

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL JANUARY 9, 2018 7:30 P.M.
MEETING MINUTES**

Members Present:

*Lynne Fidler
Heidi Conway
Brian Murphy
Richard Murphy
Mark Stiles*

Also Present:

Robert Galvin, Town Counsel

2022 MAY 23 AM 11:51

MARSHFIELD TOWN CLERK
RECEIVED

Ms. Fidler called the meeting to order and advised that the meeting was being recorded by Marshfield Community Television (MCTV) and voices and images were being recorded. Ms. Fidler stated that she would be the Hearing Officer and that other members were signified by their nameplates.

Ms. Fidler stated that she wanted to let people know that there were a few hearings that were postponed, waived or withdrawn so that they would not have to stay at the meeting.

#18-04: Theodore P.S. LeClair: The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.01 of the Marshfield Municipal Code, specifically minimum frontage requirements, to construct a single family dwelling on the property located on **Holly Road**, which is further identified on the Assessors' Maps as being on parcel H16-04-11 and is located in an R-3 zoning district.

#18-05: Theodore P.S. LeClair: The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.01 of the Marshfield Municipal Code, specifically minimum frontage requirements, for access from Holly Road (Parcel ID H16-04-11) to the dwelling located at **175 Elm Street**, which is further identified on the Assessors' Maps as being on parcel H16-04-02 and is located in an R-3 zoning district.

Ms. Fidler stated there is a request to withdraw without prejudice Case #18-04 Theodore LeClair, Holly Road parcel H16-04-11 and Case #18-05 Theodore LeClair, 175 Elm Street. Ms. Fidler made a motion to approve the withdrawal without prejudice of Cases #18-04 and #18-05; the motion was seconded and all were in favor.

#18-08: William Last, Jr./VRT Corporation: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to construct a 75' x 50' office building on the property located at **Enterprise Drive**, which is further identified on the Assessors' Maps as being on parcel D09-01-21 and is located in an I-1 zoning district.

Ms. Fidler read Case #18-08 into the record and stated that there is a request to continue this hearing. Ms. Fidler made a motion to continue the hearing until January 23, 2018 at 7:30 P.M.; the motion was seconded and all were in favor.

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#18-01: Adam and Kathleen Tenerowicz: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 44.1' x 25.7' second story addition on the existing single family dwelling and a 9' x 12' deck at the rear of the dwelling on the property located at **87 Tower Avenue**, which is further identified on the Assessors' Maps as being on parcel M08-05-04 and is located in an R-3 zoning district.

Ms. Fidler read Petition #18-01 into the record and asked the applicant if editorial changes needed to be made to the dimensions. The application states 44.1' and 25.7'; should that read 44' 1" and 25' 7"? Mr. Tenerowicz stated that he would check with his architect. Mr. Tenerowicz stated that they are seeking a Special Permit to add a second floor addition using the same foundation/footprint and to add a back deck. Ms. Fidler stated that the side setback is fifteen feet (15') and the applicant is at 14.6' and 14.5' which is where the nonconformity is. Ms. Fidler said that the North and South arrows are skewed on the plan and just wanted to bring that to Mr. Tenerowicz's attention. Ms. Fidler asked the Board if there were any questions on the site plan or the architectural plan and there were none. She asked if there was anyone from the Public that wished to speak and there were none. Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded; all were in favor. Ms. Fidler stated that the decision included a condition to that the dimensions needed to be clarified. It was later confirmed by Mr. Tenerowicz's architect that the 44.1' and 25.7' dimensions were correct.

#18-02: Stellwagen Beer Company/Michael Snowdale: The Petitioner is seeking Site Plan approval in accordance with §305-12.02, §305-8.01, §305-8.06 and §305-8.07 of the Marshfield Municipal Code for a change in use from "Wholesale Transportation and Industrial 3. Construction Industry Including Suppliers" to "Wholesale Transportation and Industrial 22. Micro-Brewery/Processing" to operate a micro-brewery on the property located at **100 Enterprise Drive**, which is further identified on the Assessors' Map as parcel D09-01-12 and is located in an I-1 zoning district.

