



TOWN OF MEDFIELD

Office of the

ZONING BOARD OF APPEALS

MEETING OF:
January 12, 2022
MINUTES

Members Present: Acting Chair Michael Witcher; Charles Peck, Associate Member; William McNiff, Member

Members Absent: Chair John McNicholas; Jared Spinelli, Associate Member; Jared Gustafson, Associate Member

Staff Present: Sarah Raposa, Town Planner

Location: Virtual Meeting via Zoom

At 7:00pm, Acting Chair Michael Witcher called the meeting to order and explained the hearing protocols.

Jessy Nejm, Around The Plate LLC (applicant) and Jeffrey Hanso (owner) seek a special permit under MGL Ch 40A §9 and/or Medfield Zoning Bylaw §300-8.4: 300-14.10; Attachment 1:3-4.2 to allow a food preparation business. The property is located at 38 Park Street in the BI Zoning District with Secondary Aquifer Protection Overlay and is shown on Assessors' map 37 as lot 198.

Mr. McNiff read the legal notice into the record. Attorney Vin O'Brien presented on behalf of Jessy Njem. He reviewed her application and offered clarifications on the proposed meal prep use, Board of Health requirements, the floorplan of the unit and necessary interior improvements, the nature of the use table category, parking, hours of operation, deliveries to the site, delivery vehicles versus pick-up, occasional cooking classes or events, no tables for dine-in service, etc. No formal site visit is required. There were no questions or comments from attendees.

Mr. Charlie Peck motioned to close this hearing. Seconded by Mr. William McNiff. Roll call vote: Michael Witcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Frank Marino/HydroTech (applicant) and Ryan M. and Courtney C. Oremus (owners) seek a Modification to their existing special permit, ZBA Decision #1392, for dimensional deviations (side setback and lot coverage). The property is located at 6 Walden Court; Assessors' Map 66 Lot 091; RT Zoning District subject to Open Space Residential Zoning and no Aquifer Overlay.

Mr. Peck read the legal notice into the record. Mr. Frank Marino stated that the installation of the swimming pool resulted in a slight twist to the location resulting in a side yard setback encroachment. Mr. Witcher noted

that the plan of record is dated January 5, 2022 showing a 9' setback where 12' is required. Raposa noted that the original submission indicated a 40% lot coverage which was subsequently clarified to be in compliance with the original special permit. The Board also noted the difference between the modification versus new special permit for the encroachment. It was determined that the process and requirements are the same so the modification was suitable. Board members agreed that it is an unfortunate circumstance but they aren't inclined to require the pool be relocated. No formal site visit is required. There were no questions or comments from attendees.

Mr. Charlie Peck motioned to close this hearing. Seconded by Mr. William McNiff. Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Robert T. Weisse & Katherine Y. Weisse, Trustees of the Weisse Family Trust (applicant/owners) seek a special permit under MGL Chpt. 40A §9 and/or Medfield Zoning Bylaw §300-6.2.T and §300-6.3.E for the proposed work consisting of installation of an in-ground swimming pool within the side and rear setbacks and with a lot coverage exceeding 15%. The property is located at 3 Tubwreck Road; Assessors' Map 61 Lot 011; RT Zoning District with no aquifer overlay, and was originally permitted under Zoning Bylaw Section 7, Open Space Residential Development (ZBA Decision Numbers 544 and 571).

Mr. McNiff read the legal notice into the record. Attorney James Murphy representing Katherine and Bob Weiss (in attendance) presented the proposal to the Board (in ground pool, cabana, and relocation of a shed). He explained the circumstance regarding the Open Space Subdivision and the unusual lot shape. They are seeking relief for the side and rear setbacks. Letters of support were received from the owners of abutters 1 Tubwreck and 5 Tubwreck as well as the president of the HOA. Board members reviewed the site plan and aerial map showing the lot lines.

The Board discussed lighting, location of equipment, vegetation, fencing. The pool deck is proposed to be non-pervious and the applicants were hoping the existing open space could account for the increased lot coverage (existing lot coverage is 28.4% and proposed lot coverage is 40%). The Board and applicants discussed the rationale for lot coverage mitigation. Atty Murphy noted MGL Ch 40A Sections 6 and 7 about the nonconformity and the ability for the ZBA to make a finding under Section 6. Permeable pavers, infiltration systems, and alternative ways of complying to lot coverage limitations were discussed.

No formal site visit is required. There were no questions or comments from attendees.

Mr. Charlie Peck motioned to close this hearing. Seconded by Mr. William McNiff. Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Administrative

Minutes:

- 10/13/21 – *tabled*

- 11/10/21 – Mr. William McNiff motioned to approve the minutes of November 10, 2021. Seconded by Mr. Michael Whitcher Roll call vote: Michael Whitcher = yes, William McNiff = yes, Charles Peck = abstain. The Vote: 2-0-1.
- 12/1/21 – *tabled*
- 12/8/21 – Mr. Charles Peck motioned to approve the minutes of December 8, 2021. Seconded by Mr. Michael Whitcher Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = abstain. The Vote: 2-0-1.

Annual Town Report – Noted

Deliberations and Decisions:

Jessy Nejm, Around The Plate LLC (applicant) and Jeffrey Hanso (owner) application: No concerns from any board members. Mr. Peck motioned to approve the application with standard conditions. Seconded by Mr. Gustafson. Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Frank Marino/HydroTech (applicant) and Ryan M. and Courtney C. Oremus (owners) application: The board had no concerns. Mr. Peck motioned to approve the application. Seconded by Mr. Gustafson. Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Robert T. Weisse & Katherine Y. Weisse, application: The board recapped the discussion above including the condition to mitigate additional lot coverage over 30%. Mr. Peck motioned to approve the application as discussed. Seconded by Mr. McNiff. Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Adjournment – At 8:45 pm Mr. Peck made a motion to adjourn. Seconded by Mr. McNiff. Roll call vote: Michael Whitcher = yes, Charles Peck = yes, William McNiff = yes. The Vote: 3-0.

Respectfully Submitted,
Sarah Raposa, Town Planner