



TOWN OF MEDFIELD

Office of the

BOARD OF APPEALS

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

MEETING OF:

May 7, 2021

MINUTES

Executive Session

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

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

Staff Present: Sarah Raposa, Town Planner, Mark Cerel Town Counsel

Location: Virtual Zoom Webinar

At approximately 10:00 am, Chair Jack McNicholas called the meeting to order and announced the meeting is being recorded. Chair McNicholas explained procedures for the meeting and read the following notice:

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.

Vote to go into Execution Session under Open Meeting Law exemption #3, to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position relating to the appeal taken by Maria G. Palumbo, Trustee (2 Main Street) of the ZBA's decision # 1397, and not return to open session.

At approximately 10:04 am, Mr. McNicholas made a motion to go into Execution Session under Open Meeting Law exemption #3, to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position relating to the appeal taken by Maria G. Palumbo, Trustee (2 Main Street) of the ZBA's decision # 1397, and not return to open session. Seconded by Mr. Whitcher. Roll Call: MW=yes; JG=yes; JM=yes. The Vote: 3-0.

At Approximately 10:05 am the Board commenced the executive session. Town Counsel Mark Cerel briefed the Board on the procedural history of the appeal, presented the terms of agreement, and facilitated Board discussion.

The terms of agreement are as follows:

- Property to be maintained as single family residence, only; no accessory apartment or other independent dwelling unit, unless permitted by Medfield Zoning Bylaw
- Residence to contain no more than four bedrooms, total, including no more than one bedroom on basement level, unless first construct BOH-approved septic system upgrade or connect to public sewer system.
- Existing doorways/doors without locking mechanism at the head of stairs and on basement level may remain.
- Town (Building Commissioner) shall issue final sign-off for any outstanding building permit(s) promptly following Court's approval of the Agreement for Judgement (A/J)
- The shall be filed with Land Court and submitted for Court's approval; once approved, an attested copy shall be recorded @ Norfolk County Registry of Deeds; A/J may also be enforced as provided in Mass R. Civ. P. 65.3

At approximately 10:20 am, Mr. Whitcher made a motion to authorize Mark Cerel to resolve the Agreement for Judgement and substantially set forth in the documents previously sent for review.

Seconded by Mr. Gustafson. Roll Call: MW=yes; JG=yes; JM=yes. The Vote: 3-0.

At approximately 10:25 Mr. Whitcher made a motion to close the executive session and adjourn the meeting.

Seconded by Mr. Gustafson. Roll Call: MW=yes; JG=yes; JM=yes. The Vote: 3-0.

3-0

Respectfully Submitted,

Sarah Raposa, Town Planner