



TOWN OF MEDFIELD

Office of the

Board of Appeals on Zoning

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MEDFIELD, MASSACHUSETTS 02052-2009

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No. 1325

February 28, 2018

Decision of the Board of Appeals on the petition of: Country Estates of Medfield, LLC
Property owned by: Country Estates of Medfield, LLC
Location of Property: 21, 25, 29 Hospital Road, Medfield, MA
Norfolk County Registry of Deeds: Book 33500, Page 500 and Book 33564, Page 540 and,
Norfolk County Land Court Certificate of Title No: 191843
Medfield Assessors' Record: Map: 64 Lot: 009
Zoning District: Residential Town (RT) with partial Aquifer Protection District

RECEIVED
TOWN OF MEDFIELD, MASS
2018 MAR - 1 A 8:45
OFFICE OF THE
TOWN CLERK

By request dated January 30, 2018 (the "Application") filed with the Board of Appeals on February 1, 2018, Country Estates of Medfield, LLC c/o Michael J. Larkin (hereinafter the "Applicant") of Medfield, Massachusetts seeks a modification of ZBA Decision No. 1300 to expand construction hours to include Saturdays and expand delivery hours on Saturdays. The property is located at 21, 25, 29 Hospital Road which has been combined as Assessors' Map 64, Lot 009; RT Zoning District with partial Aquifer Protection District (hereinafter the "Locus").

A public meeting was held on Wednesday, February 14, 2018 to hear the request within 20 days of receipt in accordance with 760 CMR 56(11)(a).

At 7:55 P.M. Mr. Nolan read the Modification Request to the Comprehensive Permit into the record. Applicant Mr. Michael Larkin explained it took 5 months to get approval from the State for the affordable housing units, and then the financing for the project took another 2 months. The result was seven months of inactivity on the project. In order to meet the deadlines needed for the building permits for the affordable units, Mr. Larkin is asking to be able to work on weekends. The Conditions on the project do not allow heavy construction trucks and work on the weekends. Mr. Larkin requests the ability to have small trucks/vans (not a tri-axle truck or a large delivery truck) allowed on the site on Saturdays and to conduct work at the site on

Saturdays in order to allow the Applicant to make up for lost time. Mr. Larkin explained the project would focus first on the units near the street and then work on the interior units, away from the street and the neighbors as the project progresses. The target is to get the affordable units done in a timely fashion. There will not be any heavy equipment used on weekends. The workers will arrive at 8 A.M. and leave at 5 P.M. and will not be coming and going all day.

Mr. Nolan asked how much noise is generated by a nail gun. Mr. Larkin said the noise from a nail gun is fairly minor and not loud. Mr. Larkin said, as the work progresses the workers will move away from the street where the neighbors are into the interior of the site.

Mr. Peck said the neighbors certainly had significant concerns about the project originally, and asked if the neighbors had received notice of this modification. Ms. Raposa replied there is no requirement to notify the neighbors for this type of application, and added developers were encouraged to communicate with the neighbors.

Mr. Nolan did think this qualifies as an insubstantial change, but recommended only giving temporary relief so that the Applicant would be required to check back in with the Board after 6 months.

Mr. Peck said it should be okay if there are no large trucks on Saturdays. Mr. Larkin added that the heavy trucking will be completed in May and after that it will just be deliveries a few times a week.

Mr. Nolan asked how long the entire project will take. Mr. Larkin said 2 years.

Mr. Nolan recommended approving this Modification for 6 months and then if the Town gets complaints, the Board can react.

Ms. Raposa wanted to talk about the quality of communication between Mr. Larkin, the contractors, and TetraTech. Mr. Larkin said his engineer, Mr. McKenzie, who witnessed the installation of the drainage system, did an extensive review in a letter to TetraTech. Mr. McKenzie is now in touch with TetraTech. Mr. Larkin will forward the letter from Mr. McKenzie to TetraTech to Ms. Raposa.

Mr. McNiff expressed concerns about noise too early on Saturday mornings. Mr. Larkin said the sports fields already generate a lot of traffic on Saturday mornings starting at 9A.M.; sports will start up again in March or April.

Ms. Raposa recommended signing the Decision on February 28, so the Saturday work can begin in early March. Nolan said the August 8th meeting can address any issues, so perhaps

the Modification can run through August 10th.

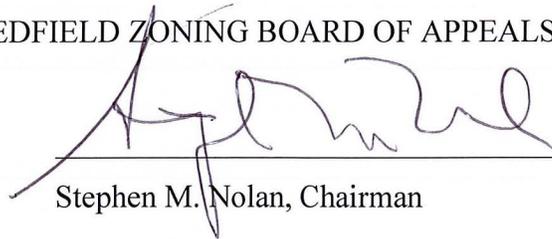
At 8:18 P.M. Mr. McNiff made a motion to approve the Modification through August 10th; seconded by Mr. Peck. The Vote 3-0.

DECISION:

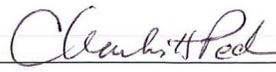
The Medfield Zoning Board of Appeals hereby determines the request to be insubstantial in accordance with the factors set forth in 760 CMR 56.07(4) and amends its conditions in Decision No. 1300 to expand construction hours to include Saturdays from 8:00 A.M. to 5:00 P.M. (Condition G.6) and expand delivery hours on Saturdays from 8:00 A.M. through 5:00 P.M. for light trucks and vans only (Condition G.7) for a time period ending on August 10, 2018 with the condition that all other conditions from the previous decision remains in effect.

THIS DECISION WAS UNANIMOUS.

MEDFIELD ZONING BOARD OF APPEALS



Stephen M. Nolan, Chairman



Charles H. Peck, Member



William McNiff, Associate Member

JOHN J. MCNICHOLAS, MEMBER, DOUGLAS C. BOYER, ASSOCIATE MEMBER, AND MICHAEL WHITCHER, ASSOCIATE MEMBER DID NOT SIT ON THE BOARD AT THE PUBLIC HEARING CONCERNING THIS MATTER NOR DID THEY PARTICIPATE IN THE DELIBERATIONS OF THE BOARD OR IN THIS DECISION.

APPEALS FROM THIS DECISION, IF ANY, SHOULD BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40 A, §17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK