



TOWN OF MEDFIELD

Office of the

BOARD OF APPEALS

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

(508) 359-3027
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MEETING OF:
March 14, 2019
MINUTES

Members Present: John J. McNicholas, Chairman; Michael W. Whitcher, Member; Jared Gustafson, Associate Member; Jared Spinelli, Associate Member

Members Absent: Charles H. Peck, Associate Member; William McNiff, Member

Staff Present: Sarah Raposa, Town Planner

Staff Absent: Marion Bonoldi, Recording Clerk

Others Present: Paul Haverty, John Kelly, Geoff Engler, Matt Mrva, John Winslow, Ron Tiberi, Jeff Dirk, Matt Crowley, Cliff Monac, Kathy Belmont, Marth Moon

Location: Medfield Town House, 2nd floor meeting room

At approximately 7:00 pm, Chairman Jack McNicholas called the meeting to order and announced the meeting is being recorded. Chairman McNicholas explained that Mr. William McNiff, Member had to be out of town and the Board is evoking the Mullen Rule under Mass General Law Chapter 39, Section 29D. Chairman McNicholas noted the statue has been adoption at Medfield Town Meeting and states that any member may miss one meeting and still be able to vote provided the member reviews all of the documents and listens to the audio recording of the meeting. An affidavit will be signed by Mr. McNiff and filed with the Town Clerk once Mr. McNiff has completed his review.

Chairman McNicholas announced the April 11, 2019 meeting will be rescheduled to Monday, April 22, 2019 at 7:00 pm due to scheduling conflicts.

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 Overly 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, 02/13/19)

At approximately 7:02 pm, Chairman McNicholas read the notice into record.

Mr. John Kelly, applicant, introduced Mr. Jeff Dirk, traffic engineer. Mr. Dirk said there was a meeting on February 21, 2019 with department heads to work on the list of mitigation items. The mitigation list was

refined to reflect what the town departments were specifically looking for. The revised list focuses on pedestrian safety at the North Meadows and West Street intersection. The refined list, including cost estimates, has been circulated to the Board. The applicant will assume the cost for the design of the improvement however; the town would like to implement the improvement.

Mr. Dirk noted the most significant improvement at the North Meadows/Dale Street intersection is the pedestrian signal equipment will be upgraded (rusty pole, non-ADA compliant push buttons, pedestrian signal timing, pedestrian heads, etc.). Mr. Dirk also noted the need for Emergency Vehicle Preemptive solution (OPTICOM) at the North Meadows/Dale Street intersection and the North Meadows/West Street intersection. The OPTICOM solutions are also listed on the improvement list with an estimated cost. BETA still needs to review the costs but the mitigation/improvement list is complete.

Chairman McNicholas noted the issue of a potential new or relocated bus stop on Dale Street. Mr. Dirk said the issue was discussed with the Police Chief at the meeting. Ms. Sarah Raposa, Town Planner, noted that she attended the meetings regarding traffic and engineering and the meetings were very productive.

Mr. Matt Mrva, Boehler Engineering/ Landscape architect, discussed the landscaping and lighting plans with the Board. Mr. Mrva noted Beta Engineering has reviewed the latest plan and offered comments. Mr. Mrva said the plan proposes low stone walls on each side of the entry driveway. The driveway will then give the visitor a decision of turning right in to the ownership section or left into the rental section of the property. Mr. Mrva said signage and low stone walls would serve as a “wayfinding”. The plan proposes deciduous trees through the property. There are 24 deciduous in the large circles and a “good amount” of evergreen buffering around the perimeter of the site. There are approximately 90 proposed evergreen trees at the perimeter to help screen the property from the abutters in the surrounding neighborhoods. There will be ornamental trees (27 flowering dogwoods) and multiple deciduous and evergreen shrubs that will provide foundation planting along the stone walls and throughout the property.

Mr. Mrva said there are lantern-style fixtures proposed and referenced the photometric plan for the fixture locations. There are 15 lighting fixtures through the site and the photometric measurements prove there is no spilling light onto surrounding properties. The fixtures will be mounted on 14 foot poles. There will be some low-scale up lighting on the structure entry walls. Beta Engineering commented on the plans and asked if light shielding could be provide on the fixtures at the back part of the property. Mr. Mrva said the shielding will be added to the final plans.

The proposed fencing will be along the entire property line at the abutting properties. There is no proposed fence along the DPW property line. Existing trees will be contained when possible however, significantly augmented buffering is being provided.

Mr. Kelly said the proposed pocket park area will have fewer pathways and remain more of an open space. There is no direct access to the park for the housing units. The pocket park area will be updated on the final plan.

