



# 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 11, 2020**  
MINUTES

**Members Present:** William McNiff, Member; Jared Gustafson, Associate Member; Jared Spinelli, Associate Member

**Members Absent:** John J. McNicholas, Chair; Charles Peck, Associate Member; Michael Whitcher, Member

**Staff Present:** Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk

**Others Present:** Jim Murphy, David MacCready, Edward Cannon, Carol Wallace

**Location:** Medfield Town House, 2<sup>nd</sup> floor meeting room

At approximately 7:00 pm, Acting Chair Bill McNiff called the meeting to order and announced the meeting is being recorded. Acting Chair McNiff explained the process of the meeting

**Olde Medfield Square Condo Trust/David MacCready (applicant/owner) seek an appeal pursuant to MGL ch 40A §8 for the imposition of fine by Building Commissioner for alleged sign bylaw violation. The property is located at 266 Main Street; Assessors' Map 51 Lot 069; B Zoning District.**

Mr. Jared Gustafson read the notice into record.

Mr. Edward Cannon, attorney for Olde Medfield Square Condo Trust/David MacCready said they were sorry and disappointed to be before the Board. Mr. Cannon said Mr. MacCready tried to speak with Mr. Gary Pelletier to resolve the issue but was not successful. Mr. Cannon said his client feels the "fine doesn't fit the facts." Mr. Cannon said the sign at Olde Medfield Square is in need of repair or replacement. Mr. MacCready began the repair. Mr. MacCready had a conversation with the Sign Committee when he was before them regarding the Ord Block and was told that a permit was not needed for repair. Mr. MacCready took the majority of the sign down and was going to leave the top portion that identifies the address while he sought approval from the Sign Committee. Mr. Cannon showed the Board "Exhibit A" outlined in his memorandum to the Board and said Exhibit A is an old bylaw that Mr. Pelletier, Building Commissioner, gave to Mr. MacCready. Mr. Pelletier issued a cease and desist order with a letter stating the fine is \$25 per day. Mr. MacCready didn't understand the fine. Mr. Pelletier will not issue a permit until the fine is paid. Mr. MacCready approached the Board and showed photos. Mr. MacCready explained that the new sign will have plaques to show business names. Mr. MacCready said he has met with the Sign Committee and receive an approval. Mr. Gustafson asked if any work had been done to the sign from the time the Building Commissioner issued the cease and desist. Mr. MacCready said a black sheeting was added. Mr. Jared Spinelli said that Mr. Pelletier sent an email to the

Board said that Mr. MacCready gave the old bylaw to him and not the other way around. Ms. Sarah Raposa said she believes there was some confusion with the type of sign at the Ord Block and the sign at Olde Medfield Square and it was unlikely that Mr. Pelletier would have given Mr. MacCready an outdated bylaw given codification in 2014 and him being with the town for just over a year. Mr. MacCready said he was not trying to ignore the rules; he just wanted to put up a sign. Mr. MacCready said that most likely he did give the old bylaw copy to Mr. Pelletier. Mr. Spinelli asked for clarification; confused as to why the fine was not paid. Mr. Spinelli said the cost of an attorney is most likely more than the fine. Mr. Cannon said that Mr. MacCready has been in town for a long time and has done a lot of work in town and didn't want to get off on the wrong foot with the Building Commissioner. Mr. Cannon would like the Board to think about the fact that Mr. Pelletier's letter about the fine is not clear. Mr. Cannon feels that if there is a violation, it needs to be of the bylaw 110 Article 2 Section 1108 – any violation is subject to a fine not to exceed \$10. Mr. MacCready said his is more concerned with how everything was handled and what the Sign Committee told him. Mr. MacCready said he is not used to working like this. Mr. Cannon said they recognize that Mr. Pelletier has a tough job and that a lot of people try to take advantage of the bylaws. Mr. Cannon want to be clear that this is not what happened here.

