



TOWN OF MEDFIELD

Office of the

BOARD OF APPEALS

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

MEETING OF:
June 11, 2021
MINUTES

Members Present: John J. McNicholas; Chairman; Michael W. Whitcher, Member; William McNiff, Member

Members Absent: Charles Peck, Associate Member; Jared Spinelli, Associate; Jared Gustafson, Associate Member; Member

Staff Present: Sarah Raposa, Town Planner

Others Present: David Lebwith, Paul McGovern

Location: Virtual Zoom Webinar

At approximately 9:00 am, Chairman Jack McNicholas called the meeting to order and announced the meeting is being recorded. Chairman McNicholas 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.

Request for modification of a 40B permit for Medfield Meadows

The applicant, Mr. Lebwith, entered the meeting. Mr. Lebwith and his team have been building a 40B project over at Medfield Meadows. They have finished half of the project so far, the finished half being rental properties. The part still in progress will be condominiums. As part of their construction financing, their lender has requested that each part of that project be set up as a distinct single purpose entity. They are looking to add the number 18 A in the name of the owner, and to have a transfer for nominal consideration, so that they can proceed with their financing. Chairman McNicholas asked which portion of the project will be 18 A. Mr. Lebwith said that it is the building with the condos. They plan on dividing the parcel into two parts - 18 A and 18 B. 18 B will be the rental property.

All three ZBA members agreed that this request is straightforward and they do not have any questions or concerns.

Ms. Raposa asked if Mr. McGovern could talk about the changes that he will be making to the gate of the property. Mr. McGovern said that the approved plan originally calls for a gate between the property and Joseph Pace Road. The residents of Joseph Pace Road are not satisfied with the current gate that is on the property, since it will not stop pedestrians from Medfield Meadows from entering their street, so they would like additional fencing. Mr. McGovern shared his screen to show the site plan and showed where they would like to increase the fencing. There could be a potential issue with this if plows need to access the road that will be fenced in. The town would then need to determine another area to put the extra snow. There are also some concerns about how the additional fencing will impact emergency vehicle access to Joseph Pace Road. This additional fencing was not in the approved plan, however, it was agreed upon in the planning stages of this project. There will be a walkway built for pedestrians from Medfield Meadows to use that will not intrude on the residents of Joseph Pace.

Chairman McNicholas asked where the current gate is on the property. Mr. McGovern said that it is about twenty feet onto the property. Chairman McNicholas asked Ms. Raposa if she has had conversations with the Joseph Pace residents about this. She responded that the Board of Selectmen had a discussion on this matter and they agreed that they were fine with the additional fencing. Meeting panelists had a discussion about some of the concerns they have regarding snow storage and emergency access to the fenced in road. They also discussed how they would like to proceed with this request. Ultimately, they decided they needed more information to make a decision, and that they wanted to continue this discussion at a later date.

Chairman McNicholas made a motion to make the determination that the name change proposed by Mr. Lebwith is not a substantial modification that requires a full hearing, and that the ZBA will continue their discussion on the request for the determination relative to the fence on July 14th. This will allow Mr. McGovern ample time to have a discussion with the neighbors on Joseph Pace Road and the board members will have time to gather more information. Seconded by Mr. Witcher. MW=yes; WM=yes; JM=yes. The Vote: 3-0.

Ms. Raposa added that the developers may want to pave the parking lot of Medfield Meadows, so we will need to add to the decision that they need to pay special attention to the lot coverage.

Decision on 99-101 North Street - Mr. Witcher made a motion to grant the special permit to ICO, LLC. Seconded by Mr. McNiff. MW=yes; WM=yes; JM=yes. The Vote: 3-0.

Minutes - 04/14/2021 & 05/12/2021 - *Tabled*

At approximately 10:20 AM, Mr. Witcher made a motion to close the meeting. Seconded by Mr. McNiff. MW=yes; WM=yes; JM=yes. The Vote: 3-0.

Respectfully Submitted,

Lily Maranci, Administrative Assistant