members agreed it is substantially not more non-conforming.

Dave read letters into the record from Town Departments

Dave asked if they are contemplating putting a cell tower in the steeple in the future. Brian said yes, they are contemplating and Kim Barnett said it is in the churches future to have a cell tower, so they are designing the steeple in such a way to accommodate a carrier.

Chip asked what is happening to the bell – Elaine Pappas said it is very fragile and they are going to be very careful to pick it up and transport it to a proper place outside.

Brian also asked the Board to extend the time of the Special Permit to be exercised to over a year. They have to raise over a million dollars to finish the 2nd story which is in Phase 2.

The Board said they would be willing to give it a year after occupancy.

Public Testimony:

None

Plans Presented:

- Civil Drawings, prepared by Hayes Engineering, dated 3/29/22
- Landscape Drawings, prepared by Crowley Cottrell 3/29/22
- Architectural Drawings, prepared by LDa Architects, dated 3/29/22

VOTE: Chip moved to allow the church to build on the current site as presented by the plans from Hayes Engineering and LDa Architecture dated 3/29/22.

Condition is that they meet all DPW requirements, and if they cannot come to a resolution they have to come back to this Board.

DISCUSSION ON MOTION – Greg clarified based on its religious use any subject to our zoning regulations would be unreasonable

Tom 2nd amended motion

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

VOTE: Chip made a motion to overrule the building inspectors denial based on height and parking spaces and other requirements under our bylaw and to allow it to be built under 190-53 because it was destroyed by fire and it is not more substantially non-forming and the abandonment clause does not apply as stated.

Tom 2nd

Voting Members - Chip, Tom, Joe, Greg, Dave – all in favor

VOTE: Chip moved to grant a Special Permit to allow a day-care to be built as Phase 2 of the project and allow it to be extended 1 year after the occupancy permit is issued.

Tom 2nd

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

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

NEW HEARING:

(22-62, 22-63) 200 WATER STREET – RD&D, LLC

Purpose: Finding and a Special Permit to change, extend and/or alter a structure or uses and for reductions in parking

Attendees: Attorney McGrail, John Ogren, Dennis Cataldo (owner)

Attorney McGrail explained that a public safety use is being proposed which is allowed by right. They are applying for a finding because the property is located in the flood plain and they are also applying for a Special Permit for parking.

This site was previously approved by this Board for an auto repair.

Cataldo Ambulance has been operating at this location for about 1 year. They are a low maintenance use, and when they pull out to go on a call they do not put their sirens on.

They are going to upgrade the property and do substantial renovations.

John Ogren presented a colored rendition of the site plan.

Chip would like to see more landscaping. But if they did they would lose parking spaces.

Dennis Cataldo said that there is exactly enough parking spaces for 8 employees and ambulances.

There was much discussion about a planter and adding a couple of trees.

Brian presented the design of the building.

Public Testimony:

None

Plans Presented:

- Floor Plans and Elevations, prepared by J. Bradley Architects
- Site Plans, prepared by Hayes Engineering, dated 4/20/22

Chip moved to continue to 6/22

Tom seconded

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

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

NEW HEARING:

(22-67, 22-68) 1 HICKORY HILL ROAD – DAVID H. BARRETT

Purpose: Finding and Variance to raze and rebuild a legal non-conforming 3-family

Attendees: Attorney McGrail, Dave Barrett, John Ogren, Joe Barrett

A 3-family non-conforming dwelling is currently on the property. The address had previously been 13 Greenwood Street. Brian showed the Board the Assessors records.

They have already been to the Planning Board on this property to divide the lot. The plan was endorsed by the Planning Board in November.

They want to raze and rebuild the 3 family dwelling and they need a Variance for 3-stories. They could bring the building down to 2 ½ stories but they would have to blast and/or hammer because of the topography.

The Board wondered if they could step the building down or find another way to keep it at 2 ½ stories.

John Ogren presented the existing conditions and proposed site plan.

Chip said it is a very boring building and Jim agreed.

They showed the rendition and Joe Barrett said he didn't think it looked bad.

Chip still thinks they could be more creative.

