



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, June 22, 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 7:02 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 TO WITHDRAW:

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

A request was made by Attorney Brian McGrail to withdraw the petitions without prejudice. Greg made a motion to allow the petitioner to withdraw without prejudice and Joe seconded the motion.

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



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### **Not Present:**

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

### **OTHER MATTERS:**

#### **17 PARK STREET – KEITH J. BERNARDO AND NICOLE J. BERNARDO**

Attorney Brian McGrail represents the Bernardo's.

In 2021 this Board approved the Bernardo's to convert their 2-family dwelling to a 3-family dwelling.

Because of supply chain issues the project has had delays, they are requesting to extend the Variance and Special Permit for 6 months.

Tom moved to grant a 6 month extension to exercise the Variance & Special Permit until December 29, 2022, Greg seconded the motion.

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

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### **Not Present:**

AMI WALL, CLERK

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### **OTHER MATTERS:**

**(21-29-, 21-30, 21-31) 500 Main Street – MBAR WAKEFIELD - Santander Bank**

Attorney Brian McGrail represents MBAR Wakefield

They currently have a temporary 30 day occupancy and have had some difficulties with construction, the parking lot was put in at the wrong elevation and had to be ripped up.

Attorney McGrail is requesting that one member of the Board work with the Building Inspector and that the temporary occupancy allow personnel and include the general public.

Greg feels it is more complicated – what will make them finish the work that needs to be done if they are open for business.

Jim said there is some signage that is incomplete, and he wondered what is temporary when they are open.

The Board appointed Jim to be the liaison and when satisfied the Chair will write a letter to the Building Inspector that all conditions have been met.

Greg moved to designate Jim McBain to be the point person and be the liaison to report back to the Chair. Joe seconded the motion.

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

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### **OTHER MATTERS:**

**(21-79) 38 Rear Walton Street – Diane Sullivan, Trustee**

Attorney Brian McGrail represents the petitioner

They came to the Board in 2021 for a Finding to raze and rebuild a single family dwelling, it was approved by the Board.

When Jim McBain reviewed the plans that were submitted for the building permit he noticed some changes.

Brian said they feel the changes are minor, they even made the house smaller.

Brian presented the changes.

Jim feels this is a minor modification and gives it a thumbs up.

Dave asked about a new plot plan.

Jim said they need an updated plan and an elevation set for the ZBA file and Brian said he will have Hayes update the Plot Plan.

Jim made a motion to allow this to be a minor modification and is outlined in his memo of 5/16/22.

Joe seconded the motion

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

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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

### **Discussions:**

Attorney McGrail explained they have had working meetings with Chairman Hatfield, Town Counsel, and CCF Counsel to come up with the wording of the conditions.

Brian ran through the conditions and there were a few minor wording changes.

Jim wondered when CCF would start caring for the Town owned land along the lake.

Matt D'Amico presented the updates in the materials booklet, the only change is the materials for the garage.

Jim was appointed the designee to review all the plans and he is satisfied with them.

The final plans are dated:

Site Plan 6/2/22.

Landscape 5/31/22

Architectural 5/31/22

Irrigation 5/31/22

The Conservation Commission is expected to close tomorrow night – 6/23

Chip suggested they vote at the next hearing, he would like the Board to go through all the notes & minutes and plans one more time between now and the next hearing to make sure they have not missed anything.

Dave agrees, and any inquiries can go through him and he will forward them to the applicant.

Chip requested draft findings and motions and the applicant agreed.

Voting Members will be – Dave, Tom, Jim, Joe, Chip- they all said they would be present at the next hearing.

**Public Testimony:**

None

Chip moved to continue to July 13 and Joe seconded the motion

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



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### **CONTINUED 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)

### **Discussions:**

Attorney McGrail said they have updated their plans since the last hearing.

At the last hearing they were asked to:

1. Beef up landscaping
2. Look at specifications of the cooling/heating equipment
3. Façade material was too plain
4. Asked to talk to TAC about the diesel component
5. Transformer location and how they would get power – underground or overhead
6. Possibility of an air station

Chris Tymula presented the updated site plan:

- They added a retaining wall in the corner of the entrance
- And have a landscaping plan
- Transformer location and pad was on the site plan
- Air tower is on the plan
- A landscape island was added
- Landscaping was changed out to provide change of season plantings
- Bill Renault was on site two times and the site plan represents some of his comments, they are also working on a correspondence to him.
- There will be an underground service to the transformer.
- They have committed to Bill Renault a contribution of \$5,000 to repair the roadway.
- The details of the retaining was presented.

Chip asked why there are no trees on the site.

The Board wants them to take another look at locations where they feel more trees can be added.

Also, more granite curbing should be added.

