



# TOWN OF MEDFIELD

*Office of the*

## BOARD OF APPEALS

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

(508) 359-3027  
(508) 359- 6182 Fax

MEETING OF:  
**March 13, 2019**  
MINUTES

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

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

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

**Others Present:** Caitlin Struble, Robert Segal, Kristin Segal, Robert Ingram

**Location:** Medfield Town House, 2<sup>nd</sup> 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 reviewed the notice, hearing procedures, and topics for discussion. Chairman McNicholas introduced Mr. Jared Gustafson, Associate Member and noted this is Mr. Gustafson first sitting hearing.

**Robert & Kristin Segal (owner/applicants) 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 §300-6.3 of the Zoning Bylaw that the proposed work consisting of expansion of the existing attic space (office) over the existing footprint to create an additional bedroom 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 9 Hale Place; Assessors' Map 43 Lot 117; RS Zoning District with Secondary Aquifer Overlay.**

At approximately 7:04 pm, Michael Witcher read the notice into record.

Ms. Caitlin Struble, architect, presented the application to the Board. Ms. Struble referenced the plans distributed to the Board. Ms. Struble said on page A3 of the plans the existing elevation is shown. The addition would be on the 2<sup>nd</sup> floor, on the left hand side, above the farmer's porch. The proposed plan is to bring the ceiling height up to add a Master bedroom over the living room. Ms. Struble said the proposed addition does not go outside of the existing footprint. The applicant is trying to keep the look and feel of the existing home.

Ms. Struble said the allowable FAR is 35%. The current home is 2,910 square feet and with the proposed addition 3,076 square feet. There will be an addition of 166 square feet with the addition.

The Board reviewed photos submitted by the applicants. Mr. Robert Segal noted the addition of a window and a dormer. Ms. Struble said most of the homes in the neighborhood look like the proposed plan. Chairman McNicholas noted that the street has changed a great deal over the years. Chairman McNicholas noted the previous decision from 1999 (when the house was built) stating the square footage was 2,300 sq. ft. which is smaller than what was actually built. Ms. Sarah Raposa said here has been a long standing confusion about realtors' vs assessors' interpretation of FAR and those interpretations are generally different than zoning. Chairman McNicholas asked if any other special permit application has been filed on this property in the past. Ms. Raposa said no; not to her knowledge. Ms. Raposa feels the house was built to speck and the differentiation in methodologies came into play regarding the discrepancy in the FAR. Ms. Struble feels the finishing of the basement could have also confused the FAR count. Chairman McNicholas doesn't feel the FAR discrepancy of the 1999 decision is a big issues; he simply wants it noted for the record.

Chairman McNicholas asked for further questions from the Board. Mr. Gustafson asked if the existing farmer's porch is changing. Ms. Struble said no; however a new roof will be added to the farmer's porch. Mr. Whitcher asked if any neighbors have comment on the addition. Mr. Segal submitted two letters of support from neighbors to the Board. Chairman McNicholas asked what the present lot coverage is. Ms. Struble said she doesn't have the actually number. A new plot plan was not created because the addition will not be outside the current footprint of the home. Ms. Struble believes the number is most likely at the maximum allowed.

At approximately 7:16 pm, Chairman McNicholas read two letters from the neighbors. Paul and Tracey Leahy of 6 Hale Place submitted a letter of support. Nell and Amer Saab submitted a letter of support. Chairman McNicholas noted the letters and photos would be added to the application file. Mr. Robert Ingram, 10 Hale Place, spoke in support of the application. Mr. Ingram said the proposed addition is in keeping with the street style.

Chairman McNicholas said the application is very straight-forward and "checks all the boxes" for a special permit. Mr. Segal said the reason for the addition is to create more space for the family. Mr. Segal said they have 3 boys and are out of space. The Segal's have lived in Medfield for 6 years and would like to remain in the community. Mr. Segal said the addition is for the utility of the home; not a glamour project.

At approximately 7:27 pm, Mr. Whitcher made a motion to close the hearing for 9 Hale Place. Seconded by Mr. Gustafson. The Vote: 3-0.

The Board discussed potential decision for 9 Hale Place. The Board agreed that a site visit is not necessary however; members will drive by to view the property.

At approximately 7:35 pm, Mr. Whitcher made a motion to approve the special permit for 9 Hale Place. Seconded by Mr. Gustafson. The Vote: 3-0.

The Board reviewed a decision template. Ms. Raposa noted that in Finding #4 it should state the FAR is increased by 166 sq. ft. no footprint changes are proposed. In Finding #9, the street needs to be changed from a public to private way. Ms. Raposa said she will add language that no action is being taken on the variance. Ms. Raposa said meeting minutes will be referenced in the decision. Chairman McNicholas said in the Finding of Facts, it should be noted that there is a previous decision on the home. Ms. Raposa confirmed that is noted in

Finding #10. Ms. Raposa said she will clean up the decision template and forward to Chairman McNicholas for the draft decision. The Board signed the signature page of the decision.

**Administrative:**

- **Minutes - 02/13/19** - Minutes will be reviewed at a later meeting.
- **Country Estates Modification** – Ms. Raposa said Steve Bouley from Tetra Tech has reviewed the development and said the stormwater control measures need to be implemented. Chairman McNicholas said Mr. Larkin was granted the extended construction hours to get the project done however; Mr. Larkin seems to make everything difficult. Chairman McNicholas read his notes from the last meeting. Mr. Larkin agreed to have 10 occupied units and the “frontscape” completed for May 1, 2019. Mr. Larkin agreed to have an inspection completed by February 28, 2019 and the landscaping completed by May 31, 2019. Ms. Raposa noted she will add the landscaping deadline to the decision. Chairman McNicholas said a status report will be needed by Mr. Larkin at the May 8, 2019 meeting. Mr. Whitcher asked if Tetra Tech could give another status update for the April 10, 2019 meeting. Ms. Raposa said yes. Chairman McNicholas noted that if the agreement is not kept by Mr. Larkin, the extended hours should not be extended again. The Board reviewed the modification and signed the decision.
- **Board absence/40B meeting schedule** - Mr. Whitcher will not be at the April 11, 2019 meeting. Chairman McNicholas will not be here in for the May 9, 2019 meeting. Chairman McNicholas noted that Mr. McNiff will not be able to attend the March 14, 2019 meeting however the “Mullen rule” could be used. The “Mullen Rule” states a member can miss a meeting but if he/she reviews all of the documentation and listens to the audio; that member may still vote at a future meeting. Chairman McNicholas feels that if tomorrow’s meeting (3/14/19) goes productively, Mr. Paul Haverty could start working on a draft decision, and suggested moving the April 11, 2019 meeting to Monday, April 22, 2019. Ms. Raposa noted that it would be helpful if committee members could work together to make sure a quorum for each meeting is reach. It is difficult for Ms. Raposa to communicate with so many members about scheduling issues. Mr. Whitcher thought the scheduling had to go through Ms. Raposa and was relieved to realize it does not. Chairman McNicholas noted vacation planning will need to be discussed early and will circulate an email to the members. Mr. Whitcher asked when a new 40B project will likely start up after Medfield Meadows. Ms. Raposa said the Legion’s 40B project will most likely begin in late Fall.

**ADJOURNMENT** – At approximately 8:08 pm, Mr. Whitcher made a motion for adjournment. Seconded by Mr. Gustafson. The Vote: 3-0

**Respectfully Submitted,**

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