



# TOWN OF MEDFIELD

Office of the

## ZONING BOARD OF APPEALS

MEETING OF:  
**March 2, 2022**  
MINUTES

**Members Present:** Chair Jack McNicholas; Jared Gustafson, Associate Member; William McNiff, Member; Jared Spinelli, Associate Member

**Members Absent:** Charles Peck, Associate Member; Michael Whitcher, Member

**Staff Present:** Sarah Raposa, Town Planner

**Others Present:** Atty. Paul Haverty (MHP TA), Steve Bouley (Tetra Tech), Deborah Bero, Leslie Scier, Osler Peterson, Meg Famino, Atty. James Murphy, Robert Borrelli, Robert Truax

**Location:** Remote meeting held on Zoom

At 7:00 pm, Chair Jack McNicholas called the meeting to order.

**“Hinkley South 40B” from Medfield Holdings LLC (applicant), with respect to property located at off Ice House Road (per Purchase and Sales Agreement with current owner, Town of Medfield); Assessors’ Map 64, Lot 001; RT/IE Zoning District with partial Primary Aquifer Overlay. (Continued from 12/1/21 & 1/5/22, 2/2/22)**

Chair McNicholas confirmed sitting members (Mr. McNicholas, Mr. McNiff, Mr. Gustafson) with Mr. Spinelli sitting as the fourth member (he has reviewed the zoom video of the last meeting and submitted his Mullin Rule affidavit).

The Board will review final landscape plans, buffers, letter received from Joe Scier re hydrology, gate, final engineering comments, bond amount, draft decision review and waiver review.

Atty. Murphy and Rob Truax stated that approval from the Conservation Commission was received on February 7, 2022 and summarized the changes to the landscape plan (extension of arborvitae, relocation of trees, invasive species management). Mr. Truax submitted the landscape plan via email to the Board.

Chair McNicholas invited public comments, but limited to new topics. No comments on this topic and he turned attention to Joe Scier’s letter regarding the qualifications of GLM and Tetra Tech on groundwater impacts. Atty. Murphey noted his strong objections that a hydrologist to be paid for by the applicant would be a disparate requirement.

Leslie Scier, 3 Bishop, summarized the request, which was based on the notion that the elevated land and 24 foundations would change the hydrology.

Tim Bonfatti, 11 Copperwood, stated that the peace of mind for the neighbors would not be much to ask for and asked if Tetra Tech had a hydrologist on staff. Steve Bouley discussed the distinctions between hydrologist and geohydrologists and indicated that the project meets MA requirements and are pulling water away from the Bishop area. Mr. Bouley and Mr. Bonfatti discussed the process of exploration and modeling. Mr. Truax has

done test pits on site and reconfirmed that they know where the groundwater is and it is not their intention to put foundations in the groundwater, hence the raised grade. He notes that they are not doing anything that triggers a groundwater study and the stormwater is recharged.

Deb Bero, 10 Copperwood Road, speaking as a resident, asked the Conservation Commission to hire a peer review consultant for water issues but stated the Conservation Commission relied only on Tetra Tech. She spoke to John Thompson about the issue and he indicated that test pits would have to be done over time. Mr. Truax reiterated his points about the foundations and that test pits throughout the site have been performed. Ms. Bero believes there should be an expert.

Osler Peterson, 10 Copperwood Road, speaking as a resident, indicated: 1) his displeasure with the design 2) supports the Energy Committee's request for no gas at this site 3) the arborvitae should specify 8' minimum not 6-8' 4) invasive management plan 5) he noted Tetra Tech's stormwater comments from 11/30 and asked if they were address (it was confirmed they were in a subsequent letter) 6) 25' buffer requirement 7) no landscape architect 8) BoH requirements 9) CoA letter.

Meg Femino, 4 Bishop Lane, feels a groundwater expert would be beneficial because unlike other Copperwood homes, #3 & 4 Bishop Lane never have water in their basements and they do not want it to happen as a result of this project.

Paul Haverty confirmed that the Board cannot require the applicant to pay for additional consultants for new studies, just the review of studies.

Deb Bero asked a clarifying question about qualifications and then about the 25' buffer, the landscape plan, the 150' buffer zone between industrial uses, deficiency in traffic study.