Mr. MacCready said that once he received Mr. Pelletier's letter the sign was not touched again. Mr. MacCready said he misspoke before. Mr. Gustafson asked if Mr. MacCready went through the sign permitting process when the building was original purchased. Mr. MacCready said yes.

The Board felt that a site visit was unnecessary. Mr. Spinelli made a motion to close the hearing. Seconded by Mr. Gustafson. The Vote: 3-0.

**Medfield Holdings LLC (applicant) and Andrea Simoni, Trustee of the Simoni Family Irrevocable Trust (owner) seek a special permit under MGL Chpt. 40A §9 and/or Medfield Zoning Bylaw §300-9.1. C.2. and the Table of Area Regulations referenced in §300-6.2 of the Zoning Bylaw that the proposed work consisting of demolition of existing house and construction of a new 4-BR home with attached two-car garage will not be substantially more detrimental to the neighborhood than the existing nonconforming nature; and/or a variance from Chapter 300 Attachment 3. The property is located at 5 Rhododendron Ave; Assessors' Map 32 Lot 008; RS Zoning District with Secondary Aquifer Overlay.**

At approximately 7:34pm, Mr. Spinelli read the notice into record.

Mr. James Murphy, attorney for Medfield Holding, LLC, presented for the applicant. Mr. Murphy said there is an existing home at 5 Rhododendron that is in poor condition due to a fire. The applicant wants to demolish the home and build a 4-bedroom home with 2-car garage. Mr. Murphy said the site is preexisting, non-conforming.

Mr. Murphy said the applicant went before the Historic Commission in February. The property was voted not historic and there is no demolition delay. The site is located in the Secondary Aquifer Overlay and the plans shows recharge going directly to the site with calculations.

Mr. Murphy said the height is 28.2 inches which is below the 35 feet requirement. Acting Chair McNiff asked if everything will be demolished at the site. Mr. Murphy said yes. Acting Chair McNiff asked about landscaping and driveway placement. Mr. Murphy said the plans show that the driveway will be in a new location and there are no specific landscaping plans. Mr. Murphy said any landscaping will be an improvement to what is currently at the property.

Ms. Carol Wallace, 105 Spring Street, said she is an abutter to the property. Ms. Wallace said she is concerned about the height of the property since the home currently there is a ranch. Mr. Spinelli said the proposed home height is less than what is allowed by the bylaw. Ms. Wallace asked about the landscaping and fence between her property and the proposed home. Ms. Wallace is unsure if the existing fence is her property. Mr. Murphy said there are no plans for landscaping or fencing at this time. Mr. Murphy believes the existing garage is closer to Ms. Wallace's home than the proposed garage will be. Ms. Wallace is also concerned about lighting. Ms. Raposa said any approved decision would include fully shielding downward facing lights with no light trespass lighting however, the Board can't prohibit lighting on the back of the home. Mr. Spinelli suggested that Ms. Wallace speak to the applicant directly to get specifics.

The Board did not feel a site visit was necessary. At approximately 8:46 pm, Mr. Gustafson made a motion to close the hearing. Seconded by Mr. Spinelli. The Vote: 3-0.

### **Deliberations**

**266 Main Street** – Mr. Spinelli noted that Mr. Pelletier should write a very specific letter even though it is clear to the Board. Mr. Spinelli suggested endorsing the original fine of \$525. Mr. Spinelli made motion for Olde Medfield Square Condo Trust to pay the fine of \$525 within 7 days of filing the decision or additional daily fines will accrue. Seconded by Mr. Gustafson. The Vote: 3-0.

**5 Rhododendron Avenue** – Acting Chair McNiff said the applicant was straight forward. Mr. Gustafson made a motion to approve the special permit for 5 Rhododendron Ave with the standard conditions. Seconded by Mr. Spinelli. The Vote: 3-0.

At approximately 8:00 pm, Mr. Gustafson made a motion to adjourn the meeting. Seconded by Mr. Spinelli. The Vote: 3-0.

Respectfully submitted,  
Marion Bonoldi, Recording Clerk