

# TOWN OF MEDFIELD

Office of the

## Board of Appeals on Zoning

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

Direct: (508) 906 - 3027  
(508) 359- 6182 Fax

No. 1343

RECEIVED  
TOWN OF MEDFIELD, MASS.  
2018 AUG 10 AM 10:44  
OFFICE OF THE  
TOWN CLERK  
August 8, 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 340; 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

By request dated July 27, 2018 (the "Application") filed with the Board of Appeals on the same date, Country Estates of Medfield, LLC c/o Michael J. Larkin (hereinafter the "Applicant") of Medfield, Massachusetts seeks a modification of ZBA Decision Nos. 1300 and 1325 to continue 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, August 8, 2018 to hear the request within 20 days of receipt in accordance with 760 CMR 56(11)(a).

At 8:05 pm, Mr. Michael Larkin, Manager of Country Estate addressed the Board regarding the renewal of the permit modification. Larkin noted that Country Estate has more operating hours restrictions than any other 40B project in Medfield. Ms. Tracy Hogan, 20 Hospital Road, is very concerned that there are a lot of houses that are halfway complete and nothing seems to get finished. The run-off is going all the way down Hospital Road. The run-

off is causing problems in her backyard. Ms. Hogan would like to see less of a push to get more foundations poured and current work completed. Ms. Hogan said the run-off is a major concern for the neighborhood.

Mr. Nolan read a letter from Mr. Maurice Goulet, Director of Public Works. Mr. Goulet recited the difficulty in keeping the Country Estate site in compliance with the comprehensive permit. Mr. Goulet feels Mr. Larkin needs to take action before there is a problem. Erosion control needs to be maintained and it is not.

Ms. Hogan said the sidewalk is unusable and unpassable. Ms. Hogan feels if the front part (Phase One) of the development could be completed, the run-off problem might be solved. Mr. Larkin said gas pipe construction and the gas company strike caused a problem with the timetable and that such work was just finished. Mr. Larkin plans to put gutters on all of the houses in Phase One to get the roof run-off under control. Mr. Larkin said they will be landscaping with loam, planting grass and putting the front wall in. Mr. Larkin said the entire "front scape" will be cleaned up and it will be a dramatic improvement. Mr. Larkin said he cannot market Phase Two of the Country Estates until Phase One is complete. Mr. Larkin feels the "front scape" can be completed in 30 days. Mr. Larkin said buyers will be moving into Phase One in approximately 60 days. Mr. Larkin said 65-70% of Phase One is complete.

Ms. Raposa asked about moving the trees. Mr. Larkin said the trees cannot be moved until the fall. The trees go dormant in the fall. If the trees were moved now, the trees would not survive.

Chairman Nolan read a letter from the owner of 108 Harding Street regarding loud equipment, specifically a boom truck. Ms. Hogan confirmed the boom truck sounds like it has not been oiled in 20 years.

Chairman Nolan said Mr. Larkin needs to recommit to dealing with erosion control issues. The maintenance of the stormwater erosion system needs to be a priority. Chairman Nolan read a letter from Tetra Tech citing the silt sack in front of #45, a silt fence lying down at the east end of the site and catch basins needing to be emptied.

Chairman Nolan said again that the erosion control needs to be taken seriously. Mr. McNicholas said if the extended hours are causing more of an inconvenience to the neighbors, mitigation is needed.

Mr. McNicholas feels the neighbors have been very tolerant. Chairman Nolan believes

the Saturday hours need to be conditional. The conditions should include completing the sidewalks by August 17, 2018, connection of all gutters within 30 days, completion of landscaping of Phase One homes within 30-60 days and addressing the loud boom truck within 2 weeks of decision. Mr. McNicholas made a motion to approve the Modification through March 1, 2019 (to be renewed at the regular meeting in February 2019, if desired); seconded by Mr. Whitcher. 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 Nos. 1300 and 1325 to continue expanded construction hours to include Saturdays from 8:00 A.M. to 5:00 P.M. (Condition G.6) and expanded 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 March 1, 2019 with the following conditions:

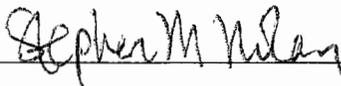
1. Foundation Work on Saturdays may include:
  - a. Setting up of foundation footings
  - b. Setting up foundation walls
  - c. Stripping foundation walls
  - d. Moving foundation panels to other foundation location on site (use of Form truck to load and offload)
  - e. Spray foundation waterproofing and install fabric drain
2. Framing, Siding, Roofing and Installation of Windows & Doors on Saturdays may include:
  - a. Framing of dwelling unit
  - b. Installation of roof
  - c. Installation of windows and all doors
  - d. Installation of siding
3. For the protection of abutters and enjoyment of their property, there shall be no heavy equipment, site works, utilities, cement trucks or excavation equipment and/or deliveries on Saturdays.
4. The Applicant shall meet the following deadlines for this modification to

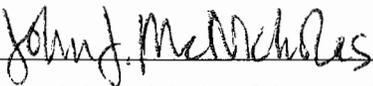
continue in effect:

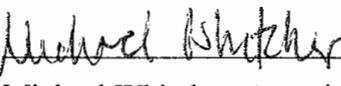
- a. Hospital Road sidewalk to be completed to binder coat by August 17, 2018
  - b. Connection of gutters for Phase I dwelling units installed and connected to drywells by September 10, 2018.
  - c. Phase I landscaping to be completed by October 10, 2018.
  - d. The boom truck shall be serviced to ameliorate the disturbing noise by August 22, 2018.
5. That all other conditions from the previous decisions remains in effect.

THIS DECISION WAS UNANIMOUS.

MEDFIELD ZONING BOARD OF APPEALS

  
\_\_\_\_\_  
Stephen M. Nolan, Chairman (SU)

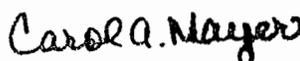
  
\_\_\_\_\_  
John J. McNicholas, Member (a)

  
\_\_\_\_\_  
Michael Whitcher, Associate Member (a)

CHARLES PECK, MEMBER, AND WILLIAM MCNIFF, 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

**A TRUE COPY ATTEST:**



**TOWN CLERK OF MEDFIELD, MA**