



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, August 17, 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 7:03 pm

Roll Call by David Hatfield, Chairman

In Attendance:

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

Legal Notice Read by Ami Wall

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, Peter Sandorse, Steve and Andrew (Architect), Ezra Glenn, Elliott Brundage, (Landscaping)
Joe Pride recused himself – Chair Hatfield put him in the zoom waiting room

Discussions:

Jesse updated the Board on the progress they are making with the subcommittee, since the last regular hearing they have had two subcommittee meetings regarding architecture. They feel there is substantial progress made. The building has been refined significantly. They have made



the building look more residential to blend into the neighborhood. A significant amount of landscaping has been added.

Peter Sandorse explained the changes:

- Changed the gables and bays
- Vertical and horizontal siding (hardy plank), metal roof
- Different colors to soften the appearance (four different color schemes for the Board to decide on)
- Added a covered entry in the back
- More amenities in the rear with lots of landscaping

Jim McBain reminded the Board they had 4 stories when this project first started, now they are down to 3. Jim has suggested a light soft yellow color to blend into the neighborhood, he has driven around the neighborhood and feels it blends in best with white and gray.

Tom said this site has always been to transition into the neighborhood and he agrees with Jim.

Jim suggested samples be sent to the Building Department for review to get the real sense of the true colors.

Ezra pointed out that in the renderings the trees are missing and the right and left side of the building have been pushed back. He reminded the Board to focus on the middle part of the building. He wanted everyone to get a sense of how the building is stepped back.

Gregg feels the entrance on the front of the building with the gables make it loom over the neighborhood.

Attorney Schomer explained the intention was to draw the eye to the center section to take it away from seeing the sides.

Elliot Brundage presented his landscape plan:

- Keeping street trees – there are 3 red maples and planting more
- Pavers on walkway, retaining wall with plantings
- Bench seating areas facing the lake
- Pavers continue to parking lot, a bike parking area was located
- Evergreens and flowering trees will be planted to screen
- A snow storage area and a fence on the retaining wall to buffer the Knights of Columbus property
- A fire pit, grill area and benches will also be part of the amenities in the rear of the building

Chip asked what would happen if they made a cobble stone driveway where the walkway is for visitor parking and promote an arched driveway replicating an old house, which is what this looks like.

It was determined there was not enough space.

Chip reminded Jesse that they require granite curbing on all projects, Jesse will remind Chris Sparages.

Jesse said he has been trying to get a meeting with TAC, he believes it will be at the end of the month.

Ezra reminded the Board about extending the time for the board to render a decision. Attorney Schomer will submit a letter extending the time to extend the deadline to close the public hearing until October 31, 2022.

Public Testimony:

None

Plans Presented:

- Elevations and floor plans by Phoenix Architects, dated August 17, 2022
- Updated landscape plans prepared by Elliot Brundage.

Chip made a motion that pending receipt of a letter to accept Attorney Schomers offer to extend the public hearing until October 31, 2022 – Tom seconded

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

Chip moved to continue to September 14, 2022 and Tom seconded.

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

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REQUEST TO CONTINUE:

(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), John Selle (Architect), Robert Connick (Sound Consultant)

Discussions:

Robert Connick presented the results of his sound study:

A survey was done using Mass DEP regulations and criteria

They used acoustic modeling and measurements

The results for daytime vs. nighttime were presented to the closest neighbors and the levels were below the day and nighttime level requirements.

Tom Lucey asked how they would be able to tell if the sound mitigation turned out to be wrong and then also asked if they could go out to the site to see what 45 dBA sounded like. Mr. Connick said he felt it could be feasible to do that.

Dave said that a sound study could always be done after the fact and it could be a condition in the decision.

Ami said it would be interesting to see what the effect would be when the kids are out in the playground.

Greg said that from what he looked up, 45 dBA's sound like a moderate rainfall.

John Selle presented the 8 foot sound barrier plans that will be around the rooftop mechanical equipment. Selle presented renderings of the building, the sound barrier will not be seen until you step away further from the building. The screening will be seen from the school.

Chris Tymula presented the changes on site/civil plans:

- Spill kick container for emergency spills
- Ice storage shed (not for customers)
- CO₂ Tank with fence enclosure
- 6 ft. fence running along the side and back of the property – solid vinyl fence. The chain link there now will be removed.
- Parking spaces marked
- Granite curbing is being called out
- Landscaping plan now has 6 added trees
- Signage plan now represented the correct height of the signs – 17 feet (but signage will be discussed at a later date)

They had a meeting with Bill Renault and feel that the Engineering Department is all set, they are just waiting for a memo stating that.

