



MEETING MINUTES

Wednesday, January 11, 2023 – 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

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

THOMAS J. LUCEY

JAMES H. MCBAIN

JOSEPH PRIDE, CLERK

CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

OTHER MATTERS:

A Presentation by Jim Hogan, Vice Chair of the Planning Board and Erin Kokinda, Wakefield's Director of Community & Economic Development, regarding the State's 3A Multifamily Zoning Act. (See the Planning Board's portion of Wakefield's web page for details on the presentation).

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REQUEST FOR WITHDRAWAL:

(23-37, 23-38) 171 WATER STREET – KeoKel, LLC

A request from Attorney Michael McCarthy to withdraw the petition of KeoKel, LLC without prejudice. No public hearing was opened in relation to this matter.

Chip made a motion to accept the withdrawal without prejudice request.

Joe seconded the motion.

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

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OTHER MATTERS:

117 ALBION STREET – PRE-APPLICATION

Attorney Brian McGrail represented the petitioner.

Attorney McGrail explained that he and his client will be filing a formal application with the Board in the near future to have a Sushi take-out restaurant on the site.

They are here tonight to request a waiver for the site plan requirement in our bylaw, because there is no site at all, it is all building.

Brian presented photographs of the site.

Chip moved to waive the site plan requirement for this property.

Joe 2nd

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

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OTHER MATTERS:

80 COMMON STREET – FIRST BAPTIST CHURCH

Jim recused himself

Present for the petitioners - Attorney McGrail, Kim Barnett (architect)
They are here for a minor modification to previous granted relief.

Attorney McGrail explained because of cost they are looking to shave the project down.
Attorney McGrail reminded the Board the goal is to rebuild the church after the catastrophic fire.

- Phase one is estimated to be done in December 2023.
- There will no longer be a phase two.
- They are reducing the size of the building.
- Reducing the number of pole mounted lighting from 7 to 3 and relocating 1 tree.
- No basement and no second floor
- The kitchen is reduced and all activities will be on the first floor.
- The daycare area is smaller.

Elevations previously approved on 5/25/22 vs. what is being proposed where presented.

The new Zoning Table was presented and these changes are making calculations more compliant.

The number of parking spaces is staying the same.

Brian asked the Board to modify the part of the decision that referenced the daycare.

He recommended that the wording be changed to "the daycare can commence 12 months after occupancy of the church use" which is phase one (which is the only phase).

Plans Presented:

- Project Overview Presentation which included, site plan, elevations, renderings, prepared by LDA Architects, updated 12-14-22.

Chip moved to find that the presentation tonight is a minor modification and to allow the modifications of plans to both decisions and allow the wording suggested tonight regarding the day care.

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

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Not Present:

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OTHER MATTERS:

611 SALEM STREET – ELITE METAL FRAMING AND CONSTRUCTION, INC.

Attorney McGrail was present on behalf of his client to request a 6 month extension of time to exercise the rights authorized by the Special Permit and Variance that was approved by the Board on December 15, 2021

The request would extend the time until August 11, 2023.

This request is due to construction costs and available contractors.

Chip moved to extend the Variance & Special Permit until 8/11/23 and there is good cause to do so.

Joe 2nd

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

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OTHER MATTERS:

69 FOUNDRY STREET

Attorney McGrail said they are here tonight to release the last two certificates of occupancies. The infrastructure has been finished and released by the Town Engineer.

The other issues are with the condo association and the developer has committed to work with them to resolve these issues.

Chip made a motion to release the final two units and for the Chairman to issue a letter to the Building Inspector that they have met all ZBA requirements to their satisfaction.

Joe 2nd.

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OTHER MATTERS:

259 WATER STREET

Attorney McGrail is requesting a couple of minor modifications:

1. Peter Sandorse from Phoenix Architects – requested the HVAC color change from wood coloring to gray.
2. The Building Inspector and developer have agreed that the cable railings are not safe and would like to change them to vertical black aluminum baluster railings.

Plans Presented:

- Renderings/colors of rooftop screening – prepared by Phoenix Architects
- Renderings of proposed railing type, color and manufacturer – prepared by Phoenix Architects

Chip made a motion to allow the proposed screening of the HAVC color to be gray and the rails shown tonight are minor modifications.

Joe 2nd.

