



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, June 8, 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 7:00 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 withdraw without prejudice. Chip made a motion to allow the Caton's to withdraw without prejudice and Joe seconded the motion.

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



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CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

### **Not Present:**

AMI WALL, CLERK

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### **REQUEST FOR CONTINUANCE:**

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

A request was made by Derek Popek to withdraw his petition without prejudice. Chip made a motion to allow the Popek's to withdraw 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:**

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

A request from Attorney Brian McGrail to continue until June 22, 2022.

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

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

A request to extend the time for the Board to render and file any decisions until August 30, 2022 was made by Attorney Brian McGrail.

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

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

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MICHAEL L. FEELEY, ALTERNATE

### **Not Present:**

AMI WALL, CLERK

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### **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 22, 2022

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

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

A request to extend the time for the Board to render and file any decisions until August 30, 2022 was made by Attorney Brian McGrail.

Chip made a motion to grant the request, 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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### **OTHER MATTERS:**

#### **o TARRANT LANE – A/K/A 89, 91, 93 & 95 HOPKINS STREET**

A request from Attorney Jesse Schomer to continue this matter until June 22, 2022. One of the members of the design team was unable to attend.

Chip moved to continue to June 22, 2022, Joe seconded the motion.

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

A request was also made by Attorney Schomer to extend the Board's timeline for review of this matter pursuant to 7960 CMR 56.05(11)(b) from June 23 to July 7, 2022.

Chip moved to extend the timeline as requested. Joe seconded the motion.

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

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### **Not Present:**

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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, Allison Desbonnet

### **Discussions:**

Attorney McGrail said that they feel the plans they submitted are the final plans and understand that the Board is probably still reviewing them.

Matt D'Amico updated the Board on the amenity plans (which are already in the plans that have been submitted). Public Restrooms and Public Safety space has been called out. There will be food and drink options for the public along with WIFI.

The space will be closed at night.

The Board thought there would be public WIFI throughout the whole project. They feel very strongly about having WIFI in the public areas.

Allison Desbonnet gave a presentation on the landscape areas in the public plaza and the poured concrete with a pattern. Also, concrete plank pavers will be used. A fire pit is included. Chip and Greg want a cut sheet with exactly what materials they are using. Allison said during the development stage is when they present exact materials. Brian would like this reserved and subject to the Boards approval prior to a building permit or prior to them building the plaza. Jim wants more detail once the design in this area is finished. Greg asked if Chief Skory had seen the location of the Police area.

Matt pointed out that the elevations are very detailed.

The materials booklet will be updated with the garage materials - perforated Metal Screen but it needs to be added to the booklet.

Allison presented the irrigation plan.

Chip is concerned about the area in front of the building along the lake not being irrigated. Chip wants a commitment that if having no irrigation makes the area look bad they will install it. Jim would like a copy of the irrigation plan presented tonight. Brian said it will be part of the O&M.

Gregg asked about the reuse of rain water. Allison explained that the rain gardens provide reuse of the water.

Conservation's goal is to be in sync with this Board as far as their conditions go. They are concerned about the preservation land. CCF has hired an expert in this field to work with everyone.

Tom Mullen is working on conditions with this Board and Conservation Commission.

Brian suggested that as they get closer to the building permit it will be easier to put together a construction management plan and O&M Plan and asked to defer.

Chip's concern is the maintenance of the property when CCF takes ownership, will they care for the property and the lawn. The current owners are not maintaining the property. Matt said provided they are approved by this Board they are expected to own the property in the early fall. When it becomes an asset of theirs they have companies that work on their properties. But until they own it there is not much they can do, Chip disagrees, and Dave said CCF cannot control the property if they do not own it. Greg feels the owners can be approached, Matt said there is not much they can do.

Jim asked if they intend on taking down the building soon after they own the property. Also, signage will have to be placed around the construction site.

Tom wants to make sure that the Town coordinates with CCF regarding keeping the road open.

**Outstanding Items:**

Meeting with Town Counsel, will have final conditions for the next meeting

O&M conditioned as discussed tonight

Public space, WIFI

Garage materials

All materials for all walkways not just the amenities

Run the public safety area by Chief Skory

Final material booklet

Supplemental irrigation plan

Colored landscape/irrigation plan

What kind of benches

Brian asked Dave if Jim could go over the plans to see if they are missing anything, Jim and the Board agreed.

**Public Testimony:**

None

Dave read into the record a correspondence from 100 Quannapowitt Pkwy (abutters) (see the file). They are now in support of the development.