Mr. Jared Spinelli asked for more information on the “run off” area that was a concern for one of the homeowners present at the last meeting. Mr. Geoff Engler said the run off concerns have been addressed through landscaping, vegetation and expanded grading area. Mr. Engler said the run off situation will be much better than prior to the project.

Ms. Raposa said from the departmental meeting in October, one of the comments from the Board was to add a fence to the DPW side due to the slope to the DPW detention area. Mr. Mrva said the fence would go through a vegetative area and is not necessary. Ms. Raposa said it was possible she misunderstood.

Mr. Kelly distributed the updated February 28, 2019 Beta Engineering comment letter to the Board. Mr. John Winslow, architect, noted the highlighted comments on the letter are outstanding. Item 5.1 notes a waiver for site plan review. Mr. Paul Haverty, 40B consultant, noted the waiver is automatically done with the Comprehensive Permit. Item 5.2 asks for setbacks to be clarified. Mr. Ron Tiberi said the front setback needs to be changed from 25 feet to 30 feet on the plan. Item 5.3 references easement D57. Mr. Kelly noted an investigation was completed identifying noting in the ground; the easement is more of betterment. Mr. Kelly said the holder of the utility easement, Cliff Monac, is currently in negotiations with them. Mr. Kelly hopes to have the utility easement resolved by the next meeting. Mr. Kelly noted the easement was in place to service 49 Dale Street with sewer. Ms. Raposa noted there is a pending application for 49 Dale Street and the hearing for that potential project is next month. Ms. Raposa noted the memorandum the Board has received regarding easement D57. The betterment was from the State when Route 27 was constructed. Mark Cerel, town counsel, researched the easement with Mr. Kelly. It was found that no actual easement exists and Ms. Raposa was told there is no need to document any information on this betterment. Mr. Haverty noted the Board is not obligated to resolve any title issues; if there is an issue the Board has no jurisdiction and the applicant needs to work the issue out.

Mr. Winslow said item #6.1 was a technical error on the applicant's part. The applicant was asking for a waiver that was not needed regarding the lot size. Mr. Winslow said item #6.2 is regarding building height. The building height has been added to the plans and since there is a discrepancy in height between the front and back of the building; the height has been added to both. Beta Engineering noted a shadow impact on residents to the north of Building #8. Mr. Winslow feels the buildings will not cast more shadow than the surrounding trees however; a "shadow study" will be provided to the Board with the final plans. Mr. Winslow said item #6.3 is regarding the revising the zoning table to eliminate requirements that are not included in attachment. Mr. Winslow said this waiver was put in the wrong place on the waiver request. Mr. Winslow said the waiver request has been revised is now waiver #8. Mr. Tiberi also noted the injection well needs to be put under the Aquifer Protection, section #16. Item #6.4 is regarding providing the FAR. Mr. Winslow noted that Beta Engineering stated it hasn't been provided. Mr. Winslow noted the FAR is on the title page. Mr. Tiberi said he was looking for how the FAR was arrived at however; if the Board is comfortable, this waiver could be eliminated from the list. Item #6.5 is a waiver request regarding the step coming from the units projecting into the setback. Mr. Winslow said steps are allowed in a setback in Medfield however; they are not if they are more than 4 feet tall. The waiver request is needed.

Item #8.1 is regarding parking. The item state that parking still remains within the front yard and a waiver has not been requested. Mr. Winslow asked for interpretation of this item. Mr. Tiberi said the required front yard setback is 30 feet. A portion of the parking (1 space) is within the setback. Mr. Winslow said the parking is within the requested setback of 15 feet. Mr. Haverty said the waiver should be requested. Item #8.2 is regarding the road with to be reduced from 24 feet to 20 feet. The waiver is needed.

The next item is regarding turning radius for waste collection. Mr. Tiberi noted the condominium area has a smaller driveway. A smaller truck for waste removal at curbside will be contracted. The maneuverability of the small trucks is much better than the larger trucks.

Chairman McNicholas asked about fire truck access. Ms. Raposa said the water superintendent and the fire chief have requested the addition of a fire hydrant. Mr. Tiberi said a hydrant will be added to North Meadows Road. The additional fire hydrant will be added to the plans. Mr. Haverty said the additional fire hydrant with fire department sign-off will be referenced in the decision.

Item #8.8 is a request regarding to relocate on of the accessible parking spaces closer to buildings #3 or #4. Mr. Winslow said they will move the parking space and the change will be reflected in the final plans.

Item #8.9 is asking for more information and detail on the handicap ramps. Mr. Tiberi said this item has been discussed and the final plans will reflect more information. Mr. Tiberi the change will allow for more direct access from the handicap parking spaces to the ramps.