The Board reminded them that any plantings should have irrigation.

Jim wants restrictions on what would not be allowed to be sold on site for example fire wood, propane.

Brian said they would like to find a spot for a cooler to sell ice. Mike Durant said an ice storage chest would be on the side or located in the back of the building and only accessed by employees. The ice is sold in the store. It is more of a storage area for the ice for overflow.

Parking requirements –

Required 20 spaces – they have 30 spaces including 12 spaces at the dispensers. At the last hearing the Board did not feel the dispenser parking should be counted. Brian found a case study from Wellfleet that found that it is reasonable to count dispenser parking. Greg wants proof that this applies to our bylaw.

Chip is against them having diesel. They are near a school and it seems like a bad corner and having big box trucks and landscaping vehicles come in and out is not a good idea.

Mike Feeley recommended that they do not advertise diesel on the highway. Mr. Durant said they could live without a sign advertising it.

The Board agreed to table the diesel issue.

Heather Monticup met with the Traffic Advisory Committee.

The VHB has requested that they contribute \$25,000 to repair the lights at the intersection.

The vehicle detection system has not been working correctly.

Attorney McGrail said that the TAC recognized the need for diesel and this area is not conducive for large trucks, they have no issue for the diesel request.

Nouria feels it is necessary for their business to run properly to have diesel.

An elevation of the materials was presented by Chris Tymula. Chip does not like all the bollards around the building.

The Board does not like the back of the building which faces the school and all the mechanicals that can be seen.

Specs on the mechanicals were explained. They are right on the edge and Chip suggested getting an acoustical engineer to do a study. They need noise deadening, and need decimal readings. Mike Durant agreed they will do a study.

Chip asked if TAC took under consideration the drop off and pick up of the school. Parents currently park in this lot.

Heather Monticup said they do not plan on restricting parking on the site if there is available parking at the time parents are picking up their children. Nouria wants to be a good neighbor.

Jim asked them to follow up to see if their lighting is Dark Sky compliant.

Also, Jim wants them to look at the signage heights and size calculations on the free standing signs compared to what they had previously approved.

**Public Testimony:**

None

**Plans Presented:**

- Proposed Site Re-Development Plans, prepared by GPI Engineering Design, revision date to 6/15/22
- Letter to the Board from GPI (Chris Tymula, P.E.) , dated June 16, 2022
- Memo from VHB to Lt. Joseph Anderson, dated June 13, 2022

Chip moved to continue to July 13, Joe seconded

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

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### **Not Present:**

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

### **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), Ezra Glenn (MHP Consultant), Chris Sparages (Civil/Site), Peter Sandorse (Architect)

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

### **Discussions:**

Attorney Schomer explained since the last hearing they have had one more sub-committee hearing with Mr. McBain and Mr. Lucey and had taken into account the Boards last comments regarding the massing of the building.

Attorney Schomer showed the progress they have made from the beginning of the hearing, through the subcommittee hearings by presenting all the renditions and modifications they have gone through and where they are at now. He also reminded the Board they are halfway through their 180 days for this petition and need to start covering other aspects of this project.

Peter Sandorse explained how he reallocated some of the units and reconfigured to give another 6 feet horizontally.

The Board still feels it is too much and too dense.

Ezra reminded the Board that a 40B is usually not what this Board usually would approve. The too dense is not something they can erase. There are not many reasons they can deny the project.

Jesse suggested that because there is just 2 months left of hearings, they should start moving forward with other issues such as landscaping, how it fits in with the neighbors and other issues.

Greg pointed out that the unit count is an issue, maybe not with the developer but it is with the neighbors. Jesse said they totally understand and it is up to them to mitigate this impact on the neighbors.

Dana Lopez – the owner – suggested putting another story in the back that would not be seen from the front of the building. Jim is not a big fan of doing that.

Dave and Greg feel they should move onto architecture, they need to be mindful of time constraints and cannot spend any more time on this, they have a lot more to cover.

Jesse asked the Board to move forward with the subcommittee to work on architecture and other aspects of the project.

**Public Testimony:**

Jamie Leupold – 21 Fielding Street

Is there anything else that they can do to make it fit into the neighborhood? It is still too long, can they make it narrower.

Jake Connelly – 2 Fielding Street - One thing left out is the parking spaces. He is worried about people parking in front of his house.

Jesse replied they are going back to the TAC in July.

**Plans Presented:**

- Survey & Layout Plan, prepared by Williams & Sparages, revision date through 6/17/22
- Grading & Drainage Plan, prepared by Williams & Sparages, revision date through 6/17/22
- Floor Plan prepared by Phoenix Architects

Chip moved to continue to July 13, 2022 and Tom seconded.

