



# TOWN OF MEDFIELD

*Office of the*

## BOARD OF APPEALS

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

MEETING OF:  
**April 13, 2022**  
MINUTES

**Members Present:** John J. McNicholas, Chair; Michael W. Whitcher, Member; Jared Gustafson, Associate Member

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

**Staff Present:** Sarah Raposa, Town Planner, Kim Chandler, Administrative Assistant

**Others Present:** Paul McGovern, Craig Neubecker, Bill Donovan, David Doherty, Konstantia Bourlos

**Location:** Zoom

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

**Craig Neubecker for Zebra's Restaurant Group LTD d/b/a Nosh & Grog Provisions (applicant) seeks to modify existing Decision 909 to permanently adapt the temporary COVID outdoor seating expansion as well as the temporary expansion of hours. The property is located at 21 North Street; Assessors' Map 43, Lot 021; B Zoning District.** Mr. McNiff read the notice into the record. The legal notice was posted in the Hometown Weekly on March 24, 2022 and March 31, 2022. Mr. Neubeck presented the following information with Board discussion:

- Outdoor seating – during Covid, 7 tables of 4 (28) in front on patio, 4 tables of 2 (8) on Straw Hat Park and 5 picnic tables of 6 (30) on Jane's Ave for a total of 66 seats
- Proposed seating, 9 tables of 4 (36) in front on patio, 5 tables of 2 (10) on Straw Hat Park and 10 tables of 4 (40) on Jane's Ave for a total of 86 seats
- 6' social distancing would be eliminated for more seating
- Footprint is the same
- Private property
- 5 parking spaces will be eliminated on Jane's Ave.
- Remove barriers and add covered steel posts and planters
- Outdoor seating permanent and seasonal as weather dictates
- Expanded hours – original hours 5:00p on weekdays and 11:00a on weekends
- Proposed hours – 11:00a for 7 days a week (or 9a and can choose when to open)
- Current liquor license and the allowance allowed to stay open is later than they stay open
- Not looking to extend hours of liquor license
- Deliveries 10a – 6p, no changes
- Take out, lighting, ventilation should be updated
- Bill Donovan asked about the parking spots and liability – parking spaces on private property
- No site visit necessary

Mr. Whitcher made a motion to close hearing. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)

**VB Royal, Inc DBA Royal Pizza (applicant)** seek a Special Permit under MGL Ch 40A and Medfield Zoning Bylaws Sections: 300-8.4; 300-14.10; Attachment 1:3-4.2; and other sections of said Zoning Bylaw as may be necessary for the proposed use of a restaurant at 483 Main Street; Assessors' Map 43, Lot 079; B Zoning District. Abutters notice posted in the Hometown Weekly on March 24, 2022 and March 31, 2022.

- Russ Halliday attorney on behalf of the applicant, Royal Pizza
- Vasileios Bistitizianos currently runs the business and is purchasing the business from Stavros and Elena Tragellis who will retain ownership of the building
- Seeking to obtain a special permit as the business does not appear to have on record
- No interior or exterior work to be done, just a change of ownership
- Proposed to extend hours of operations from 6 days a week (closed Sundays) 11a to 9p to 7 days a week from 9a to 11p for 7 days a week
- P+S signed subject to the applicant getting all of the required permits, including the special permit and victualler's license
- No site visit necessary

Mr. Whitcher made a motion to close hearing. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye, JS=aye; JM=aye (3-0)

### **Administrative**

**Comprehensive Permit Modification Request (per 760 CMR 56) PG Construction Management, Inc, on behalf of Medfield Meadows LLC., Hennerly Way aka 41 Dale Street 40B – Modifications for 8' fence along North Meadows Road and relocation of school bus stop.**

- Paul McGovern – requested the fence go from 6' to 8' between the back of 5 properties and along Rte 27 (same stye, same size). There was no fence in the initial plans.
- Requested the bus stop inside the property be modified to add a walkway on Dale Street
- Bill Donovan asked about timing of the fence, Paul replied that the materials are on back order since November 2021, hope to receive in the next few weeks. Mr. McGovern agreed to put up a temporary fence for the immediate future.

**Comprehensive Permit Modification Request (per 760 CMR 56) - Dave Doherty on behalf of Aura at Medfield., Peter Kristoff Way – request for determination of plan changes as insubstantial changes for modifications for an on-site equipment shed.**

- Dave Doherty – requested permit to construct a storage/maintenance shed on property
- Formal landscape drawings have been submitted, shed measurements 16x12x12
- Approximate location is fenced back corner of the property line
- No access via vehicle
- Purpose is storage of equipment (small amount of fuel in the machines)

**Minutes** – 2/9/2022 and 3/9/2022 not enough present from hearings to vote, 4/5/2022 - tabled

### ● **Deliberations and Decisions:**

- Aura – Mr. Whitcher made a motion to approve the request. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)
- Medfield Meadows

- Fence – Mr. Witcher made a motion to approve the request for the fence along North Meadows Road. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)
- Sidewalk – Mr. Witcher made a motion to approve the request for the construction of an interior sidewalk. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)
- Royal Pizza – Mr. Witcher made a motion to approve with standard conditions. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)
- Nosh & Grog – Mr. Witcher made a motion to approve with standard conditions. Seconded by Mr. Spinelli. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)

**Updates from Ms. Raposa:**

- 40B – out of Safe Harbor in May 2022
- Medfield State Hospital – scheduling specific zoom meeting with Trinity and the land use boards
- Chipotle application at the next meeting

**Adjournment** – At approximately 9:18 pm, Mr. Spinelli made a motion adjourn the meeting. Seconded by Mr. Witcher. Roll Call Vote: MW=aye; JS=aye; JM=aye (3-0)

**Respectfully Submitted,**

Kim Chandler, Administrative Assistant