Ms. Fidler read Petition #18-02 into the record and asked the applicant to explain his project. Mr. Snowdale said that the landlord of the building is moving to his new building next door and they will move into the vacated building. Their business model is to produce beer on site and have a tap room for customers to come in, sample the beer and take beer away. They are not proposing any structural changes to the existing Site Plan; all of the renovations will be to the interior of the building so this is a request for a change of use. Ms. Fidler stated the requirements of a Site Plan include parking and things of that nature which were not on the applicant's plan. She said that for the purpose of the hearing the Board needs to understand that the applicant will have fifteen (15) employees coming to the building; that customers/clientele will be coming in to

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sit and enjoy, and possibly purchase beer. Because of this the Board needs to know that the site is safe for the public. Ms. Fidler mentioned that parking and lighting were not on the Site Plan and asked if there were an existing Site Plan that would help solve what needed to be done at the site. Mr. B. Murphy said that a previous applicant at the same location had filed for Site Plan approval; that Site Plan was then displayed on the screen. Mr. William Last, Jr. was in the audience and said that there was a modified, more recent plan for the previous applicant. Mr. Last said that there were no changes to the outside from what was reviewed by the Board before; the existing conditions are exactly the same. Attorney Galvin asked how many parking spaces they had and Ms. Fidler asked if they shared the spaces. Mr. Last said that they shared them with the other side; he said that there might be twenty (20) for this and the other business (Rick) but there were "off" times. Attorney Galvin said that it looked like one (1) per 600 square feet of floor space or $\frac{3}{4}$ space for each employee combined, whichever is larger so it would probably be the one (1) per 600 square feet. Attorney Galvin asked if there was a plan that showed the parking spaces. Attorney Galvin advised that if the applicant was planning to use spaces on abutting parcels, he would need a Special Permit. He said that it would be nice if they could find the required spaces on this site. Ms. Fidler said that she would like to get as much information as they could and leave the hearing open. Mr. Last pointed out parking spaces on Google maps. He said there should be seventeen (17) or eighteen (18) spaces and if they used Grady (Consulting) numbers they could fit 35 to 45 cars. Ms. Fidler mentioned the septic and leaching and Mr. Last said it was the same as the previous plan. Mr. B. Murphy believes that it meets the parking standards. Attorney Galvin said that the applicant should stripe seventeen (17) spaces and that if they need more parking they would need to present a revised plan. Ms. Fidler stated that the lighting would remain the same.

Attorney Galvin said that signage would be per the Bylaw and they would need a permit. Ms. Fidler said that the signage was described in the application. Attorney Galvin asked what the timeframe was and Mr. Snowdale said that they hope to open in late May; that as soon as the previous person (Rick) vacated the building they would start the construction inside. He said that they still have some brewing permits that were pending. Mr. Snowdale asked how big the sign could be on the front; Attorney Galvin said forty (40) square feet for directory or free standing sign. Attorney Galvin asked if they would have a grease trap and Mr. Snowdale said that they are not producing any food or anything that has grease in it. Mr. B. Murphy asked if they would be using shot glasses for tasting; Mr. Snowdale said that they will have pints and pours. Ms. Fidler stated that Mr. Snowdale discussed the spent grains and asked him to explain how that works. Mr. Snowdale said that it was great for cow feed or whatever and that farmers go crazy for it because it is expensive. He said that they will take it away for free to feed their stock. He said that the brewers crush it, steep it for hours and then drain it. The grains that are left need to be thrown out so they will crate them up and have farmers take them away. Attorney Galvin stated that there was a pig farm behind the location. He also asked what the hours of operation will be and Mr. Snowdale said that they weren't nailed down yet but generally speaking they would be closed Monday and Tuesday; open 4:00-8:00 Wednesday and Thursday;

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Friday would be extended to 3:00-9:00; Saturday would be a full day from 11:00-9:00 and Sunday might be 12:00-5:00. Attorney Galvin asked if they would be making product at other times and Mr. Snowdale said that they would. Attorney Galvin asked if it would be 24/7. Mr. Snowdale said that the cycle goes 24/7 but physically the brewing is six (6) hours per batch and then it sits in the fermenting vessels for up to two (2) or three (3) weeks depending on the style of beer. Mr. Fidler stated that the application says that they would be making a maximum of 15,000 barrels which is 465 gallons of specialty beer, malt liquor or ale annually. Mr. Snowdale said that is the maximum to be considered a microbrewery according to the Bylaws. Attorney Galvin asked if the source of the water required would be Town water and Mr. Snowdale replied, Yes.

Ms. Fidler said that prior to occupancy they would need the required building, plumbing, electrical and gas permits required for the interior renovations plus their Title V pouring permit identified in Massachusetts law, a common victualler's license and an entertainment license. Ms. Fidler asked if there were any questions from the Board, Attorney Galvin or the Public. Mr. Ed Perry, owner of WATD, said that they are neighbors and that Rick, the previous person in the location, was a wonderful neighbor and that it would be wonderful with the Stellwagen proposal. Mr. Perry said that this would be good for the industrial park, a great addition to Enterprise Park and the Town; they support this 100%. Mr. Last said that the Board wanted to see the spaces striped and he wanted to know if it was something they should do now or can they have Grady (Consulting) do a plan. Attorney Galvin said that they need to have a plan that shows the spaces; Ms. Fidler said that she thought it should be conditional. She also said there should be seventeen (17) spaces that are ADA compliant; Attorney Galvin said one (1) would need to be handicapped. Attorney Galvin said that the decision should include that "prior to the issuance of building permits, they provide a parking plan showing spaces and signage per Bylaw". Mr. Snowdale asked if the Board meant literal striping plus the plan. Ms. Fidler replied yes and Attorney Galvin advised that the Bylaw contains the dimensions for acceptable parking spaces and that the plan should show the seventeen (17) acceptable spaces and one (1) should be handicapped.

Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to approve the Special Permit with the conditions that there be seventeen (17) parking spaces that are ADA compliant; signage according to the Bylaw; and a revised site plan to parking; all should be submitted prior to the issuance of the building permits. The motion was seconded and all were in favor.

#18-08: William Last, Jr./VRT Corporation: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to construct a 75' x 50' office building on the property located at **Enterprise Drive**, which is further identified on the Assessors' Maps as being on parcel D09-01-21 and is located in an I-1 zoning district.

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Mr. Last, Jr. remained in the audience at the conclusion of the previous hearing. Ms. Fidler asked if Mr. Last was all set and advised that she had made a motion to continue his hearing. Mr. Last said that he wanted to explain why he didn't submit a plan. He said that there were unique Conservation issues and they were trying to do some creative engineering design works. He asked Ms. Fidler what the Board would like to do as procedure, Should he review everything with the Board knowing that there might be changes to the plan or should he deal with ConCom first. He said that nobody can give him a clear answer but he did not state to whom he had asked this question. Ms. Fidler said that ConCom typically goes last. Attorney Galvin asked if the Wetlands lines had been delineated. Mr. Last said that they were and they were trying to make sure that a huge firetruck could get around the building and he said that the radius was making them get closer. Attorney Galvin asked if it was a 2 ½ story building and Mr. Last replied that it was; it was like what Rick had but smaller. Mr. Last said because they were trying to figure out how to get the firetruck around without getting closer so the final site plan actually changed because of that conversation. He said that was why he wasn't sure how to proceed. Attorney Galvin advised that Mr. Last should solve that issue first and make sure the Fire Chief is satisfied. Ms. Fidler said that Mr. Last can bring the information but the Board would hold off and not close the hearing until they had the information they needed.

#18-03: Mark Young: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to demolish an existing single family dwelling and construct a new 44' x 36' single family dwelling, including decks, which will be no more nonconforming than the existing structure on the property located at **31 Bradley Street**, which is further identified on the Assessors' Maps as being on parcel M07-08-03 and is located in an R-3 zoning district.

Ms. Fidler read Petition #18-03 into the record and asked the applicant to explain his project. Mr. Young stated that they wanted to take down the existing house that was built in 1950, rebuild on the same foundation and add four feet (4') to the exterior which is already jutting out that far in one corner so they want to square it off. The deck on the front will be below four feet (4') and the deck on the side will be extended to the back. The end result will be a two (2) story single family dwelling. Ms. Fidler stated that it was unusual to have frontage on three (3) streets R-3 zoning district. Mr. Stiles said he could pick his frontage; Mr. B. Murphy said that it didn't matter because it didn't change anything; Ms. Fidler said it didn't help him. The plan shows setbacks of fifteen feet (15'0) on Bradley fifteen feet (15') on Hancock and fifteen feet (15') on Franklin Streets. Mr. Young said that he did not think there was fifteen feet (15') and he didn't think the back line was thirty feet (30'). Ms. Fidler said that it was nonconforming on the front setback. Ms. Fidler asked Mr. Young if he would be removing the existing front steps and he replied, Yes. Ms. Fidler said that would be less nonconforming. Mr. Stiles said the measurements were identical. Mr. Young said that he pads his numbers a bit to make sure but the plot plan has the correct numbers. He said there was going to be a farmer's porch but now it will be an open deck. Attorney Galvin asked if the front elevation was on Bradley Street and Mr. Young replied that it was. Mr. Young said that they would be using the existing foundation; that

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there is a full basement now and they would raise the height of the ceiling in the basement from seven feet (7') to almost eight feet (8') so that they can move around there. Attorney Galvin asked if they would be able to gain egress off the front. Mr. Young said that they lowered the deck and the steps come out of the house and on to the deck. He said that the plans show a four foot (4') deck but it will only be a three foot (3') deck; the plans were redrawn to conform to setbacks and heights. Attorney Galvin said that it shows three feet (3') and Ms. Fidler said that Sheet A3 says four feet (4'). Attorney Galvin asked if the shed was in the street; Mr. Young said that it has been in the back corner of the yard forever but shows on the street. Ms. Fidler stated that the Board would not endorse the shed. She said that the architectural plans reflect a four foot (4') front porch and the application identifies it as a three foot (3') front porch; however, the plan dated 12/18/2017 does say three feet (3'). Ms. Fidler confirmed that without the overhang, there would not be a farmer's porch; Mr. Young said that it was in the drawing but they are taking it off and it would look like a garrison. Mr. B. Murphy said that he does not see a problem with this. Ms. Fidler asked if there were any questions from the Public and there were none.

