



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:
June 12, 2019
MINUTES

Members Present: John J. McNicholas, Chairman; William McNiff, Member; Jared Spinelli, Member
Members Absent: Michael Witcher, Member; Charles Peck, Associate Member; Jared Gustafson, Associate Member
Staff Present: Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk
Others Present: Tracey Hogan, John Macropoulos, Shelagh Macropoulos
Location: Medfield Town House, 2nd 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 explained the hearing procedures and noted the next scheduled meeting for the Zoning Board of Appeals is July 10, 2019.

John Macropoulos (applicant/owner) seeks a variance under MGL Chpt. 40A §10 for the extension of pre-existing rear balcony into the rear setback, not to exceed 8'. The property is located at 35 Hillcrest Road; Assessors' Map 44 Lot 024; RS Zoning District.

Mr. John Macropoulos said that his family has lived in the home at 35 Hillcrest Road for 9 years. Mr. Macropoulos said they would like to expand the balcony across the rear of the home creating a deck space. The deck would be on even grade with the 1st floor of the home and the family is looking to achieve a space of privacy. The home has a lot of frontage and limited space in the back of the house. Mr. Macropoulos said other options have been looked at and this seems the best way to achieve a private space. Mr. Macropoulos feels the home is positioned towards the back of the lot due to ledge. Mr. Macropoulos noted the proposed plan also includes a screened in porch with dimensions of 12 X 15 feet. The porch would have a single, low pitch roof. Mr. Macropoulos said the plan would be to capture rain water and infiltrated it back in to the ground.

Chairman McNicholas asked if all other setbacks are conforming. Mr. Macropoulos said yes; Ms. Raposa confirmed. Chairman McNicholas asked if there has been research done to determine ledge on the property. Mr. Macropoulos said he has "hotspots" on the lawn and has been told by landscapers the hotspots are due to ledge. Mr. Macropoulos said the idea of ledge was reinforced by the surveyor. Chairman McNicholas asked if other homes in the zoning district have a similar home position on the lot as the Macropoulos have. Mr. Macropoulos said the home is more elevated than the abutting lots and the belief is the elevation is due to ledge.

Ms. Raposa noted the proposed lot coverage listed on the application is 22.9% and the allowed is 20%. Chairman McNicholas explained lot coverage percentages to the applicants. Mr. McNiff noted the proposed lot coverage is noted but there is no record of the current lot coverage.

Mr. Macropoulos said if necessary the screened porch could be eliminated from the proposed project. Mr. McNiff said the Board needs to decide if the proposed project reached the variance level. If not, then the applicants' time should not be wasted. Chairman McNicholas tried to calculate the lot coverage minus the proposed porch. The quick calculation determined the applicant is possible over lot coverage already; without the proposed project. Mr. Macropoulos said his wife wants the porch to avoid mosquitos. Chairman McNicholas suggests filling out the appropriate paperwork and consider the entire project. Chairman McNicholas feels this is the best way to proceed and Mr. Macropoulos agreed.

At approximately 7:45 pm, Mr. McNiff made a motion to continue the public hearing until July 10, 2019 at 7:00 pm. Seconded by Mr. Spinelli. The Vote: 3-0.

Comprehensive Permit Modification Request (per 760 CMR 56) Country Estates of Medfield, Hospital Road 40B - Review Tetra Tech report; Request to renew extension of construction hours per the ZBA Decision #1365, Approved May 8, 2019

Mr. Michael Larkin said he is before the Board to get an approval on the extension of construction hours to include Saturdays. Mr. Larkin said the Board, Tetra Tech and others came to the site 2 weeks ago. Mr. Larkin feels if the Board saw the site now; they would note dramatic changes. Mr. Larkin said sod, trees and plantings have stabilized the land and asphalt berms have controlled the run-off issues. Mr. Larkin said the Tetra Tech report is delayed due to Mr. Larkin's engineer having a death in his family. Mr. Larkin said a meeting with Tetra Tech was supposed to have taken place last week but did not occur until yesterday due to funeral arrangements. Mr. Larkin said the report will include post and pre stormwater information. Mr. Larkin noted that foundation drains are required by the building code. Ms. Raposa said the ZBA requirements come before the building code because this is a comprehensive permit. Ms. Raposa said she looks forward to seeing the report.

Mr. Spinelli said the Board can't do much without the report. Chairman McNicholas said the Board feels they have been dealing with issues regarding this project for a long time. Mr. McNiff said he understands personal situations can get in the way and he did drive by the property. Mr. McNiff said he saw some improvements and feels like the development is catching up to where it should have been 3 – 6 months ago.

Ms. Tracey Hogan, 15 Hospital Road, said she has noticed the run-off has been dramatically better. Ms. Hogan said the lighting on the Stoneridge Road entrance shines into her home. Ms. Hogan has photos to show the Board. Mr. Spinelli asked Mr. Larkin if they can be repositioned. Mr. Spinelli asked Mr. Larkin to refer to the lighting plan that was approved by the ZBA. Mr. Larkin said he would contact Ferguson and have the lighting corrected.

Mr. Larkin said there is only minor activity being done at the site at this time. Mr. Larkin said he wants to address all issues before moving on to the next phase.

Mr. McNiff made a motion to extend the construction hours from Decision #1365 until the July 10, 2019 meeting. Seconded by Mr. Spinelli. The Vote 3-0.

Administrative:

Comprehensive Permit Modification Request (per 760 CMR 56) Medfield Meadows, LLC, Dale Street 40B Request for a determination in accordance with the factors set forth in 760 CMR 56.07(4) to Amend Decision No. 1362 by modifying the language set forth under Condition F.3. as follows "For the purposes of improving North Meadows Road and West Street the Applicant shall pay the Town the sum of Ten Thousand Dollars (\$10,000). Payment shall be made within 120 days from the issuance of any building permit (not including a foundation permit) for said project" (instead of this existing language: For the purposes of improving North Meadows Road and West Street the Applicant shall facilitate and complete a Road Safety Audit (RSA) prior to the issuance of the first Building Permit for the Project to be conducted in accordance with MassDOT standards) AND ALSO to modifying the language set forth under Condition A.8 as follows: "The rental unit portion of the Project shall consist of five (5) one-bedroom units, sixteen (16) two-bedroom units, and three (3) three-bedroom units, as depicted on the Approved Plans. The homeownership portion of the Project shall consist of six (6) three-bedroom units and six (6) four-bedroom units, as depicted on the Approved Plans" in order to clarify a typo on the ownership portion unit type/count.

Ms. Raposa said there is an amendment needed for the Medfield Meadows decision. Ms. Raposa confirmed the amendment has been reviewed and approved by Paul Haverty. The Board signed the amendment.

Annual Committee Questionnaire – Ms. Raposa said the Annual Committee questionnaire was filled out from the annual report. Ms. Raposa asked the Board to review the questionnaire.

Minutes

- **Minutes 5/3/19** (JM, WM, CP) - At approximately 8:25 pm, Chairman McNicholas made a motion to approve the minutes from May 3, 2019. Seconded by Mr. McNiff. The Vote: 2-0.
- **Minutes 5/8/19** (MW, WM, JS) - At approximately 8:26 pm, Mr. Spinelli made a motion to approve the minutes (noting one edit) from May 8, 2019. Seconded by Mr. McNiff. The Vote: 3-0.

ADJOURNMENT – At approximately 8:35 am, Mr. McNiff made a motion for adjournment. Seconded by Mr. Spinelli. The Vote: 3-0.

Respectfully Submitted,

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