



# TOWN OF MEDFIELD

*Office of the*

## BOARD OF APPEALS

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

MEETING OF:  
**March 15, 2023**  
MINUTES

**Members Present:** John McNicholas, Chair; Michael Whitcher, Member; Kristine Barton, Associate Member

**Members Absent:** William McNiff, Member; Jared Spinelli, Associate Member, Jared Gustafson, Associate Member

**Staff Present:** Sarah Raposa, Town Planner; Cara Wise Administrative Assistant

**Others Present:** Attorney James Murphy, Michael MacQuarie Silvestro, Linda Calabrese, Emily McCabe, Sean McEntee, Sil Calabrese, Christine McCue Potts, Jeff Hyman,

**Location:** Virtual Zoom Webinar

At approximately 7:00 p.m John McNicholas, Chair, called the meeting to order and disclosed the meeting is being video recorded.

Mr. McNicholas discussed the appeal and the procedure for how and what will be heard before the Zoning Board of Appeals this evening. Ms. Raposa wanted to clear up any confusion, if any, for the attendees. There were two items originally on the agenda for this evening; one was removed due to lack of communication from other applicant. She stated if there were attendees here for that matter to contact her via email or phone her in the office, she would be happy to clarify

**- Michael MacQuarie (applicant) Silvestro & Linda Calabrese (owners) seek a finding under MGL Chapter 40A §6 and/or a special permit under MGL Chapter 40A §9 and/or Medfield Zoning Bylaw §300-9.1.C.2. and the Table of Area Regulations referenced in §300-6.2 and 6.3 of the Zoning Bylaw as well as §300-14.10 and/or a variance under MGL Chapter 40A §10 to allow for a Floor Area Ratio (FAR) of .42 where .35 is allowed. The property is located at 4 Metacomet Street; Assessors' Map 37 Lot 164; RU Zoning District with Secondary Aquifer Protection Overlay.**

Atty James. Murphy, representing the applicant, is seeking either a special permit or possible variance to increase the floor ratio. There was a video and memo submitted for documentation. Mr. Murphy referenced the special permit that was given from the ZBA to build this property in 2020. He went into detail and referenced other cases regarding pre-existing non-conformity lots and why this special permit should be issued. Mr. McNicholas noted that there were two letters of support submitted for the record from abutters at 2 Metacomet Way and 8 Metacomet Way.

Mr. McNicholas recalled being on the panel with Mr. Witcher when the original special permit was requested in 2020. Both members recollect an in depth discussion on the floor area ratio and it being an issue then.

Mr. McNicholas explained how the attic could possibly be a habitable space for human occupancy therefore increasing the floor area ratio. Mr. Murphy cited cases having to do with new nonconformities and existing nonconformities and why the floor area ratio can be compliant. Mr. Murphy discussed possibly segmenting the third floor/attic to make the space inhabitable to become compliant. He expressed that this is space for storage that is finished but is not going to be used for habitable purposes. Mr. Witcher explained that there were three nonconformities in the original special permit and there are now five nonconformities while trying to rectify this situation. Mr. Murphy discussed getting a variance instead of a special permit.

Mr. McNicholas opened up the hearing to the public.

- Sean McEntee - 6 Metacomet Street, Medfield, MA - wanted to state that he is happy with the structure and esthetics of the house and believes that it is an asset to the neighborhood as is.
- Emily McCabe - 2 Metacomet Street, Medfield, MA - submitted a letter of support and wanted to speak on the record that the Calabrese's have been very respectful and informative of this situation with the abutting neighbors.

Mr. McNicholas requested a supplemental memorandum from Mr. Murphy. Mr. Murphy would like to see if there is a way to do a modification of the special permit. Mr. Witcher would like to review the cases Mr. Murphy referenced/submitted and the supplemental memorandum. Ms. Barton agreed she would like to review the materials more in depth and then deliberate.

Mr. Murphy is going to submit a supplemental memorandum within seven days. Mr. McNicholas scheduled a deliberation meeting for March 28, 2023 at 9AM.

**MOTION:** Mr. Witcher made a motion to close the hearing subject to applicant's submission of the supplemental memorandum

**SECONDED:** Ms. Barton

**ROLL CALL VOTE:** Mr. Witcher, aye, Ms. Barton, aye, Mr. McNicholas, aye

**MOTION CARRIES:** 3-0

**Adjournment:**

**MOTION:** Mr. Witcher made a motion to adjourn the meeting

**SECONDED:** Ms. Barton

**ROLL CALL VOTE:** Mr. Witcher, aye, Ms. Barton, aye, Mr. McNicholas, aye

**MOTION CARRIES:** 3-0

Respectfully Submitted,  
Cara Wise, Administrative Assistant