Chair McNicholas review Maurice Goulet's comments on the gate and signage and Chief Guerette's request for parking on one side of the Damon Road stub.

The Board discussed the bond purpose and amount as prepared by Tetra Tech, specifically the MassDOT pricing, mobilization, and contingency. Atty. Murphy indicated that it would be a tripartite agreement, which would allow for unit releases and requests a one million dollar bond rather than the \$1.35m. They discussed timing and agreed that a \$1million bond would be reasonable.

Chair McNicholas and Mr. Haverty discussed the process. Osler Peterson noted an edit to the draft decision. Chair McNicholas thanked the abutters for their involvement and comments. He noted the draft decision and waivers list that has been available since the last meeting but further refined. The Board reviewed and discussed the marginal notes page by page. There was substantial discussion conditions such as the request for reduction in water and sewer connection fees, bond, construction hours, access to the site, and the waivers such as vegetated buffer, aquifer protection, zoning bylaws, and fees.

At approximately 9:50 pm Jared Gustafson motioned to close the public hearing. Seconded by William McNiff. Roll call vote: William McNiff = yes, Jared Gustafson = yes, Jack McNicholas = yes. The Vote: 3-0.

Mr. Haverty asked for the landscape plan information to inset into the decision. Mr. McNiff asked for clarification on the hydrologist question. Mr. Haverty stated that the Board can discuss it only to the extent that

if there is a reason why the development should not be approved because that information was not submitted, then that could be the basis for not approving the project. The Board does not have the authority to require the study on its own. Mr. McNiff stated that he didn't think the additional study was needed. Mr. Gustafson agreed that there are no egregious indications that it is needed. Mr. McNicholas agreed and summarized Mr. Haverty's comments and thanked the abutters for the perspective. Mr. Haverty made the changes discussed in real time.

At approximately 9:50 pm Jared Gustafson motioned to approve the application as discussed. Seconded by William McNiff. Roll call vote: William McNiff = yes, Jared Gustafson = yes, Jack McNicholas = yes. The Vote: 3-0.

The Board will review and sign within a few days and then there is a 20-day appeal period.

**Minutes** – tabled

**Adjournment** – At 9:03 pm Mr. Gustafson motioned to adjourn the meeting. Seconded by Mr. McNiff. Roll call vote: William McNiff = yes, Jack McNicholas = yes, Jared Gustafson = yes. The Vote: 3-0.

**Respectfully Submitted,**  
Sarah Raposa, Town Planner

**Documents:**

[Bero email 02-03-22- ZBA Hearing 00 2 2 2022](#)

[Bond Estimate\\_01\\_Hinkley South\\_2022-02-11 \(PDF\)](#)

[Bouly email 03-01-22 - Bond amount \(PDF\)](#)

[ConCom Filing for 2-3-2022 - landscape plan \(PDF\)](#)

[Email Ltr Atty Haverty 2.14.22 Waiver Response Hinkley South \(PDF\)](#)

[Hinkley South - Draft Decision \(3-2-22\) for discussion at Meeting w ZBA \(PDF\)](#)

[Hinkley South - Draft Decision 02-02-2022 \(PDF\)](#)

[Hinkley South Tripartite Agreement Form - for 03-02-22 Medfield ZBA mtg \(Jwm markup\) \(PDF\)](#)

[LIST OF WAIVERS - ZBA APPLICATION Hinkley South 10.13.21 \(002\) \(PJH comments\)02-02-202 \(PDF\)](#)

[MEMO Hinkley South gate 3 1 2022 M Goulet \(PDF\)](#)

[Murphy email 02-28-22 - Bond amount \(PDF\)](#)

[Murphy email 03-01-22- Comments to Draft Decision \(PDF\)](#)

[Murphy email re sitting members 03-01-22 - Michael Whitcher \(PDF\)](#)

[Scier 02-28-22 - Revised Landscape Plan \(PDF\)](#)

[Steve Bouley Qualifications as of Summer 2021 \(PDF\)](#)

[ZBA Missed Meeting Affidavit - Spinelli - Hinkley South 02-02-22 \(PDF\)](#)