



TOWN OF MEDFIELD

Office of the

BOARD OF APPEALS

TOWN HOUSE, 459 MAIN STREET
MEDFIELD, MASSACHUSETTS 02052-2009

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MEETING OF:
February 13, 2019
MINUTES

Members Present: John J. McNicholas, Chairman; William McNiff, Member; Michael W. Whitcher, Member; Jared Spinelli, Associate Member; Charles H. Peck, Associate Member; Jared Gustafson, Associate Member
Staff Present: Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk
Others Present: Caroline Abernethy, Rob Abernethy, Tracey Hogan, Jeff Kane, Carl Gehring, Cliff Monac, Michael Larkin
Location: Medfield Town House, 2nd floor meeting room

At approximately 7:02 pm, Chairman Jack McNicholas called the meeting to order and announced the meeting is being recorded. Chairman McNicholas clarified that the sitting members of the Board for tonight are himself, Mr. William McNiff and Mr. Michael Whitcher.

Continuance Requested - Continued public hearing on the 40B application from Medfield Meadows, LLC (John P. Kelly), with respect to property located at 41 Dale Street (Assessor Parcel ID: 42-019) in the RS Zoning District with Primary Aquifer Overlay District for 36 non-age restricted units comprised of 24 one-, two-, and three-bedroom rental units in multiple buildings and 12 two- and three-bedroom condominium (ownership) units in multiple buildings with associated driveways, roadways, parking, and infrastructure on approximately 2.93 acres; with 25% affordable. (Continued from 12/13/18 & 01/10/19)

Chairman McNicholas said Mr. John Kelly is out of the country, in Ireland, and has requested a continuance. At approximately 7:15 pm, Mr. Whitcher made a motion to continue the public hearing on the 40B application from Medfield Meadows LLC (John P. Kelly) to March 14, 2019 at 7:00 pm. Seconded by Mr. McNiff. The Vote: 3-0.

Comprehensive Permit Modification Request (per 760 CMR 56) Country Estates of Medfield, Hospital Road 40B Request to renew extension of construction hours per the ZBA Decision #1343, Approved August 8, 2018

Mr. Michael Larkin, manager of Country Estate, said he is requesting to renew extension of construction hours. Mr. Larkin would like the Saturday hours to remain 8:00 am – 5:00 pm, for light construction work and deliveries. The heavy construction work will be completed Monday through Friday. Mr. Larkin said the hours on Saturday have allowed construction to move at a faster pace. Mr. Larkin said that over 50% of the development is completed. Mr. Larkin said the activity on the “front” is coming to an end and the units on the

“front” are weather tight. Mr. Larkin said that units #21 and #23 have occupants; the unit at 1 Sunset Way is 90% complete; 2 Sunset Way is 50% complete. Mr. Larkin said the plan for March is to finalize the landscaping “in the front” and all of the construction will move to the back of the site. Chairman McNicholas asked how many of the units have occupants. Mr. Larkin said approximately 10 units. Mr. Larkin said the affordable units are scheduled for the lottery at the end of May and beginning of June. Mr. Larkin said that local preference is part of the decision regarding the affordable units so coordination with the Town will be needed for advertising. Mr. Larkin said the Saturday hours have helped the timetable move along.

Chairman McNicholas said timelines of the August decision very strict. Chairman McNicholas asked if the boom truck disturbance has been corrected. Mr. Larkin said the boom truck work and rough grading work is completed. Mr. Larkin said the units along Hospital Road will be hydro seeded once the weather is better but otherwise the landscaping is completed in phase one of the project. Chairman McNicholas asked for a realistic completion date of the work along the “front” for the development. Mr. Larkin said by May 31, 2019 the “front” of the development will be completed; with grass and everything. Chairman McNicholas asked for questions or comments from the audience.

