



# TOWN OF MEDFIELD

## BOARD OF APPEALS ON ZONING

459 Main Street, Medfield, MA 02052

Print Form

Filed with Town Clerk

Phone: 508-906-3027

Fax: 508-359-6182

### APPLICATION FOR HEARING (TO BE FILLED OUT BY APPLICANT)

RECEIVED  
TOWN OF MEDFIELD, MASS

2020 OCT 16 A 8:52

Date 10/15/2020

OFFICE OF THE  
TOWN CLERK

Name of Applicant or Appellant 7th Wave Brewing

Mailing Address 120 N Meadows Rd Medfield, MA 02052

Phone 617-909-5581 Email owen@7thwavebrewing.com

The record title of said property stands in the name of David Strymish and Deborah Cronin

Whose address is 44 Otis St Newton, MA 02460

Applicant is (owner, tenant, other) Tenant

Location of Property 120 N Meadows Rd Medfield, MA 02052

Deed duly recorded in the Norfolk County Registry of Deeds: Book 35744 Page 357  
(or) if Registered Land, Certificate No. \_\_\_\_\_

Year lot created \_\_\_\_\_ Plan of Land recorded in Plan Book \_\_\_\_\_ Plan No. \_\_\_\_\_ or  
Registered Land Plan No. \_\_\_\_\_

Medfield Assessors Map 48 Lot 001 / Zoning District IE

Nature of application or appeal (Written summary of project. Use other side for additional space.):

See attached documents: "7th Wave Brewing Zoning Hearing Application 10.15.20"

Applicable section(s) of Zoning Bylaw or General Law (State which, or if both, so state):

A determination under M.G.L. Ch. 40A §6 and/or Medfield Zoning Bylaw, Article 9, that proposed work will not be more nonconforming and/or a variance from Chapter 300b of the Zoning Bylaw.

Both

I hereby request a hearing before the Board of Appeals with reference to the above, application. In the event that a Variance or Special Permit or other form of decision required by law to be recorded is granted, I will record the same with the Norfolk Registry of Deeds, or Land Court.

I have read and accept the rules and fees of the "Rules of the Medfield Board of Appeals."

Signed Owen Hawkins Printed Owen Hawkins

Signed David Strymish Printed David Strymish



# TOWN OF MEDFIELD

## BOARD OF APPEALS ON ZONING

459 Main Street, Medfield, MA 02052

Phone: 508-906-3027

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### RULES AND REGULATIONS

In accordance with the provisions of Massachusetts General Laws, Acts of 1975, Section 808, and the Zoning Bylaw of the Town of Medfield, the following rules are hereby adopted for conducting Board of Appeals business:

1. Any person desiring to apply for a Special Permit or Variance hereunder shall submit an application in writing to the Board of Appeals with a copy to the Building Inspector, the Board of Health, the Planning Board and the Town Clerk. Each application shall contain the following information:
  - A) The full name, address and telephone number of the applicant.
  - B) The full name, address and telephone number of the record owner of the real estate concerning which the Special Permit or Variance is sought, if different from the applicant.
  - C) If the applicant is other than the record owner of the real estate, the nature of the applicant's interest in the real estate (i.e. lease, option to purchase, etc.).
  - D) The street address and zoning district for the property concerning which a Special Permit or Variance is sought. Please include a copy of your deed, copy of the subdivision plan, and any applicable easement documents.
  - E) A written summary of any construction or change which the applicant intends to make to the property if the Special Permit or Variance is granted.
  - F) A current plot plan showing the boundary lines of the premises and the locations of structures thereon. The plot plan must be fully dimensioned and show current/existing conditions and proposed conditions. Please submit five (5) 11" x 17" plan sets and two (2) full-sized sets.
  - G) Floor plans and elevations showing any proposed construction, alterations or renovation of the premises for which the Special Permit or Variance is sought.
  - H) If the proposed use contemplates removal or disturbance of any earth, topographical plans of the property shall be furnished which show existing and finished ground contours at two-foot intervals.
  - I) If the application is made for a determination under M.G.L Chapter 40A, Section 6, a chart showing the zoning requirements of the district as set forth in Chapter 300b Table of Area Regulations and Chapter 300c Table of Height and Bulk Regulations, the existing dimensions of the lot and structures and the proposed dimensions of the lot and structures, if the relief is granted.
2. The Board of Appeals may require from any applicant for a Special Permit or Variance a written narrative stating how they meet the criteria for the Special Permit or Variance and may require any additional information as it may need to determine the effect of the proposed use upon neighboring persons and property and upon the welfare of the Town.
3. In any Special Permit which is sought in the Flood Plain, Watershed Protection District or Aquifer Protection District, the applicant shall submit plans showing the boundary line of said district on the lot which is the subject of the application. (See Articles 10, 11, and 16, Medfield Zoning Bylaw.)
4. Upon receipt of an application by the Board of Appeals, the Assessors shall supply and certify a list of all owners of the property which will be affected by the relief sought, which shall, in any event, include the abutters, owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line all as they appear on the most recent applicable tax list. Abutters in another town must also be notified, as should the Planning Boards of all abutting towns. Town lines and

