



# 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 10, 2021**  
MINUTES

**Members Present:** John J. McNicholas; Chairman; Michael W. Witcher, Member; William McNiff, Member  
**Members Absent:** Charles Peck, Associate Member; Jared Spinelli, Associate; Jared Gustafson, Associate Member; Member  
**Staff Present:** Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk  
**Others Present:** Paul McKechnie, Kevin Szoke, Paul McGovern  
**Location:** Virtual Zoom Webinar

At approximately 7:00 pm, Chair Jack McNicholas called the meeting to order and announced the meeting is being recorded. Chair McNicholas explained procedures for the meeting

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Medfield Zoning Board of Appeals is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the instructions on the agenda and meeting notice. The meeting is being recorded.*

**Kevin Szoke (applicant/owner) seeks a special permit under MGL Chpt. 40A §9 and/or Medfield Zoning Bylaw §300-6.2.T for the proposed work consisting of installation of an in-ground swimming pool within the rear setback The property is located at 10 Earle Kerr Road; Assessors' Map 50 Lot 150; RS Zoning District with Secondary Aquifer Overlay.**

Mr. McNiff read the notice into record. Mr. Paul McKechnie, landscape architect and contractor, presented to the Board. Mr. McKechnie said the proposed pool will be 28 x 38 feet; located 18 feet from the rear property line. Mr. McKechnie said there is a drainage easement on the property. Mr. McKechnie said the balance between the rear setback and the Conservation 100 foot buffer zone went into the decision of the pool location. Mr. McKechnie said the proposed deck will be located 6 ft. from the property line. Mr. McKechnie said there will be a solid 6 ft. fence on the property line and planting for visual enhancement. Mr. McKechnie said the pool equipment will be located on the existing concrete pad at the side of the home; this is the furthest spot

away from the abutters. Mr. McKechnie said the deck will encroach on the setback however not past the existing porch. Mr. McKechnie said there are no trees coming down at the property. Ms. Raposa shared her screen with the Board to view the location of the abutters. Mr. McKechnie said the lot is approximately 2 acres with approximately 2/3 of the lot being wetlands. Ms. Raposa explained the Boards decision is to see if the application meets zoning standard and the decision would be subject to the Conservation Commission decision.

Mr. McNiff drove by the property and believes the proposed pool is going in the best location. Mr. McNiff asked about lighting plans. Mr. McKechnie said there are no final lighting plans however the lights would be low voltage. Chair McNicholas asked if there has been a conversation with the closest abutter. Mr. Szoke said yes; the abutter seemed to have no objections. Chair McNicholas asked the Board if a site visit was necessary. Mr. Whitcher and Mr. McNiff said no. At approximately 7:30 pm, Mr. Whitcher made a motion to close the hearing. Seconded by Mr. McNiff Roll Call Vote: MW=yes; JM=yes, WM=yes. The Vote: 3-0.

**Comprehensive Permit Modification Request (per 760 CMR 56) PG Construction Management, Inc., on behalf of Medfield Meadows LLC., Hennery Way aka 41 Dale Street**

Mr. Paul McGovern, Medfield Meadows, request a modification to the Comprehensive Permit from a 6 foot fence to an 8 foot fence. Mr. McGovern said the fence will be white vinyl and be located at the John Crowder Road property line. Mr. McGovern said the taller fence is to benefit the neighborhood and the Hennery Road tenants. Chair McNicholas said the Board needs to determine if the request is an insubstantial modification. Mr. Whitcher had no questions and Mr. McNiff said he is impressed with the project so far and feels it makes sense to have more of a buffer for the neighborhood.

At approximately 7:35 pm, Chair McNicholas made a motion to the approve 8 foot fence and make the determination that is an insubstantial change to the Comprehensive Permit. Seconded by Mr. McNiff Roll Call Vote: MW=yes; JM=yes, WM=yes. The Vote: 3-0.

**Minutes** - At approximately 7:40 pm, Mr. Whitcher made a motion to approve the minutes from 1/22/21. Seconded by Chair McNicholas Roll Call Vote: MW=yes; JM=yes, The Vote: 2-0.

**Deliberations**

**10 Earle Kerr Road** - Mr. McNiff said the contractor picked the best spot on the parcel for the pool. Mr. McNiff said there are no objections from abutters and does not see any reason to not approve the Special Permit. Mr. Whitcher agrees with Mr. McNiff and said the application was straightforward. Chair McNicholas said he has no issues and the decision would be conditioned on the approval of the Conservation Commission.

At approximately 7:45 pm, Mr. Whitcher made a motion to approve the Special Permit for 10 Earle Kerr Road. Seconded by Mr. McNiff Roll Call Vote: MW=yes; JM=yes, WM=yes. The Vote: 3-0.

At approximately 7:50 pm, Mr. Whitcher made a motion to adjourn. Seconded by Mr. McNiff. Roll Call Vote: MW=yes; JM=yes, WM=yes. The Vote: 3-0.

**Respectfully Submitted,**

Marion Bonoldi, Recording Clerk