Ms. Tracey Hogan, 20 Hospital Road, said the phase one landscaping is not completed. Ms. Hogan said there is still a runoff issue. Ms. Hogan said there was no sod put down in the fall at all; as a result, when a heavy rain occurs there is a large runoff down the street and the field located next to Ms. Hogan’s house is turning into a wetland. Ms. Hogan said that only thing that has happened in terms of landscaping at the site is the addition of 9 deciduous trees. Ms. Hogan also said that next to units # 19 and #2, there is some landscaping added. Ms. Hogan said other than those additions the entire site is dirt. Ms. Hogan believes all of the dirt is causing the runoff problem. Ms. Hogan said the addition of sod was supposed to happen in the fall and did not. Ms. Hogan noted that some sod was added to the site during the first week of December at one of the units located closer to the Hospital. Ms. Hogan said she does not agree with Mr. Larkin’s comment that the phase one landscaping was completed. Mr. Larkin said there is sod at both entrances of the development along the street scape. Ms. Hogan said unit #19 has sod but that is it. Chairman McNicholas said there is an ongoing issue that wasn’t abated in the fall and now we are in winter which is a difficult time to landscape. Chairman McNicholas said the existing extension of the Saturday hours decision runs through March 1, 2019. He asked if there is something that can be done now to abate the problem so it does not become worse? Mr. Larkin said hay bales and silt fencing can be added. Mr. Larkin said that once the weather changes the area will be sod right away. Ms. Hogan said she doesn’t expect anything to be done before the Spring; however, once Spring begins the Saturday hours should be used to focus on landscaping. Ms. Hogan said it is frustrating that this was not resolved in the fall. Ms. Hogan said the landscaping in the “front” and the “middle area – which is above grade” needs to be completed due to the runoff problem. Mr. Larkin feels the remaining “runoff” is coming from the units closest to the street and the addition of hay bales and sill fencing should correct it.

Ms. Sarah Raposa, Town Planner, asked if there is something to be done now to stop the water from coming off of the property. Ms. Raposa noted the stormwater pollution prevention plan and construction management plan; these issues are not supposed to be happening in the first place. Ms. Raposa said she is shocked that the runoff problems are still occurring. Ms. Raposa believed Mr. Larkin was resolving this ongoing issue. Mr. Larkin said the whole town has been affected by the wet fall.

Ms. Raposa asked if there is soil sediment going into the catch basins on Hospital Road. Mr. Larkin said if there is any it is coming from the 2 units closest to the street. Mr. Whitcher said it sounds like it is coming from more than the 2 units closest to the street. Ms. Hogan says it has reduced since the summer but; yes, it is still happening. The catch basins have dirt and silt in them. Mr. Larkin said that he can add hay bales, catch basin

filters and sill fencing. Ms. Raposa asked if they will be maintained. Mr. Larkin said yes. Ms. Raposa asked if the hay bales and silt fencing stop working will they be replaced. Mr. Larkin said yes.

Mr. Whitcher suggested giving a very short extension with a check back. Chairman McNicholas said he would not agree to another six month extension. Chairman McNicholas says he understands might have been a few extenuating circumstances but the neighbors have been very patient and tolerant. Chairman McNicholas asked if it is realistic for the landscaping in question (“front and center area”) to be completed by May 31, 2019. Mr. Larkin said yes. Ms. Raposa suggested the landscaping status checked at the May 8, 2019 meeting. Mr. McNiff asked for clarification as to why the landscaping didn’t happen as stated in the August decision. Mr. Larkin said it was a chaotic summer with a lot of rainfall. Mr. Larkin said they did as much as they could. Mr. McNiff asked if Mr. Larkin has seen the runoff issues. Mr. Larkin said yes. Mr. McNiff asked Ms. Hogan is the main issue for her is the runoff issue. Ms. Hogan said yes however; there are no consequences for Mr. Larkin not completing what is required in a decision. Mr. McNiff asked if there have been any noise issues. Ms. Hogan noted a loud “beep” that was reported to the town. Mr. Larkin said it was from a smoke alarm and they had difficulty locating which one. Ms. Hogan said the Fire Chief found the problem and corrected it.