Chip said that signage has not been fully discussed and he asked the Chairman if Jim could meet and work outside of the hearing with the applicant to see if they need relief. Brian said that would be very helpful and Dave Hatfield and Jim agreed.

The Board discussed the sale of diesel. An 18 wheeler could not get to the pumps because the canopy is not high enough. Chip is ok with them selling it, he feels that only box trucks/landscapers will use it. He does not want a sign on the highway stating diesel is sold. The rest of the Board members also agreed.

Public Testimony:

None

Next Hearing:

- Signage
- O&M

- Draft Conditions
- DPW approval letter/memo

Plans Presented:

- Proposed Site Re-Development Plans, prepared by GPI Engineering Design, revision date to 8/10/22
- Sound Study Report to Michael Durant from Robert Connick, dated August 10, 2022, updated to August 16, 2022
- Colored Elevations prepared by Phase Zero Design, dated 8/11/22

Chip moved to continue to September 14, Tom seconded
Chip, Tom, Jim, Joe, Dave all in favor

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CONTINUED HEARING:

(23-5, 23-6, 23-7, 23-8) 198 ALBION STREET – 198 ALBION STREET REAL ESTATE LLC

Purpose: Special Permits, Site Plan Approval and Variance to Allow a 10 Unit Garden Apartment Building with a Combination of Other Uses Including retail/service establishments and/or restaurant

Attendees: Attorney Brian McGrail, John Ogren, Peter Sandorse and Steve DeFuria, Giancarlo Tiberi (Owner)

Discussions:

Attorney McGrail updated the Board on a few outstanding matters:

1. It is expected that TAC will look at this project at their next meeting.
2. John Ogren is working with the Towns Engineering Department on drainage and other aspects like test holes.

Steve DeFuria presented the floor plans and elevations:

- First floor retail space – 800 SF; Flex space 366 SF
- 10 total units – 8 (1 Bedrooms) – 2 (2 Bedrooms)

- Total 10,200 SF
- Covered parking in the rear
- Roof deck amenity space

They are going for a historical look to blend in with the neighborhood. Materials were presented.

Jim was concerned about how the signs on the building will be lit.

They will have to discuss how the back lights are lit.

Dave wondered if some gooseneck lighting might look nice over the signs.

Chip would like a sound attenuation system for the rooftop mechanicals.

Dave wants to see sample materials, the different kinds of bricks being used may look different from each other, Chip agreed.

Dave read/summarized a letter from a resident on Auburn Street (Ms. Robin Greenberg). (See letter in the file)

Public Testimony:

None

Next Hearing:

Site/Civil

Update Architecture

Maybe TAC

Plans Presented:

- Proposed Elevations and Floor Plans and proposed Materials prepared by Phoenix Architects, dated August 17, 2022

Chip moved to continue to September 14, Tom seconded

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

Chip moved to accept the applicant's invitation to extend the time to render a decision until October 31, 2022 – Tom seconded

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

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NEW HEARING:

(23-10, 23-11) 16 OVERLOOK ROAD – NICHOLYN DEPAOLO

Purpose: Request for a Variance and a Determination and/or Finding related to an addition to be constructed onto the existing Dwelling

Attendees: Attorney Brian McGrail, Nicholyn and Michael Depaolo

Discussions:

The Nicolyn's would like to do a modest addition onto their house.

They have support from their neighbors.

Brian presented the architectural plans – it is a single story addition, which will be a sunroom.

Brian presented before and after pictures of their house. They have already done significant work to their house over the 9 years they have owned it.

Brian presented the site plan and the uniqueness of the lot – it is a corner lot, which is curved. They meet lot frontage and lot area, the only relief they do not meet is the side set back which triggers the Finding (which is really a front setback because it is on a Connor lot and has two

fronts). The Variance is triggered because of the rear yard setback (need a 5 foot variance). There is a hardship because of the shape of the lot.

Brian presented the letter of support signed by the abutters.

They feel there will be minimal impact on the neighborhood and not be more detrimental.

Public Testimony:

None

Plans Presented:

- Plot Plan of Existing Conditions and Proposed Conditions, prepared by PFS Land Surveying, Inc., dated June 27 and revised through August 12, 2022.
- Architectural drawings/elevations
- Letter of Support from the neighbors

Chip moved to Find that what is being proposed tonight is a continuation of a non-conformity due to the side yard setback. The sunroom does not affect that side at all, it does however intensify the existing non-conformities, but is not substantially more detrimental than the existing nonconformities to the neighborhood.