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

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OTHER MATTERS:

35 CHESTNUT STREET – ED KIRBY

Andrew Jones from Phoenix Architects presented.

Andrew said that the floor plan has changed by taking down some interior walls to make more of an open concept, therefore they have had to shift some of the exterior windows.
Andrew presented elevation comparisons of what was approved vs. the changes.

Another modification is the chimney, they have discover it is not safe, they are looking to remove it, which changes the exterior look a little.

Plans Presented:

- Floor Plan Changes, Exterior Elevation Changes, prepared by Phoenix Architects, dated 1-5-23.

Chip moved to accept the changes as presented tonight by Phoenix as minor modifications
Joe seconded

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Not Present:

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OTHER MATTERS:

979 MAIN STREET – LISA'S PIZZA – SIGNAGE

Ermal Malaj – Co-Owner of Lisa's Pizza in the Greenwood Plaza

The Board is satisfied with the wall signage and lighting but told the petitioner he needed a variance for all the window signage.

Chip moved to approve the 3 goose neck lights and Lisa's Pizza sign at 120 in wide and 19 in high, they also approved the pre-existing sign bands at the top of the four windows adjacent to the front door that reads "Subs, Calzones, Pasta, Dinners).

They do not approve the door signs (they equal more than the allowed 10% and need a Variance), or the sign above the door that says "Wraps", also the two window coverings on the left are not approved. The Board suggested the two large windows be covered with a frosted coating or some other material that would not constitute signage.

Joe seconded

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Not Present:

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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 (Architect), Ezra Glenn

Joe Pride recused himself and stepped out of the hearing

Discussions:

Attorney Schomer said that draft conditions are being prepared.
The Board said they expected that draft conditions were going to be presented tonight.

They all agreed to get everything together and review all at once, Board member Greg McIntosh will work with Attorney Schomer and Ezra Glenn the 40B consultant to go over the waivers and draft conditions.

Ezra Glenn suggested going over some of the final approvals –

Jesse presented the VHB memo sign-off.

Jesse stated that they need to discuss the monetary contributions with the Town Engineer, as to when they would be due as long as the project is approved.

Jesse informed the Board of the Conservation Commissions comments and how they may interpret the stream.

Public Testimony:

None

Jesse requested an extension for the public hearing until February 17, 2023

Chip moved to continue to January 25, 2023 and extend the Boards time to render a decision to February 17th for the public hearing.

Tom seconded

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

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

CONTINUED 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 and Dan Martinez (architect)

Discussions:

Attorney McGrail said they are going to go over architecture tonight based on feedback from the Board at the last hearing.

Dan Martinez presented architectural changes since the last hearing.

Scheme 1 – color pallet matched some of the buildings on Albion Street - thinner cornice

Scheme 2 – stucco and brick – more traditional – thick cornice

Scheme 3 – blends into the bank, more clapboard – thick cornice

Tom Lucey had asked for a rendering of the massing as to how it relates to buildings on Albion Street which was presented.

Jim asked a question about scheme 2 and he likes it the best. Joe agreed but he likes the cornice of scheme 3.

Dave and Tom do not like the all brick scheme – it looks too heavy.

Chip likes Scheme 1 with number 3 cornice.

The Board suggested that Jim work with Dan off-line to nail it down and present at the next hearing.

Brian submitted the traffic report and would like them to come to the February hearing to discuss traffic. They have not gone to TAC yet.

The drainage report will come from Rick Salvo to Engineering Department – they were waiting for the building to be nailed down first, it is almost complete.

Public Testimony:

None

Plans Presented:

- Renderings of Scheme 1, 2 and 3, prepared by KHALSA, dated 12-9-22.

Discussion next hearing – architecture

Chip moved to continue to January 25, 2023

Joe seconded

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

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

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NEW HEARING:

(23-39, 2340, 23-41, 23-42) 10 BROADWAY – NEW CREEK LLC

Attendees: Attorney McGrail, John Ogren, Ahmed Aly (Cube 3), Scott Thornton, Donny Lo

Purpose: Special Permits, Site Plan Approval and Variance to allow a 124 unit mid-Rise apartment building

Discussions:

Attorney McGrail gave a brief overview:

KIMCO (Newcreek) – purchased the property
The property is in the Industrial and business district

The property housed the following businesses at one time
Stop & Shop
NHD Hardware
Mikes Gym is the currently leasing the property

KIMCO wants to develop housing units on the site
124 units - 18% of the units will be affordable

They have already had one hearing with ConCom
They are going in front of TAC in January.