**Plans Presented and/or Given to the Board for Review:**

- Irrigation Legend Plan, prepared by Copley Wolff Design Group, dated 4/8/22
- Civil Site Development Plans, prepared by Allen & Major Associates, revised through June 2, 2022
- Landscape Site Development Plans, prepared by Copley Wolff Design Group, revised through 5/31/22
- Architectural Plans, prepared by Cube 3, revised through 5/31/22

Chip moved to continue to June 22, Joe 2<sup>nd</sup>

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



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### **Not Present:**

AMI WALL, CLERK

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### **OTHER MATTERS:**

**(22-16, 22-17, 22-18, 22-19) 347 Main, 357 Main and 3 CHESTNUT STREET – THE SAVINGS BANK**

Present - Attorney McGrail, Tom Galvin (architect)

In reviewing the building permit plans Jim McBain picked up a few changes that have been made since being approved by this Board.

Tom Galvin presented the changes –

- On the side elevation, the construction drawings shows that they added panels and cut a vertical line. There are no changes in materials.
- The elevation on the Odd Fellow side of the building is for a mechanical intake, they needed to leave 5 ft.
- Banding around the building has changed to look better.

Jim feels all the changes are minor and the Board agreed.

**Plans Presented:**

- Revised plans prepared by LYF Architects, revised on January 28, 2022

Chip moved that the three changes presented tonight are minor modification and shall be approved. Joe seconded the motion.

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

A copy of the updated plans will be given for the record and a memo will be written to the Building Inspector by the Chair Dave Hatfield.

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### **CONTINUED HEARING:**

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

Attorney Schomer gave a brief description of the subcommittee meetings.  
Tom Lucey, Jim McBain, Rebecca Davis, Ezra Glen all attended the subcommittee meetings.

Attorney Schomer presented a plan that they are still working on with the subcommittee the new plan shows sections of the building pulled back and staggered to try to fit into the neighborhood better.

Ms. Davis said the Conservation Commission would not approve the last plan that was presented to the Board. The retaining wall is moved closer to the building and away from the 25 foot buffer.

Phoenix Architects are still working on fitting and designing the building to fit in with the neighborhood.

Chip commented that the footprint is still too big for the site.

Jim said they have given Peter some direction to pull the building in tighter.

Ezra Glenn - the most important thing is that the Board support the subcommittee and all their hard work. Ezra said the effect of pushing the building back is that it is closer to the buffer. He reminded the Board that they have a footprint problem because they took a story off. He questioned if they should put the story back on. Jim said taking the floor off did not change the footprint.

Chip said to Ezra reducing the number of units is the way to reduce the footprint.

The subcommittee is meeting June 16<sup>th</sup>, Jesse would like to continue to 6/22.

**Plans Presented:**

- Grading & Drainage Plan, prepared by Williams & Sparages, revision date 6/1/22

Chip moved to continue to 6/22, Tom seconded

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

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### **NEW HEARING:**

**(22-71) 48 WAVE AVENUE – STEPHEN E. WRIGHT**

**Present:** Attorney David Lucas, Steve Wright

Mr. Wright owns the property and he has an undersized lot it is 6,000 sq. ft.

Attorney Lucas presented where his shed is now and if he were to install it according to the bylaw it would be in the middle of his yard.

The site plan was shown.

They are asking for a variance and a finding.

The neighbors closest to this property have signed an e-mail that they are in support of the shed being placed close to the lot line.

### **Public Testimony:**

None

**Plans Presented:**

- Pictures
- Plot Plan, prepared by Gloral Associates, dated 2/28/22

Chip made a motion to Find that what is being proposed and presented tonight is not more detrimental to the neighborhood as a non-conformity.

Joe seconded the motion

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

Chip moved to grant a Variance to allow the shed to be placed closer than 7.5 ft.

Joe seconded the motion

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

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### **Not Present:**

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### **OTHER MATTERS:**

#### **431 WATER STREET – T-MOBILE**

Adam Braillard representing T-Mobile

They are proposing to update the tower at 431 Water Street – it is a tree tower.

They will not exceed the current height.

Mr. Braillard presented the plans and explained that they would be removing six panel antennas and one dish and replacing with nine like-kind panel antennas and twelve remote radio units with six new like-kind RRUs on the existing mono-pine style tower. They will also replace a radio cabinet and add a battery backup cabinet on the existing concrete pad with a fenced compound.