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

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### **Not Present:**

AMI WALL, CLERK

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### **CONTINUED 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)

### **Discussions:**

Brian explained that they have had a site visit and a meeting with the Conservation Commission because they are in the river front area.

John Ogren gave a presentation and said it is the same presentation that they are going to give to ConCom tomorrow night.

They made revisions to the plan since the last hearing based on comments from Conservation, Engineering Department and this Board.

They moved pavement back to add plantings and a rain garden, added a pea stone filter. There is a 42" pipe that runs through the river so they pulled the rain garden off of the pipe. They reduced the curb cut to 20 feet and away from the river. They can add a small landscape area to the left and add a tree, and in another area there will also be a tree added. They are allowing

approx. 2,300 sq. ft. near the river to go back to its natural state and remove the gravel that was there for parking. They will only have a small area for day parking use.

The Board is fine with this updated plan and would like them to come back to the next hearing after meeting with ConCom.

**Public Testimony:**

None

**Plans Presented:**

- Site Plan presented by John Ogren, Hayes Engineering

Chip moved to continue to 7/13/22 and Tom seconded

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

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### **Not Present:**

AMI WALL, CLERK

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### **CONTINUED 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

### **Discussions:**

The Barrett's walked the property with the abutter Karen Daily and some of the other neighbors and were explained what the project was going to look like.

They have made some changes.

John Ogren presented the site plan.

The building footprint has been altered. They moved the end unit entrance and stepped back the units.

New architectural drawings were presented.

They moved the entrance facing the Hickory Hill side of the building and staggered the building to give it more detail.

Jim wants more detail on landscaping.



Chip and Joe agree more trees will soften the look.

**Public Testimony:**

None

Dave read a letter from abutter's into the record. The letter was sent via e-mail on 5/25/22 from Vanessa & Christopher Rea-Marcel.

The Board wants to hear from Engineering and have more detail on landscaping.

**Plans Presented:**

- Site Plan, prepared by Hayes Engineering, dated 6-17-22
- Elevations, prepared by Shane Structures (no date)

Chip moved to continue to 7/13/22, Joe seconded the motion

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

Brian requested an extension of time to render a decision to August 31<sup>st</sup>.

Chip made a motion to accept the request to 8/31 to render a decision

Joe seconded

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

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### **Not Present:**

AMI WALL, CLERK

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### **NEW HEARING:**

**(22-69, 22-70) o GREENWOOD STREET, A/K/A o CHERRY LANE – NGHI LUU**

**Attendees:** Nghi Luu

**Purpose:** Variance to reduce front yard setback and a Variance to allow a third story

### **Discussions:**

Mr. Luu was in front of the Board a couple of years ago.

He would like to build a single-family dwelling.

Mr. Luu explained that he is requesting a front setback to 10 feet to better protect the wetlands.

He has gone through Conservation and been approved.

He is also requesting a 3<sup>rd</sup> story because he is not building a basement. He will do a concrete slab so not to disturb the wetlands.

Mr. Luu presented a picture of a 3 story home in the neighborhood.

Mr. Luu presented his site plan and his elevations.

Chip asked for the conditions from ConCom.

Dave read a letter from Elaine Vreeland and the minutes from the Conservation Commission.

Dave also read a letter from Engineering.

Luu said the height of the building will be under 35 feet.

The Board pointed out that there are many errors in the zoning chart on the site plan

Also the site plan indicates the bank not embankment

Jim said the elevations need measurements and more details. The Board would like stamped architectural drawings.

The Board also pointed out that according to Section 190-41 of the bylaw – a single family dwelling needs 2 parking spaces.

**Public Testimony:**

Susan Palmer – 123 Greenwood Street

She was not notified from ConCom of their meetings.

She is concerned about the drainage that is now on her side and she is very concerned about the water being dispersed in her direction. She gets water now. She is concerned about building so close to the stream.

Alex Mednick – 118 Greenwood Street

He is curious at how large the building is. Why can't it be a little bit smaller? Mr. Luu told him that Conservation approved the footprint of the house. He feels this is a modest size house.

The Board wants the site plan corrected and the elevations to show more details. They also feel it would be a good idea for Mr. Luu's surveyor to be present at the hearing.

**Plans Presented:**

- Proposed Plot Plan, prepared by PFS Land Surveying, Inc., dated 4/27/22
- Elevation, unknown preparer, no date on plan

Chip moved to continue to July 13, 2022 -Joe seconded

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

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### **Not Present:**

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

### **OTHER MATTERS:**

#### **(19-23) o TARRANT LANE**

**Attendees:** Attorney Jesse Schomer, Chris Sparages, Robert Schafer, Elliott Brandage, John O'Connor, Anthony Bonocoroso

The petitioners are before the Board because there have been changes to the approved plans and they feel they are minor modifications.