Donny Lo from KIMCO Realty Corp – presented KIMCO'S history

Brian presented current pictures of the building, location of the building
The lot size is 2.281 acres

Project Opportunities were presented:

- Bolster local business
- Affordable housing
- Attractive frontage on Broadway and North Ave
- Near Train Station
- Reduce traffic at peak hours
- Storm water improvements
- Reduction of impervious areas

Scott Thornton from Vanasse – discussed traffic

They looked at the 4 intersections in the area

Existing curb cut is 65 feet wide now, it will be cut down to half that so pedestrians can cross the street easier.

Traffic counts were done morning and evening peak hours.

Fitness centers generate a significant amount of traffic, 59 trips in the morning and 79 trips in the evening; the majority is coming from North Ave.

The proposed project would generate 39 trips in the morning and 44 evening trips.

The ITE parking data accounts for transit and bus transportation, for 124 units 120 spaces are ITE required they are offering 144 spaces, which still does not meet our bylaw.

John Ogren from Hayes Engineering presented the site plan

Proposing a 5 story- 124 units

The majority of the first floor would be a parking garage with 83 spaces, surface parking would have 61 spaces for a total of 144 spaces – the requirement is 189 parking spaces

Ahmed Aly – presented

Simulated floor plans

Scale of development compared to surrounding developments

Street elevations

Jim - asked if soil tests have been done on this site. They had a phase one test – Donny Lo will look into it more.

Chip – not in favor because it does not meet the parking bylaw, he is not in favor of any project that does not meet the parking requirements. Not impressed with the architecture at all and does not fit in with the Town. It is just a big square block.

Tom – does not like the way it addresses the area, does not like the parking and the massing is too big. Looks like it will need a sub-committee.

Joe asked what the parking numbers were – required 189 providing 144.

Dave requested the presentation for the file.

Dave said it is too big and does not meet the parking demand. It is out of character for this area.

Greg – He would like to see more in affordable units than what is required.

Public Testimony:

Jim Sullivan – 6 Harwick Rd – too much density and not enough parking. Mr. Harwick asked when is it not considered walking distance to transportation – Brian said 2,500 feet, they are at about 2,000.

Brian suggested working with a Board member
The Board designated Jim

Plans Presented:

- Presentation prepared by KIMCO Realty, dated January 11, 2022

Chip made a motion to continue to January 25, 2023

Joe seconded

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

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

NEW HEARING:

(23-43, 23-44, 23-45, 23-46, 23-47, 23-48, 23-50) – 314, 330, 336 SALEM STREET – GRANITZ FAMILY TRUST, LLC.

Purpose: Special Permits, Site Plan Approval, Variances to raze some of the structures and create three separate lots with a 19 unit mid-rise apartment building, a single-family dwelling.

Attendees: Brian McGrail, John Ogren, Andrew Zalewski (architect)

Discussions:

Brian said that the Granitz Family Trust has these properties under agreement.

Brian ran through the existing conditions and all the dwellings on the property.

314 Salem is a two family

330 Salem is being used as retail

336 Salem Rear there is 4 unit residential dwelling and two garage storage units

And in the back of the property there is a single family dwelling

There are 9 residential/dwelling units on these properties

They have already gone to the Planning Board and endorsed a new ANR Plan.

3 units would be affordable out of the 19 units.

John Ogren presented the site and what is being proposed.

On Lot 11 – they are proposing 4 stories, 19 residential units; 10 two-bedroom units and 9 one-bedroom units

33 parking spaces and the requirement is 29 spaces

Drainage a rain garden and retaining wall was discussed

On Lot 12 – they are proposing a new single family dwelling

On Lot 13 - the current single family dwelling would remain

Chip does not like the position of the single family on Lot 12 because it is in front of the current single family.

Andrew Zalewski presented his drawings

There is a garage and lobby

First floor lobby for package delivery

Second floor units are similar to first floor

Third floor and roof plans were presented

Materials – vertical and clapboards

Left, right and back elevations were shown

Jim said this building does not fit into the neighborhood. It is not in scale to the neighborhood.

Tom totally agrees – it does not make any sense to put a 19-unit mid-rise apartment building there.

