



# TOWN OF MEDFIELD

*Office of the*

## BOARD OF APPEALS

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

MEETING OF:  
**March 28, 2023**  
MINUTES

**Members Present:** John McNicholas, Chair; Michael Whitcher, Member; Kristine Barton, Associate Member

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

**Staff Present:**

**Others Present:** James Murphy

**Location:** Virtual Zoom Webinar

At approximately 9:00 AM John McNicholas, Chair, called the deliberation to order and disclosed the meeting is being video recorded.

Mr. McNicholas discussed the deliberation process regarding what will be heard before the Zoning Board of Appeals today.

The petition is as follows:

- **Michael MacQuarie (applicant) Silvestro & Linda Calabrese (owners) seek a finding under MGL Chapter 40A §6 and/or a special permit under MGL Chapter 40A §9 and/or Medfield Zoning Bylaw §300-9.1.C.2. and the Table of Area Regulations referenced in §300-6.2 and 6.3 of the Zoning Bylaw as well as §300-14.10 and/or a variance under MGL Chapter 40A §10 to allow for a Floor Area Ratio (FAR) of .42 where .35 is allowed. The property is located at 4 Metacomet Street; Assessors' Map 37 Lot 164; RU Zoning District with Secondary Aquifer Protection Overlay.**

Mr. McNicholas reiterated the process for the deliberations. He also noted for the record the documentation that was requested from Mr. Murphy has been received. Mr. McNicholas discussed the points from the specific by-laws that needed to be discussed today. Ms. Barton believes that would attached a restriction on the residence that the attic could only be a non-habitable space. She also thinks that a variance is possible but that would have to be agreed on by the board. Mr. Whitcher agrees with Ms. Barton on either a variance or a possible amendment of the original special permit. He believes with the amendment the restriction cannot be enforced and hopes that the applicants abide by the decision.

Mr. McNicholas went through both possibilities and cross-referenced other cases regarding specific measurement requirements pertaining to ceiling height, flood area ratio, etc. Ms. Barton asked if there were specifications of the original special permit. Ms. Raposa shared her screen and showed that there was a reference in the original decision stating there were supplemental plans submitted to meet the FAR on November 13, 2020. Mr. McNicholas reviewed the supplemental plans and the final plans submitted for Certificate of Occupancy. He proposed a modified decision that would state the attic as finished does not constitute a space for human occupancy. Mr. McNicholas referenced the bylaw and definitions pertaining to the bylaw to be most accurate on the decision and language. Ms. Barton will draft the decision.

**MOTION:** Ms. Barton made a motion to approve the modification of the special permit 1398, based upon a finding that the attic space, as presently finished, does not constitute a space for human occupancy and therefore not included in the FAR calculations with the added restriction that the attic is not to be used for human occupancy.

**SECONDED:** Mr. Whitcher

**ROLL CALL VOTE:** Mr. Whitcher, aye, Ms. Barton, aye, Mr. McNicholas, aye

**MOTION CARRIES:** 3-0

Ms. Barton made a motion to adjourn the meeting at approximately 10:21 am. Seconded by Mr. Whitcher. The Vote: 3-0 Mr. Whitcher, aye, Ms. Barton, aye, Mr. McNicholas, aye

Respectfully submitted,  
Cara Wise