Mr. Larkin noted that most developers in Medfield are allowed Saturday hours from 7:00 am – 7:00 pm. He is only asking for Saturday hours from 8:00 am to 5:00 pm.

Chairman McNicholas said the extension from the last decision is expiring March 1, 2019. Chairman McNicholas proposed that if the mitigation is handled for the runoff issues now and signed off by a technical consultant (Tetra Tech for example) the extension of the hours could be granted through May 31, 2019, with a status report of the landscaping progress at the May 8, 2019 meeting. Ms. Raposa said she will be informing the Building Commissioner and the Director of Public Works, so they are aware of the problem. Chairman McNicholas said it has been six months and a lot didn’t happen that was to in 60 days. Chairman McNicholas believes the time period needs to be compressed.

Ms. Caroline Abernethy, 11 Hospital Road, said they have lived at their property for 2 years and did not know about the development going in when they bought their house. Ms. Abernethy said she has nothing but good things to say about how the development looks. Ms. Abernethy said they tried to take some trees down 2 years ago and were told they could not because they were located on wetlands. Ms. Abernethy is aware now that their property backs up to wetlands. Ms. Abernethy is concerned about a deeper runoff problem. Ms. Abernethy said she has 2 sump-pumps in her basement (a second one was added as a back up to the first) and the pumps have been running constantly. Ms. Abernethy knows that we have had a lot of rain and there is a lot of standing water in her backyard currently. Ms. Abernethy said that during 2 of the last storms, 2 very large trees in her backyard blew over. Ms. Abernethy said the roots are so wet and feels that a forest is being destabilized. Ms. Abernethy is worried about where the runoff is going to go. Ms. Raposa said that during the review process, Mr. Larkin’s stormwater management plan was peer reviewed by the Boards independent engineer. Ms. Raposa said the stormwater plan is projected to work however; it is not completely hooked up yet. Ms. Abernethy said she feel vulnerable. Ms. Raposa suggested Ms. Abernethy review the stormwater management plan and would be happy to provide her the information.

Mr. Whitcher agrees with Chairman McNicholas proposal of if the mitigation is handled for the runoff issues now and signed off by a technical consultant (Tetra Tech for example) the extension of the hours could be granted through May 31, 2019, with a status report of the landscaping progress at the May 8, 2019 meeting. Mr. Whitcher also suggests adding landscaping to the approved list of Saturday work. Ms. Raposa said to be mindful of the heavy equipment restriction. Ms. Hogan said that bobcat equipment would be fine however for Mr. Larkin to be mindful of the 5:00 pm deadline.

Ms. Hogan said the trucks are not abiding by the limitation of not driving down Harding Street. Ms. Hogan said there used to be signs at the exits alerting the truck drivers to the restriction. Mr. Larkin said the still have the signs and the receipts of all deliveries state the Harding Street restriction. Mr. McNiff asked if they drivers are following the rules of the restrictions. Mr. Larkin said when they don't, abutters call the police and fines have been issued. Ms. Raposa said that puts the burden on abutters to call. Ms. Raposa said the Board needs Mr. Larkin to be very mindful of the ZBA decisions involving this project and, in the daily practice as manager of the site, the conditions of the decisions need to be implemented. Mr. Raposa said that she is aware that Mr. Larkin has a lot to deal with however it is important to this Board and if Mr. Larkin wants more or even what every other developer gets; he needs to be respectful of these conditions of the decisions.

At approximately 7:55 pm, Mr. McNiff made a motion that if the mitigation is handled for the runoff issues now and signed off by a technical consultant (Tetra Tech) the extension of the hours could be granted through May 31, 2019, with a status report of the landscaping progress at the May 8, 2019 meeting. Seconded by Mr. Whitcher. The Vote: 3-0. Ms. Raposa said a draft decision will be circulated to the sitting members for review.