Ami seconded

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

Chop moved to grant the Variance and reduce the rear yard setback from 25 feet to 20.16 feet, because of the shape of the lot and the positioning of the sunroom it is the only place it can go.

Ami seconded

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

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NEW HEARING:

(23-12, 23-13) 20 DEXTERS LANE – THOMAS GUERRIERRO & STEPHANIE E. GUERRIERRO

Purpose: Request for a Finding and a Variance to construct an addition onto a single-family dwelling

Attendees: Attorney McGrail, Tom and Stephanie Guerriero, John Ogren

Discussions:

Attorney McGrail presented a pictures of the street and the location of the Guerriero's property at the end of the road.

They would like to put a sunroom off the kitchen area, which would be on the side of the house.

Brian showed the property from Google Map, which is close to Route 128 and surrounded by trees.

The site plan and zoning table was presented. Side yard is where the Variance comes in. The non-conformity is the frontage and lot width and lot area.

The uniqueness and hardship is that it is financially infeasible to put the addition anywhere else.

Public Testimony:

None

Plans Presented:

- Plot Plan prepared by Hayes Engineering, dated June 2, 2022
- Architectural drawings/elevations prepared by Blackdog Builders, Inc., dated June 8, 2022

Chip made a motion to Find that the addition will not be more detrimental to the neighborhood or exasperate the non-conformities as listed in the zoning table by Hayes Engineering, dated June 2, 2022.

Ami seconded

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

Chip made a motion to grant a Variance related to the same addition to be constructed onto the building and allow a 7.5 setback as shown on the site plan.

Ami seconded

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

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NEW HEARING:

(23-14, 23-15, 23-16, 23-17) 369-371 MAIN STREET – KINGMAN BLOCK, LLC

Purpose: Request for a Determination and/or Finding, Special Permits and Site Plan Approval to allow a 20 unit Mid-Rise Apartment Building with a Mix or combination of other uses including restaurant, professional and business offices.

Attendees: Attorney Brian McGrail, Bill Thibeault (principal of the property), Rick Salvo (site/civil), Evan Stellman (architect), Scott Thornton (traffic consultant and not present tonight)

Brian familiarized the Board with the building, it was the old Santander Bank.

The property is technically two lots, which they are proposing to combine.

The back of the building is where they are proposing to build the 20 residential units.

Brian gave the Board some history of the property.

This property had several offers and potential buyers and most of them wanted to take the building down. But Mr. Thibeault fell in love with the building and wants to restore it and is proposing 20 units in the rear with parking under, the buildings will not be connected. They are proposing a restaurant in the bank section of the building and keep the high ceilings and would like to keep the offices upstairs.

Brian presented some of the projects that Mr. Thibeault has bought – he restored the old Brookline Bank, it is a marijuana dispensary; 601 Newbury Street, Boston, 71 residential units has been permitted and he is planning on building it; 603 Washington Street, Boston, converted into 36 residential units; 162 Boylston Street, Boston, converting into residential units and restoring the building.

He has a track record and the means to do a project like this.

Rick Salvo gave a presentation on site/civil

- 19,370 sq. feet of land
- Construct a podium style parking that would house 20 residential units – 4 stories
- 28 parking spaces and maintaining one-way onto Albion Street and two-way traffic on Chestnut Street
- New location of transformer
- Limited snow storage on site
- Setbacks were presented

Evan Stellman presented the architecture

- All of the units will be two bedroom units
- Exterior elevations were presented
- Cedar siding and white cement would be the exterior materials
- Some of the units will have balconies
- Proposed renderings were shown
- Overview of materials were presented

Ami wanted to remind the development team that Wakefield is a suburban town, most of Mr. Thibault's projects have been in urban areas.

Tom Lucey would like to look at something that showed a view of the other surrounding buildings to get more of an idea of the height and he would like to understand how the parking would work with residential units and office space.

Also, how the residential units on top of the business on Albion Street would be affected with these residential units facing them.

Mike Feeley said he feels that this is what the downtown area needs. He feels that maybe they could think out of the box and instead of offices put something cultural in.

Dave Hatfield feels that the style of the apartment building does not fit in with the downtown area.

Chip does not want to deal with architecture or anything else until he understands the parking.

The parking table was shown – 97 spaces are required – 28 are being proposed.
43 of the spaces are needed for the offices alone.

Brian likes the comments the Board is giving them, he said this is a work in progress and they needed to start somewhere.

The Board likes the idea of something cultural on the second floor and they will consider other uses.

Gregg feels the second building needs to be scraped and started over, maybe look more like the project at 198 Albion Street.

Jim feels the same way, the architecture does not do it for him.