Item #8.14 is regarding snow storage. Beta Engineering noted the snow storage areas have been provided however the area is limited and snow will need to be removed from the site during all significant storms. Mr. Tiberi noted a section will be added to the O & M plan regarding the snow storage and the site manager's will bring in equipment to remove snow from the site if it gets to a certain point. Mr. Tiberi said the O & M plan changes will be submitted prior to the close of the hearing.

Item #8.15 and item # 8.16 is regarding landscaping and lighting. Item #8.15A states that existing trees should be saved if possible on the northeast edge. Mr. Mrva noted all measures will be taken to maintain vegetation. Due to grading in that area, the decision will need to be made in the field about what vegetation can be saved. Item #8.15B asked the applicant to consider mixing in shrubs with the evergreen screening of the abutting residential uses. Mr. Mrva said the intent is to preserve as much open space for the residents as possible and the shrubs tend to get overgrown and not maintained well along the buffer. Mr. Mrva recommends not adding additional shrubs. Mr. Tiberi noted Beta Engineering feels the screening buffer is adequate and additional shrubs were a suggestion only. Item #8.15C is regarding the 6 foot high vinyl privacy fence proposal to be located at the property line of buildings #3 and #4. Mr. Tiberi noted the fence is shown on the plans. Item #8.15D noted coordination of drainage and grading at the proposed green space area walkways. Mr. Mrva said there will be no issue coordinating drainage and grading and will be reflected in the final plans. Mr. Tiberi said item #8.15E can be disregarded and Beta will defer to the DPW preference. Item #8.15F says the plan spacing is adequate however does not me the requirements of 306.2J. Mr. Mrva noted this is in the waiver request list. Item #8.16 is regarding providing shield lighting. Mr. Mrva said the photometric plan shows zero values at all of the abutting property lines however the concern is the luminaire itself will be visible by abutting properties. Mr. Mrva said the manufacture will be consulted and a metal shield on the side of the fixture that faces the abutting homes will be provided. Mr. Mrva said this change will be noted in the final plans.

Mr. Winslow noted the sewer line has been moved and will be reflected in the final plans.

Item #U3 is regarding clarification of disposition of new utility pole on site. Mr. Tiberi noted both existing utility poles will be removed for the project and the new utility poles will be noted on the final plans. Mr. Winslow said general comments of the Beta Engineering noted bar scales needed on all site drawings, and waiver requests and zoning views should be located on the cover sheet. Mr. Winslow said #G5 is asking for detail on the dumpster enclosure. Mr. Tiberi said the dumpster enclosure will reflect the materials used in the privacy fence.

Mr. Tiberi said regarding stormwater management, currently the drainage structure is frozen in the ground however; it was determined the flow goes toward Route 27. The drainage structure will be rehabbed when the

swale gets added to the property. This information as well as any remaining items regarding stormwater will be added to the final plans.

Chairman McNicholas asked for the location of construction entrance. Mr. Tiberi showed the Board the location on the plans. Mr. Tiberi noted the entrance will change during the phases of construction to ensure safety.

Mr. Engler noted at the end of the presentation that the key take away is that there will be revised final plan and an amended waiver request that reconciles to the plans to the Board and Mr. Haverty by the end of the month. Mr. Winslow noted the final revised plans are to be submitted by March 29, 2019. Mr. Haverty will have a draft decision by April 15, 2019 for review assuming the revised final plans are received.

Ms. Kathy Belmont, 40 Frairy Street, asked when there will be a discussion about clearing the land, construction, parking of construction vehicles, etc. Ms. Raposa asked if there is a standard condition of approval for a construction management plan. Mr. Haverty said yes; there is a pre-construction meeting requirement. Chairman McNicholas noted construction vehicles have been a concern and an issue for other 40B project in town. Chairman McNicholas noted that a condition should be that construction trucks should only be allowed on North Meadows Road; not Dale Street or Frairy. Ms. Raposa noted there is a prohibition for construction vehicles on the cemetery side of Dale Street. Mr. Engler noted the description of a construction vehicle would need to be defined. Mr. Whitcher said generally it is defined as a vehicle with more than 2 axles. Chairman McNicholas noted that it is very important to this Board that construction vehicles are kept out of residential area as much as possible.

At approximately 8:20 pm, Mr. Whitcher made a motion to continue the hearing until April 22, 2019. Seconded by Mr. Spinelli. The Vote: 3-0

ADJOURNMENT – At approximately 8:22 pm, Mr. Whitcher made a motion for adjournment. Seconded by Mr. Spinelli. The Vote: 3-0

Respectfully Submitted,

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