No substantial changes are being made to the site.

This is an upgrade to move to 5G capability.

No public testimony

Chip moved to grant the administrative finding according to the plans as presented tonight by Attorney Adam Brillard of Prince Lobel and the plans prepared by Hudson Design Group LLC, dated February 9, 2022 at the 431 Water Street site.

Joe seconded the motion

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



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### **Not Present:**

AMI WALL, CLERK

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### **OTHER MATTERS:**

#### **271 VERNON STREET – VERIZON WIRELESS**

Audra Maher represents Verizon Wireless

Ms. Maher presented plans that showed that they would be replacing three antennas and six radios and installing three new antennas, three radios and three coaxial cables within the existing facility.

No public testimony

Chip moved to allow the existing wireless telecommunications facility located at 271 Vernon Street, the Methodist Church as presented tonight, according to the plans prepared by Hudson Design Group LLC, dated September 24, 2021.

Joe seconded the motion

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

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### **Not Present:**

AMI WALL, CLERK

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### **OTHER MATTERS:**

105 & 109 Hopkins Street – WAKEFIELD VISTA APARTMENTS

Present to represent the Vista Apartments is Ian Schenkman part owner of the Vista. They are proposing to change parking and trash

Mr. Schenkman presented his proposed plan.

They are trying to resolve parking challenges they are having on the site. Chip asked if they still charge for parking, Ian replied yes, Chip asked if the garage was full. Ian said the parking garage is pretty full.

Chip is all for more parking, Tom is for it if the garages are in fact full.

Dave isn't particularly happy about taking green space away but he knows parking is a problem in the area.

Ian said that the abutters have been notified.

Dave asked the Board if they think these changes are a minor modification.

He also explained to the Board some time limits that are involved because this was a 40B project.

Greg pointed out that it is not a public hearing and they do not have to hear anybody. But Dave wanted the person raising his had to be allowed to speak.

### **Public Testimony**

Michael Soper - 1 Summit Towers

He is an abutter to the property.

He objects to what they are doing to add more parking in the curved area. The cars will back up onto Summit Drive and it will be dangerous.

It will take up all the green space

He has been requesting from the building inspector to send them a cease and desist from parking on Summit Drive and in the Summit Tower's parking lot.

They have had to hire a towing company to tow cars from their property.

Deputy Fire Chief Tom Purcell has told them not to park there because they cannot get fire trucks into their apartment building. Mr. Soper also stated that he had not received any notice from Wakefield Vista of these parking changes as stated by Mr. Schenkman.

Ian said they have not removed any handicap parking. They have not received a letter from the Fire Department.

The Disability Commission has reviewed the complaint is going to issue a letter.

Mr. Soper has spoken to the management company at Wakefield Vista many times and they said they would enforce the parking problem but they have done nothing.

Chip feels that there is a bigger problem with this site than they all know about.

He feels that they are in default of the O&M Plan. He feels there should be a public hearing so that all the abutters are notified.

Tom feels they need to hear from the Disability Commission.

Greg suggested that Mr. Schenkman extend the 20 days and talk to his neighbors because Mass Housing Committee can override them and say it is not a substantial change.

Mr. Schenkman said they are aware that there are parking challenges, they are trying to resolve them. They feel adding parking is the solution to this problem. He feels that to delay the issue would delay the problem.

Chip said that if Mr. Schenkman really wants to help the neighbors than two weeks until the next meeting will not matter to him. He can look into the signage and handicap spaces and talk to

the fire department, this problem has been going on since day 1 and if he wants to work cooperatively with all parties they can delay in two weeks.

Greg feels that Fire is ok with the parking spaces next to Summit Drive but would like to hear it from them.

Greg made a motion to Continue to June 22, 2022 to discuss whether the changes are substantial to the Board.

Tom 2<sup>nd</sup>

Greg, Dave, Jim, Joe, Tom

Greg moved that Mr. Schenkman agreed to extend the time for this Board to render a decision from 20 days to 30 days which would be July 2, 2022.

Tom 2<sup>nd</sup>

Greg, Tom, Jim, Joe, Dave

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### **Not Present:**

AMI WALL, CLERK

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### **BOARD COMMENTS:**

The Board decided to keep the same summer hearing schedule as last year – July 13 and August 17.

### **APPROVE MINUTES:**

Chip made a motion to approve the minutes of May 25, 2022

Tom seconded

All were in favor

The hearing adjourned 10:18 pm