Administrative (JS, CP, JM)

Cellco Partnership/Verizon- MSH Water Tower – Chairman McNicholas said the Board deliberated the decision at the end of the last meeting and circulated a draft decision. Chairman McNicholas asked the Board for any further discussion or comments. Mr. Charles Peck said he agrees with the draft decision. Chairman McNicholas said the application was very comprehensively presented. Mr. Carl Gehrig, representative for Verizon, asked Chairman McNicholas to review the conditions of the decision. Chairman McNicholas read from the draft decision.

1. The Personal Wireless Antenna, equipment cabinets, generator, landscaping and 8' fence shall be located as shown on the plan submitted to this Board.
2. Except for emergency situations, the generator may cycle once every week for routine maintenance and shall be programmed to operate during the daytime to avoid disturbance to abutters.
3. No sign shall be located at the facility except signs required by federal or state regulation on containing necessary safety information or warnings. All such signs will conform with Section 300-13 of the Medfield Zoning Bylaw.
4. No lighting shall be mounted on the antennas or elsewhere on the Locus to illuminate the proposed antennas or the equipment cabinets.
5. The fence which will surround the equipment cabinets at the base of the electric stanchion shall be constructed of wood and will be of the so called "stockade" variety. It will be of sufficient height to fully obscure the equipment cabinets from view (maximum of 8'), and will be surrounded on all sides by a screen of deer resistant evergreen trees to screen the fence.
6. The fenced equipment compound on the ground will remain locked at all times for security.
7. The Applicant will provide the Medfield Police Department from time to time with up-to-date, twenty four hour emergency contact information for its Personal Wireless Antenna and related equipment cabinets.
8. The Applicant shall obtain all necessary permits from other Town boards and officials.
9. All facilities constructed under the terms of this Special Permit shall be maintained in good condition and inspected at least bi-monthly (every two months) for disrepair. Any elements of the facility (cabinets, wires, vegetation, fencing, etc.) in disrepair shall be remedied immediately.
10. This Special Permit shall be limited to the terms of the agreement with the Medfield Board of Selectmen.

11. In accordance with Section 300-17.4.H., continuation of the special permit for personal wireless tower or personal wireless facility is subject to inspection and reporting requirements established by the Inspector of Buildings.

At approximately 7:06 pm, Mr. Peck made a motion to endorse the decision granting the special permit for Cellco Partnership/Verizon- MSH Water Tower, located at 45 Hospital Road. Seconded by Mr. Jared Spinelli. The Vote: 3-0.

Lia – 55 Elm Street- Chairman McNicholas said a site visit was conducted on January 12, 2019. Chairman McNicholas said that from the site visit and seeing the topography of the land the variance for a shared driveway made the most sense and is the most beneficial option. The Special Permit for the location of the swimming pool within one foot of the lot line showed no detriment to the neighborhood. Chairman McNicholas said the Board deliberated at the end of the last meeting and then conducted the site visit. A draft decision was circulated to the Board. Chairman McNicholas asked the Board for any further comments or questions. None were given.

At approximately 7:09 pm, Mr. Peck made a motion to endorse the decision for 55 Elm Street granting the special permit and the variance. Seconded by Mr. Spinelli. The Vote: 3-0.

Minutes

01/09/18 (JM, CP, JS) – At approximately 7:12 pm, Mr. Peck made a motion to approve the minutes from January 9, 2019 noting a few grammatical edits. Seconded by Mr. Spinelli. The Vote: 3-0.

01/10/19 (JM, WM, MW) – At approximately 7:56 pm, Mr. McNiff made a motion to approve the minutes from January 10, 2019 noting a few grammatical edits. Seconded by Mr. Whitcher. The Vote: 3-0.

At approximately 7:57 pm, Mr. Whitcher made a motion to adjourn the meeting. Seconded by Mr. McNiff. The Vote: 3-0.

Respectfully Submitted,

Sarah L. Raposa, Town Planner, and Marion Bonoldi, Recording Clerk