Ms. Fidler stated that the applicant's family has owned this property for years and the actual Purchase and Sale agreement and deed were not included in the submission; Ms. Fidler asked Mr. Young to explain the situation. He said that he is waiting for a tracking company that is looking for an old line of credit from BayBank. He said that it closed and they sent it back to his grandfather but he never filed it. Ms. Fidler said that submission of the deed and Purchase and Sale agreement would be conditions of the decision but they may run into a timeframe problem. Attorney Galvin said that they are looking for a Special Permit but they don't own the home so it won't be of any value to them so there is no worry. Mr. Rockwood asked for a point of clarification: does the two foot (2') overhang make it more nonconforming and Ms. Fidler replied, No. Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to grant the Special Permit with the following conditions: the applicant needs to clarify the plans for the building permit which shows the removal of the overhang; the modified plan should show the removal of the overhang and the three foot (3') dimension, not four foot (4') dimension for the deck; submission of the updated deed. The motion was seconded and all were in favor.

#18-06: Grover Hensley, Jr.: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 15' x 7' addition at the rear and a 30' x 7' second story addition on the left side of the single family dwelling on the property located at **49 Ashburton Avenue**, which is further identified on the Assessors' Maps as being on parcel M08-41-02 and is located in an R-3 zoning district.

Ms. Fidler read Petition #18-03 into the record and asked the applicant to explain his project. Mr. Hensley stated that the left side of the plan shows the existing dwelling. The "U" shows a covered farmer's porch; they will enclose the side with the farmer's porch which will be part of the addition. They will also square off the house in the back and the whole left side will get a second floor. Ms. Fidler stated that they were nonconforming on the right side and on the left

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Side; the setback is 15' and they are at 14.8'. Mr. Hensley said that front left is nonconforming but the back where they want to build is exactly 15'. Mr. B. Murphy said that it is pre-existing. Ms. Fidler asked if they were going outside the foundation and they are not. She said that they are at three feet (3') on the right side at the front and 2.9' feet at the back. Ms. Fidler said that if you look at the architectural plans on A-4 it looks like the applicant is going up on the right side which is three feet (3') from the setback. Mr. Hensley said that he has a separate building permit to put up two (2) walls on the right side but he is not going up on that side. Ms. Fidler said that she didn't see a problem with this since they are just going up. She asked if there were any questions from the Board and there were none. She asked if there were any questions from the Public and Ms. Cindy Castro had a question about the paper street. Attorney Galvin asked if it was Kent Street and Mr. Hensley said that Knox was a paper road. Ms. Castro asked if this was added to the property or was it still a paper street; there is a fence across it. Attorney Galvin said that it shows as a paper street on the site plan. He said that the fence does not show on the plans but the plans act as if the street still exists. Ms. Castro said the plans looked beautiful. Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded; all were in favor.

#18-07: Anastasia and Tim Powers: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 24' x 36' second story addition and a 5' x 30' farmers porch on the property located at **346 Elm Street**, which is further identified on the Assessors' Maps as being on parcel H15-02-05A and is located in an R-3 zoning district.

Ms. Fidler read petition #18-07 into the record and asked the applicant or his/her representative to explain the project. Mr. Rockwood said that he had done the architectural work for the Powers and they are proposing second story and the addition of a farmer's porch. He said that they are nonconforming on the right side and Tom Sullivan clarified the setbacks. He said that they can get a 4'8" x 34' deep porch and still maintain the 40' setback. Mr. Rockwood said that they are making a farmhouse style out of the existing ranch. Ms. Fidler asked if the steps would come off the side. Mr. Rockwood said that they would enter from the driveway into the side. They will have a door there but it was pretty much ground level with probably one (1) stair; there are no height issues and no attic. Ms. Fidler asked if there were any questions about the site plan or the renderings and there were none. Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded; all were in favor.

#17-76: Francis and Rachel Sturgis: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 12' x 20' deck on the front of the existing single family dwelling to replace the previous deck on

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the property located at **246 Canal Street**, which is further identified on the Assessors' Map as parcel M04-03-12 and is located in an R-3 zoning district.

Ms. Fidler stated that the applicant for petition #17-76 had asked to withdraw the petition without prejudice. Ms. Fidler made a motion to withdraw the petition without prejudice which was seconded; all were in favor.


Meeting adjourned at 8:35 P.M.

Respectfully submitted,

Nanci M. Porreca
Zoning Administrator

I attest the foregoing minutes were approved by the Zoning Board of Appeals at their

March 27, 2018 meeting by a 3-0 vote.

Signed:  Date: 3/27/2018