ways shall be disregarded in making this determination. Names and addresses shall be as they appear on the most recent tax lists of the town in which the owner of the interested land lies.

5. An application fee payable to the Town of Medfield shall accompany the application. The fee will include advertising costs.
  - Residential Applications - \$250
  - Non-Residential Applications (building(s) footprint  $\leq$ 10,000 sf) - \$500
  - Non-Residential Applications (building(s) footprint  $>$  10,000 sf) - \$1000
6. The applicant shall, either, at the hearing or with the application, present satisfactory documentary evidence of the applicant's interest in the land in question.
7. In case of appeals from a decision of the building or other inspectors to grant or refuse to grant a permit, the applicant shall file with the Board, when filing the application for appeal, a copy of the original application to such inspector. In the event that the decision of such an inspector has been made in writing, a copy of such decision shall also be filed with the appeal.
8. In the event that a Variance or Special Permit is granted, the applicant shall be responsible for filing the decision after the 20-day appeal period in the Norfolk Registry of Deeds as required by MGL Ch 40A.
9. In all cases where a plan of land is in existence, and is to be considered by the Board, and is reasonably necessary for the consideration of the application, a copy of said plan shall be attached to the application.
10. The Board of Appeals reserves the right to refuse to entertain applications not in substantial compliance with these Rules.
11. Decisions on Variances are due 100 days from the date of the application. Decisions on Special Permits are due 90 days from the date of the hearing.
12. Following close of a hearing, there will be no communication, written, verbal or otherwise, with the Board until such time as a decision has been rendered, unless it has been established in writing that the hearing will remain open for additional information for a specified length of time.
13. The Board of Appeals, if it believes that a consultant would be of assistance to it in resolving issues requiring expertise which the Board does not possess, may require the Applicant to pay the reasonable fees of any such consultants.

REVISED TO NOVEMBER 13, 2013  
Published in the Medfield Press:  
10/25/13 & 11/8/13  
Public Hearing: November 13, 2013  
Filed with Town Clerk: November 18, 2013

\*Revised to reflect renumbering as adopted by at  
ATM on 4/28/14 (Article 33) and approved by the  
Attorney General on 7/7/14

MEDFIELD BOARD OF APPEALS ON ZONING  
Stephen M. Nolan, Chairman  
Russell J. Hallisey, Member  
Charles H. Peck, Member  
Douglas C. Boyer, Associate Member  
John J. McNicholas, Associate Member  
Neal J. O'Connor, Associate Member

# Nonconformity Chart

**For Single & Two-Family Dwellings:**

Please return this sheet with your application to disclose if your lot or structure is nonconforming and to determine if your proposed plan creates any new dimensional nonconformities.

Applicant's Name \_\_\_\_\_  
 Locus Address \_\_\_\_\_  
 Map \_\_\_\_\_ Lot \_\_\_\_\_ Zoning District \_\_\_\_\_

Aquifer Protection District Overlay?  Yes  No [If Yes:  Primary /  Secondary /  Well]  
 (Please refer to Zoning Bylaw Article 16, check with your surveyor/engineer or refer to the "maps" tab in the Assessors GIS Database)

<b>MEASUREMENT</b> <small>(Refer to Article 2 for various methodologies in calculating requirements)</small>	<b>REQUIRED</b> <small>(Refer to Chapter 300b and Chapter 300c)</small>	<b>EXISTING</b> <small>(Refer to your existing site plan)</small>	<b>PROPOSED</b> <small>(Refer to your proposed site plan)</small>
Lot area			
Frontage			
Lot Width			
Lot Depth			
Perfect Square			
Side Yard Setback			
Front Yard Setback			
Rear Yard Setback			
Floor Area Ratio	Allowed		
% Lot Coverage	Allowed		