Greg has the same comments as Jim and Tom and he wonders why they even need another house in the back.

Public Testimony:

Kevin Gill – 12 Mitchell Lane –he abuts this property. As discussed tonight the current drainage runoff is a very serious problem. There is flooding during heavy rains. The property has been built up and when it rains his yard and basement flood. He does not think the drainage system that is being proposed is adequate enough. He requested someone come and look at it.

Jim Sullivan – 6 Harwick Rd – he is very concerned about the density of this project. He asked if there were lot width requirements. Brian said they are asking for relief for that.

Terri Stanley- 14 Eunice Circle – her mother owns 8 Mitchell Lane – their backyards flood and her mother's basement floods.

Paul Melanson – 20 Mitchell Lane – He would like it if they could do something with this property. Water and drainage is an issue and effects both sides of Mitchell Lane. The Temple and Gollini's place is about 5 or 6 feet above their property. Drainage really has to be looked at.

Brian and John Ogren said they will look at the neighbors' concerns regarding drainage, but John Ogren did say that what they are doing on their site is a big improvement.

Plans Presented:

- Site Plan – existing and proposed conditions prepared by Hayes Engineering, dated 10/14/22
- Floor Plans and Elevation Plans prepared by Andrew Zalewski of The MZO Group, dated 11/15/22

Chip made a motion to continue to January 25, 2023.

Joe seconded

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

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Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

NEW HEARING:

(23-51) 377 MAIN STREET – DANA RODRIGUES

Purpose: Special Permit for a wall sign

Attendees: Roger Kruppa –represented Dana Rodrigues the owner of the building

They are proposing a sign on the Albion Street side of the building.

They feel that in order to compete they need a sign that is conducive to the size of the building.

Mr. Kruppa presented other signs on surrounding buildings that are similar to theirs.

They came in front of the DRB on November 7, 2022... And because the sign is bigger than what is allowed they are here asking for relief from this Board.

The Board did not agree with the size of this sign.

Mr. Kruppa said he would like to go back to Mr. Rodrigues when he gets back into town and see what he wanted to do and asked for a continuance.

Public Testimony:

None

Plans Presented:

- Elevations and measurements of the sign, prepared by Batten Bros., dated 8/4/21.

Chip made a motion to continue to January 25, 2023.

Joe seconded

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GREGORY W. MCINTOSH, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

NEW HEARING:

(23-52) o GREENWOOD STREET, A/K/A o CHERRY LANE – NGHI LUU

Purpose: Variance to construct a single-family dwelling within 50 feet of an open stream

Attendees:

Attorney Chris Drucas and Brian Parmenter (surveyor)

Discussions:

Brian Parmenter presented the site plan.

Storm water swales are being incorporated, a proposed well, and the second story will canterleave.

Chip still feels it is an unbuildable lot and nothing has changed to change his mind. Putting helical piers in are too close to the stream. The helical piers are 16 feet from the embankment.

The Board feels he is making his own hardship.

Attorney Drucas explained that the topography and soil is his hardship.

There was a lot of discussion back and forth with the Board.

Dave explained that ConCom has approved this plan and worked with Mr. Luu.

Greg is ok with this because ConCom is ok.

Two neighbors are in support of this project.

Dave feels that Mr. Luu has taken the Boards previous comments and moved the house so it meets the setbacks, the only relief is the 50' stream.

He is in favor and feels Mr. Luu should be able to build his house.

Jim is fine with this plan.

Public Testimony:

None

Chip made a motion to grant the Variance as presented here this evening based upon the plans dated by PFS Land Surveying, Inc., dated 10/25/22 and the testimony presented tonight allowing the house as presented.

With the condition that the road be put back to current conditions.

And meet all engineering and ConCom conditions

Joe seconded

It was pointed out that the Zoning Chart notated 3 stories but it is really 2.0 stories.

The notes will be cleaned up on the site plan and resubmitted.

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

Voting members NOT in favor -Tom

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CHARLES L. TARBELL

GREGORY W. MCINTOSH, ALTERNATE

Not Present:

MICHAEL L. FEELEY, ALTERNATE

Joe Pride read the Legal Notice

APPROVED MINUTES:

Chip made a motion to approve the November 16, 2022 minutes as written.

Joe seconded

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

The meeting adjourned at 12:13 a.m.