Joe Pride is with Ami, Greg and Jim he would like the apartment building to blend better and is concerned about the parking.

Dave read correspondence into the records.

Public Testimony:

None

Plans Presented:

- Site/Civil plans prepared by Engineering Alliance, dated 7-15-22
- Floor Plans and elevations prepared by Khalsa Design, Inc, dated 7-15-22
- Material Board, prepared by Khalsa Design, Inc., dated 7-15-22
- Arial View prepared by Khalsa Design, Inc., dated 7-15-22

Discussions for the Next Hearing:

Parking concerns

Office use or other uses

Design and size of the building

Chip moved to continue to September 14, Joe seconded

Chip, Joe, Jim, Ami, Dave – all in favor

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NEW HEARING:

(23-18) 151 BROADWAY – EMANUEL SEVEN LLC

Purpose: Request for a Determination and/or Finding to Construct an Addition onto the existing two-family dwelling.

Attendees: Attorney Brian McGrail, Darguin Fortuna (Architect)

Discussions:

There has been an issue whether this is a one or two family dwelling. It is in the general residential district where two family dwellings are allowed. The Assessor's office has had it listed as a two family for many years.

When they went to the building department they were told it was a single family dwelling, they had no record of it being a two family.

They are putting dormers on and building an addition onto the back.

Brian presented the zoning table.

Public Testimony:

Amy Clay – 149 Broadway – direct abutter

She has a question about the retaining wall in the rear. Construction has already started, they constructed a retaining wall that while being constructed pushed her fence and it does not cover the area that was covered before. It was agreed that Darguin would meet with her and take a look.

Also, the current driveway is graded toward her house and there may be a potential for water to run onto their property if they increase the space or pour more cement.

Derek Gerry – 152 Broadway – He agrees that anything is an improvement over what is there now. His concern is the way it is going to look, he feels like it will look like more than a two family. He feels it is a radical change. Chip said the front is staying the same. Mr. Gerry said the orientation of the house on the side will change. Mr. Gerry feels it is a duplex being dropped into the neighborhood. There are many historical homes on the street and this changes the integrity of the street.

Greg pointed out that they are here to make a Finding and what they have to determine is if the addition is more detrimental, they cannot decide on the design, they do not have a leg to stand on. Mr. Gerry's point is that even though it is a two family no one can tell that it is, after this is built it will stick out and look like a huge two family.

Plans Presented:

- Plot Plan, prepared by AGH Engineering, dated February 21, 2022
- Architectural Plans prepared by Flow Design Architects, dated 7-27-22

Chip made a motion according to the plans presented tonight that the non-conformity of lot frontage and lot width are not being changed at all and does not intensify and even if one of these dimensions was to be found to be worse it is not more substantially detrimental to the neighborhood.

Ami seconded

Chip, Jim, Joe, Ami, Dave – all in favor

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NEW HEARING:

(23-19) 143 ELM STREET – RKACO, LLC

Purpose: Request for a Determination and/or Finding to Reconstruct a Single-Family Dwelling

Tom Lucey is an abutter and recused himself – Dave put him in the zoom waiting room

Attendees: Attorney Brian McGrail, Rob and Russell Ahern (owners)

Discussions:

The Ahern's pulled a permit to raze the house, they were told by the Building Inspector they may have to go to the ZBA, but their engineer told them they could build the house by right.

When they went into the Building Department to pull the permit to build the house, Ben told them they had a non-conforming lot and needed to go to the Zoning Board.

Brian presented the zoning table on the site plan.

The architectural plan was presented

Lot frontage and width are the only non-conformities

Chip said he finds the site plan very confusing and he also went by the site and it is a mess. He is trying to understand what they are trying to do with the retaining walls, he asked what is staying and what is going? There is also a stone wall that is falling down.

Russell Ahern said in the front of the building as well as the back of the building there are stone retaining walls and there is not much of them left. The intention is to eliminate the existing stone walls and install versa-lock walls.

The driveway opening now is 22 feet, but Brian warned the Building Inspector may want it to go down to 20 feet.

Public Testimony:

Chris DeAngelis – 144 Elm Street – his concern is the front retaining wall that is there now, it has dirt and knawel that belongs to the Town so when the wall and stairs are gone will people park there?

Mr. Ahern said the new retaining wall will be pushed back a little and seeded. Brian said it will be an enforcement issue of the Town to make sure no one parks there. Chip said there will be more parking spaces on site then there was.

Rob Rosenberger – 141 Elm Street – he asked how far out they would be excavating and will the bushes on the side remain. He does not want to see additional runoff of water onto his property. He is angry that the design of the property is not in front of the neighbors. Chip suggested that Brian and his clients meet with the neighbors. Brian agreed.

Brian also explained what the Zoning Board could and could not approve and where their jurisdiction is.

Plans Presented:

- Plot Plan prepared by Benchmark Survey, dated July 28, 2022
- Architectural Drawings/Elevations, dated January 12, 2022

Chip moved to Find that the reconstruction of a single family dwelling as proposed tonight according to the plot plan presented does not exasperate the current non-conformities and if it is found that it does it is not more detrimental to the neighborhood.

Ami seconded

Chip, Ami, Jim, Joe, Dave – all in favor

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OTHER MATTERS:

200 Water Street – RD&D, LLC

This project was approved at the last hearing but there were items that needed to be buttoned up and finalized.

Below are the items requested?

Detail on the lighting

O&M Plan

Landscaping plan after meeting with ConCom

John Ogren presented updated landscaping on the plan, the plantings are called out and a note has been added.

A post and rail fence has been added on the plan that ConCom requested.

Chip thinks the site plan needs to be updated to not show the parking of the 4 cars in the back, he said that ConCom does not want to allow it and the site plan should reflect that and be the same. Brian said ConCom conditioned it in their decision. But Chip really wants both site plans to match. Brian pointed out that ConCom said they could have picnic tables and utilize the area

but they cannot park vehicles in that area. Dave and Brian agreed to put something in the ZBA decision.

They are coming back on signage, but are showing the surface and scone lighting and also the lighting on the other canopy is down lit.

A spec sheet on the lighting is available.

The O&M Plan was presented. The Board was ok with it. But they agreed that item 3 will also be added in the decision.

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OTHER MATTERS:

451 MAIN STREET – CVS – Signage

Sandra Moore from MellerZell, signage representative for CVS

Ms. Moore presented what was approved years ago.

The signage is in bad disrepair and it is time to change them.

Ms. Moore presented photos of the new proposal.

Ms. Moores said the original company that worked with CVS has all the original files so they are working with what they can find/archive. She said if this Board has access to high resolution photos they are willing to use them.

Jim does not mind that all the photos are not of Wakefield, if they are historical that would be ok. The Board agreed.

Chip moved to approve the CVS sign package presented tonight dated 7-28-22 and prepared by MillerZell.

Ami seconded

Chip, Jim, Ami, Joe, Dave – all in favor

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OTHER MATTERS:

63 BAYSTATE ROAD – AT&T

Timothy Greene is here tonight to represent the applicant, AT&T C/O Crown Castle USA.

AT&T is an existing carrier on the site.

Mr. Greene explained that currently the facility consists of panel antennas, remote radio heads, tower mounted amplifiers and surge arrestors at a height of 90 ft. They also have an equipment shelter on the ground near the tower.

AT&T is proposing to replace 6 antennas, add 3 antennas and replace the antenna mounts.

Dave entertained a motion to grant the request as presented tonight in accordance with the plans prepared by B+T Group, dated July 15, 2022, at the location of 63 Bay State Road.

This determination satisfies the standards for an "eligible facilities request" of an existing wireless tower or base station in accordance with §6409 of the Middle Class Tax Relief and Job Act of 2012.

Chip so moved, Ami seconded

Chip, Ami, Jim, Joe, Dave – all in favor

MEETING MINUTES

Wednesday, August 17, 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 7:03 pm

Roll Call by David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

AMI WALL, CLERK

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Legal Notice Read by Ami Wall

CLERK/BOARD COMMENTS:

REORGANIZATION TO NOMINATE AND APPOINT CHAIR AND CLERK TO THE BOARD

A motion was made by Charles Tarbell to nominate and reappoint David Hatfield as Chairman; David accepted the nomination and Ami Wall seconded the nomination and the reappointment. THE BOARD VOTED: All unanimously in favor

A motion was made by Charles Tarbell to nominate Joseph Pride as Clerk; Joseph accepted the nomination and Ami Wall seconded the nomination and appointment to clerk. THE BOARD VOTED: All unanimously in favor

MEETING MINUTES

Wednesday, August 17, 2022 – ZOOM HEARING

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Call to Order 7:03 pm

Roll Call by David Hatfield, Chairman

In Attendance:

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AMI WALL, CLERK

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Legal Notice Read by Ami Wall

APPROVED MINUTES:

Chip made a motion to approve the July 13, 2022 minutes as written.

Greg seconded

Chip, Tom, Joe, Jim, Greg, Dave – All in favor

The meeting adjourned at 12:15 a.m.