√ indicates that the dimension complies with current zoning  
 X indicates that the dimension does not comply with current zoning

ZONING

300 Attachment 2

Town of Medfield

Table of Area Regulations

Zoning District	Use	Minimum Required							
		Lots					Yards		
		Area* (square feet)	Perfect Square (feet)**	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)
RE	Any permitted structure or principal use	80,000	180x180	180	225	200	40	25	50
RT	Any permitted structure or principal use	40,000	142x142	142	175	150	40	15	50
RS	Any permitted structure or principal use	20,000	96x96	96	120	125	30	12	40
RU	Single-family dwelling	12,000	80x80	80	100	100	20	12	30
	Two-family dwelling	20,000	100x100	100	100	100	20	12	30
	Multifamily dwelling (three units)	24,000+	200x200	200	200	100	30	20	50
	(per additional unit)	6,000							
	Public housing for the elderly (1st unit)	12,000+	200x200	200	200	100	30	20	50
	(per additional unit)	2,000							
	Convalescent or nursing home	40,000	200x200	200	200	100	30	20	50
	Funeral home or mortuary establishment	40,000	200x200	200	200	100	30	20	50
	Any other permitted community facility	12,000	100x100	100	100	100	20	12	30
Any other permitted structure or principal use	12,000	100x100	100	100	100	20	12	30	
B	Automotive sales, service or repair establishment	40,000		200	200	100	25	12	12
	Motion picture or amusement & recreation	40,000		200	200	100	25	12	12
	Any other permitted business use	-0-		(See § 300-6.2R)		-0-	7***	****	-0-
	Any permitted residential use	10,000		(See § 300-6.2R)		-0-	7***	****	-0-

MEDFIELD CODE

Zoning District	Use	Minimum Required							
		Lots					Yards		
		Area* (square feet)	Perfect Square (feet)**	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)
BI	Any permitted structure or principal use	10,000		60	60	60	10	6	12
IE	Any permitted structure or principal use (See notes in §§ 300-6.2 and 300-6.3)	40,000		200	200	200	25	25	25
A	Any permitted structure or principal use 10 acres (See § 300-5.5C.)								

**NOTES:**

- \* Minimum lot area shall be calculated to include only contiguous land which is not in wetlands (see definition of "wetlands" in § 300-2.1); which is not in the Watershed and/or Floodplain District; nor in a detention pond, retention pond, or open drainage structure; and which does not have a slope greater than 20% for a distance of 50 feet in its natural and unaltered state. A lot which fails to meet these requirements by reason of excessive slope shall be subject to a special permit from the Board of Appeals as set forth in § 300-14.10.
- \*\* No structure shall be built on any lot in any Residential Zoning District unless the lot is of sufficient size and shape to contain a perfect square, as defined in this Bylaw, in accordance with the dimensions set out in the Table of Use Regulations.
- \*\*\* See § 300-6.2S.
- \*\*\*\* See § 300-6.2Q.

ZONING

300 Attachment 3

Town of Medfield

Table of Height and Bulk Regulations

District	Maximum Height (feet)	Permitted Height (stories)	Maximum Floor Area Ratio Including Accessory Buildings	Maximum Lot Coverage	Multifamily Dwelling Minimum Unit Floor Area (square feet)
A*					
RE	35	2 1/2	0.20	10%	Not permitted
RT	35	2 1/2	0.25	15%	Not permitted
RS	35	2 1/2	0.35	20%	Not permitted
RU	35	2 1/2	0.35	35%	500 450**
B	35	3	0.75	90%	Not permitted
BI	30	2	0.75	90%	Not permitted
IE	35	2	0.50	90%	Not permitted

NOTES:

\* See § 300-5.5.

\*\* 450 square feet required for public housing for elderly.

## TIME LINES SET FORTH IN MASSACHUSETTS GENERAL LAWS

Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority (*Board of Appeals*). The special permit granting authority shall hold a *public hearing*, for which notice has been given as provided in section eleven, on any application for a special permit *within sixty-five days from the date of filing* of such application; provided, however, that a city council having more than five members designated to act upon such application may appoint a committee of such council to hold the public hearing. The *decision* of the special permit granting authority shall be made *within ninety days following the date of such public hearing*. The required time limits for a public hearing and said action, may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the city or town clerk. A special permit issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board, and a unanimous vote of a three member board.