Attorney Schomer explained that Mass Housing issued their finding on June 1<sup>st</sup> – this is a new entity Tarrant Lane Development LLC

The foundation work is underway as well as site work.

The regulatory agreement has been finalized and recorded at the registry of deeds. Which means the 173 units can now be counted toward Wakefield's 10% affordable housing.

Tonight insubstantial changes to the approved set of plans will be demonstrated.

Chris Sparages presented the changes to the updated site plan vs. the approved plans.

Dumpster location has changed

Chris said the retaining wall was always on the plan but the symbol was different. The height of the wall is 3.8 feet high.

A drainage pipe has been changed to accommodate a regrading effort and they got together with the adjoining abutter to better grade and eliminate a large retaining wall.

Area drains to accommodate for ADA requirements were added.

Number of parking spaces have not changed and there are 7 less compact spaces.

Parking lighting height has changed from 15 to 16 feet high to accommodate and balance out the lighting.

Bollard lighting fixture styles have changed.

The final sign design will come back to the Board.

They did not change the areas that were approved with granite.

Chip said all these changes happened without this Board's knowledge. They went into agreements with the Vista and made all these retaining walls and site changes and he said they are substantial changes.

Jim feels Chip is correct – there was a line on the plan but it did not denote retaining walls.

Elliott Brundage – Landscape Architect

A lot of landscaping has changed because of the construction changes and because of lighting issues.

Chip was not happy

Robert Schafer – presented material changes and changes in elevations on all the buildings

John O'Connor said that the 3<sup>rd</sup> party reviewer is almost done with their review and building permits should be issued soon. They were waiting for this Board's approval.

Dave made a motion that the changes presented tonight were insubstantial

So moved by Tom

Seconded by Joe

Voting Members - Greg, Jim, Dave, Tom all in favor; Chip voted NO – not in favor

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### **Not Present:**

AMI WALL, CLERK

Legal Notice Read by Joseph Pride

### **OTHER MATTERS:**

#### **105-109 HOPKINS STREET – WAKEFIELD VISTA APARTMENTS**

**Attendee:** Ian Schenkman – Partner and Vice President

Since the last hearing the Board has received correspondences from:

- Chief Sullivan and Deputy Purcell
- Michael Soper – the abutter
- Bill Renault - Commission on Disabilities

Ian presented areas on the site plan that are going to be changed. He feels that they have adjusted the concerns of all parties.

Ian said they are working on additional signage and also putting back the signs that were removed.

Michael Soper said he withdrew his objections to the plans and now agrees with them, the parking situation should improve.

Chip moved that the changes are insubstantial Joe seconded the motion  
Voting members - Joe, Dave, Jim, Chip, Tom – all in favor

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### **Not Present:**

AMI WALL, CLERK

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### **OTHER MATTERS:**

#### **894 Main Street - Dish Wireless**

Rod Kirby from Crown Castle was present to represent Dish Wireless  
Mr. Kirby explained that T-Mobile and Sprint merge and Dish Wireless is the now 4<sup>th</sup> major supplier.

Mr. Kirby presented the plans:

- Adding 3 antennas and 6 remote radio heads on the existing monopole
- Adding a 5 x 7 foot cabinet on a metal platform within the existing fence

Dish will be the 5<sup>th</sup> carrier on the pole

Dave made a motion that adding 3 antennas and 6 remote radio heads with associated equipment according to the plans prepared by Hudson Design Group, dated April 21, 2022, at the location of 894 Main Street and this request satisfied §6409 of the Middle Class Tax Relief and Job Act of 2012.

Greg so moved, Jim seconded

Voting members - Dave, Greg, Jim, Joe, Tom – 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

Legal Notice Read by Joseph Pride

### **OTHER MATTERS:**

#### **14 AUDUBON ROAD – AT&T**

Timothy Green represents AT&T and Crown Castle

Mr. Green explained that they are replacing 12 antennas and adding 1 remote radio head to the existing tower.

Mr. Green presented the plans.

Dave entertained a motion to approve the request according to the plans prepared by B+T Group, dated May 4, 2022 at the location of 14 Audubon Road and this request also satisfies the standards for an "eligible facilities request" in accordance with § 6409 of the Middle Class Tax Relief and Job Act of 2012.

So moved by Tom. Joe seconded

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



## **MEETING MINUTES**

Wednesday, June 22, 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 7:02 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

### **APPROVE MINUTES:**

Tom made a motion to approve the minutes of June 8, 2022

Greg seconded

All were in favor

The hearing adjourned 1:09 a.m.