Greg pointed out that by them saying they are dealing with lot width issues - they made the lot the way it is.

The Board wants them to look at different ways to position the dwelling.

Public Testimony:

Karen Daily – 12 Greenwood Street – she is glad they are keeping the buffer and wall. But could the new owners of these condos take out the wall and trees. How much blasting, she works from home. Brian said the intent is preserving the trees and the buffer and a new owner can do whatever they want but in this instance they need the wall for the topography, it would ruin it. Joe said it would take away their privacy. Ms. Daily also asked where the extra square footage was coming from – was it from the added story. The zoning table was shown, it is a mixture of building coverage and the 3rd story.

Ms. Daily asked about removing trees, blasting and if a sidewalk would be installed. Brian said they are happy to meet to answer some of her questions.

Plans Presented:

- Existing and Proposed Site Plans with Zoning Table, prepared by Hayes Engineering, dated 2/8/22
- House Elevation, prepared by Shane Structures

Tom moved to continue to 6/22

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

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

OTHER MATTERS:

(21-29, 21-30, 21-31) 500 MAIN STREET – SANTANDER BANK

Attendees: Attorney Brian McGrail and Bob Santonelli

Attorney McGrail explained that Ben the Building Inspector is fine with code issues, they would like to meet their June 13th commitment.

Bob said the building department is ok but has to meet the requirements of the ZBA.

The landscaping will be started tomorrow.

The issue on the lot is that it has to be graded and paved.

The Bank needs to know by June 13th. They need a Temp CO by then to train the employees.

Jim visited the site on Tuesday, they were pouring sidewalks, and rough asphalt is down. A few trees are there and the vacant lot has not been hydro seeded and the irrigation is not in yet.

Jim feels if Ben is fine with life/safety then how does this Board make sure they will finish the work.

Brian pointed out that Bob owns several properties in town and keeps them meticulous.

To be finished

Final pavement

Landscaping

Signage for parking lot-directional

Brian will draft a letter and revisit on 6/8 with the Board on the progress

Tom 2nd

Voting Members - Chip, Tom, Joe, Jim, Dave – All in favor

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

OTHER MATTERS:

(21-12, 21-13, 21-14) – 610 SALEM STREET – FLORI REAL ESTATE INVESTORS, LLC

Attendees: Attorney McGrail and Peter Sandorse

Peter explained as 610 Salem was developed, they had to change some windows.

All the window changes are on the 4th floor.

Peter presented the changes.

Jim suggested that these changes be a minor modification and approved by this Board – they all agreed.

Motion made by Gregg

Tom seconded

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

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

OTHER MATTERS:

69 FOUNDRY STREET – FOUNDRY STREET DEVELOPMENT

Brian McGrail reminded the Board they are still holding back 5 units.

Ami and Jim said all requirements have been met except for two trees.

The infrastructure on Lake Street was an issue and they needed approval from Conservation, the work will start in July.

Bill Renault, the Town Engineer is recommending that the Board release all but two of the units.

Jim pointed out that the material to do the work is on site.

Greg pointed out that there would have to be a new release document to be able to release the three units and hold back two, because it is recorded at the registry. Tom Mullen would have to look at the release.

Tom Lucey is ok with releasing 3 units, the Board agreed.

Dave made a motion to release 3 units.

Tom seconded the motion

Voting members - Greg, Tom, Joe, Jim, Dave – all in favor

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Not Present:

AMI WALL, CLERK

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OTHER MATTERS:

168 ALBION STREET– NRP GROUP/HARVARD MILLS

This building has been on a temporary CO

Jim did a final walk through and all the plantings are in, the court yard is done, Jim recommends they close this issue.

A motion was made by Tom that Dave could write a letter to Building Inspector that all conditions have been met and a final CO can be issued.

Greg seconded the motion

Voting members - Tom, Greg, Jim, Joe, Dave – all were in favor

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Not Present:

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

APPROVE MINUTES:

Tom made a motion to approve the minutes of May 11, 2022
Greg seconded
All were in favor

The hearing adjourned 12:00 a.m.