M.G.L. Chpt. 40A, Section 9 – regarding special permits (emphasis supplied)

Meetings of the board shall be held at the call of the chairman or when called in such other manner as the board shall determine in its rules. The board of appeals shall hold a hearing on any appeal, application or petition within sixty-five days from the receipt of notice by the board of such appeal, application or petition. The board shall cause notice of such hearing to be published and sent to parties in interest as provided in section eleven. The chairman, or in his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of four members of a board consisting of five members, shall be necessary to reverse any order or decision of any administrative official under this chapter or to effect any variance in the application of any ordinance or by-law.

All hearings of the board of appeals shall be open to the public. The *decision* of the board shall be made *within one hundred days* after the date of the filing of an *appeal, application or petition, except in regard to special permits, as provided for in section nine*. The required time limits for a public hearing and said action, may be extended by written agreement between the applicant and the board of appeals.

M.G.L. Chpt. 40A, Section 15 – regarding appeals and variances (emphasis supplied)

## SECTION 10.

## VARIANCES

*Variance Cannot be Granted Unless Permit Granting Authority Specifically Finds that all Conditions have been met.*

*Use Variance Must be Expressly Authorized in Ordinance or By-law*

*Variance Cannot be Conditioned on Continued Ownership*

*Rights Authorized by Variance Must be Exercised Within 1 year*

*Extensions*

The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided however, that such variances properly granted prior to January first, nineteen hundred and seventy-six but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

The permit granting authority may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

Added by St. 1975, c 808, s. 3; Amended by St. 1977, c. 829, s. 4b; St. 1984, c. 195

## **7th Wave Brewing Zoning Hearing Application 10.15.20**

7th Wave Brewing  
120 N Meadows Rd  
Medfield, MA 02052

Contact:  
Owen Hawkins  
Cell: 617-909-5581    [owen@7thwavebrewing.com](mailto:owen@7thwavebrewing.com)

### **Appeal to Town of Medfield Zoning Board of Appeals for amendments to special permits issued on September 9th, 2015, amended on September 28th, 2017 and June 13th, 1018.**

This application is asking for amendments to special permits issued by the Town of Medfield Zoning Board of Appeals under MGL Ch 40A and under the Medfield Zoning Bylaw (the "Bylaw"), §300:1.5.3 (manufacturing), §300-16.8 (manufacturing in the Primary Aquifer District) and §300: 1.4.2 (serving food and drink for on-site consumption). The Zoning Board's decision was filed as decision 1258 on September 10th, 2016. This permit has since been modified in decision #1312 in which 7th Wave Brewing expanded its operations and expanded into 25,400 additional sf of space at 120 N Meadows Rd (noted as approx. 26,000 sf in the decision). In decision #1377 the expanded space of 7th Wave Brewing was reduced by 7,400 sf of space zoned for Asta Luna in decision #1333.

7th Wave is requesting to have this expanded space reduced by 6,000 sf in order to accommodate 6,000 sf of space to be zoned to Farthest Star Sake. This will bring the additional space originally zoned to 7th Wave Brewing in decision #1312 to 12,000 sf.

7th Wave Brewing also asks to be zoned to expand its current tap room into an adjacent area of 771 sf inside its current brewery and into 649 sf of current office space adjacent to the current tap room. This will increase 7th Wave Brewing's tap room areas to approximately 2,350 sf.

In decision #1312 7th Wave Brewing was zoned to have outdoor setting on a deck adjacent to the tap room. 7th Wave Brewing is now asking to be zoned for a patio in addition to or in replacement of the outdoor deck setting. The patio will be between 2000 sf and 2500 sf and built on grass across from the tap room and adjacent to the driveway. There will be an outdoor seating area and a pizza/food truck on the patio. The area will be fenced and accessible by a marked walkway across the driveway.

7th Wave Brewing also asks to be zoned for a possible move or expansion of its current indoor tap room to approx 3,000 sf. This area will be at the front of the building within the remaining 12,000 sf of space that 7th Wave Brewing's space was expanded to in zoning decision #1312

A plot plan for 120 N Meadows Rd, Parking plan for 120 N Meadows Rd and diagrams/drawings showing future layouts to be submitted.