

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL NOVEMBER 9, 2021 6:30 P.M.
MEETING MINUTES**

Members Present:

*Lynne Fidler, Chair
Brian Murphy
Heidi Conway
Mark Stiles
Larry Keane
Christopher Belezos
Stephen Feeney*

Also Present:

*Andrew Stewart, Building Commissioner
Atty. Robert Galvin, Town Counsel*

Ms. Fidler welcomed everyone and said the last hearing they had was the night of the storm. Some of you are here for that; we did open the meeting via Zoom and continued the hearings. There is a lot on the Agenda as a result of that and she asked people to be cognizant of that. She then gave a breakdown of how the meeting would be run.

Ms. Fidler She explained this would be a hybrid meeting and reviewed protocols including using *6 to mute and unmute. She explained that Mr. Murphy was recused from the first hearing and was downstairs; she did not need to do roll call attendance because everyone was physically at the meeting.

Ms. Fidler said that they would begin with the meetings that were continued from the night of the storm: #21-76 McDonough, #21-77 Fish, #21-78 Connolly and #21-72A McNiff. The Board will then go to #21-59A and then Webster Point Village.

Ms. Fidler said she will go out of order because she is recused from #21-76 and will begin with #21-77. After those continued hearings are heard the Board will go to the new hearings: #21-79 70 Preston Terrace, #21-80 60 Montana Street and #21 -81 864 Plain Street.

Town Counsel is on his way and Ms. Fidler has requested his help because she has been ill. Ms. Fidler said that Mr. Murphy was recused from the second case and asked him to join the Board for the first case. An audience member asked the Board to identify themselves and they did. Ms. Fidler also advised that Casey Vaughn was filling in and Andrew Stewart, the Building Commissioner, was in attendance.

#21-77: Judith Fish: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 24' x 24' two (2) story addition with a two (2) car garage below and living space above and a 7'6" x 21' breezeway on the property located at **16 Carver Street** which is further identified on the Assessors' Maps as being on parcel K05-07-04 and is located in an R-2 zoning district.

Ms. Fidler read **Case #22-77** into the record and turned the meeting over to Dick Rockwood who was representing the Petitioner. Mr. Rockwood explained the project, an addition with a two (2) car garage and living space above. Ms. Fidler said the Planning Board was made aware of the project and had no comments. She asked Mr. Stewart if he was okay with the project and he said that it was. The Board determined 1-10 of §305-10.12 had been met; neither the Board nor the public had any questions. Ms. Fidler made a motion to grant the Special Permit and stated the

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Board does not endorse the shed. The Board discussed the following conditions: an As-Built required prior to occupancy and a Certificate of Occupancy. Ms. Fidler made a motion to close the hearing which was seconded by Ms. Conway. Ms. Fidler made a motion to grant the Special Permit which was seconded by Ms. Conway. The Board voted 5-0 with Fidler, Murphy, Conway, Stiles and Keane voting in favor.

#21-78: Sean Connolly: The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-11.09.C.6 and a Special Permit in accordance with §305-11.09 of the Marshfield Municipal Code to create an Accessory Apartment within the 26' x 36' addition to be constructed on the property located at **66 Shermans Waye** which is further identified on the Assessors' Maps as being on parcel D11-02-50 and is located in an R-1 zoning district.

Ms. Fidler stated that Mr. Murphy was recused from this case and then read **Case #22-78** into the record and turned the meeting over to Dick Rockwood who was representing the Petitioner. Mr. Rockwood explained the project and said the house and addition are conforming; he is here strictly for the Variance and Special Permit for the apartment. Ms. Fidler explained that the By-laws have changed with regard to Accessory Apartments but the changes have not been approved by the Attorney General as yet. Ms. Fidler asked Mr. Stewart if he knew when that would occur and he said it would be 90 days from the date of Town Meeting. The Board reviewed the Accessory Apartment requirements and determined that the Petitioner met the standards. Ms. Fidler asked if there were any questions from the Board or the public and there were none. Ms. Fidler made a motion to close the hearing which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Conway, Stiles, Keane and Belezos voting in favor. Ms. Fidler made a motion to grant the Special Permit and noted the Board would not endorse the shed and that they would need an As-Built and a Certificate of Occupancy; the motion was seconded by Ms. Conway. The Board voted 5-0 with Fidler, Conway, Stiles, Keane and Belezos voting in favor. Ms. Fidler made a motion to grant the Variance which was seconded by Ms. Conway. The Board voted 5-0 with Fidler, Conway, Stiles, Keane and Belezos voting in favor.

#21-72A: Kevin McNiff: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to add a 5'5" x 30' one (1) story addition, a 12' x 33' front second floor dormer and a 4'5" x 34' covered porch and a Variance in accordance with §305-10.11 for relief from §305-6.02, Table of Dimensional and Density Regulations, for an additional 6'6" x 30' one (1) story addition to create a 12' x 30' room on the property located at **17 Seminole Avenue** which is further identified on the Assessors' Maps as being on parcel M09-03-08 and is located in an R-3 zoning district.

Mr. Murphy returned to the hearing room. Ms. Fidler asked if the applicant for Case #21-72A was in attendance. Mr. Stewart asked the people in the hallway if they were here for that hearing but there was no response. Ms. Fidler read **Case #21-72A** into the record and advised if people were dialing in to use *6 to mute and unmute. Ms. Fidler said she would give this applicant the

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benefit of the doubt and if not here by the end of the meeting they will continue it to a date certain.

#21-76: Kevin McDonough: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the existing structure and construct a new 28' x 36' two (2) story single family dwelling with a two (2) car garage below and a foundation size of 28' x 40' on the property located at **49 Waltham Avenue** which is further identified on the Assessors' Maps as being on parcel G12-19-08A and is located in an R-1 zoning district.

Ms. Fidler said that she was recused from this case and Mr. Murphy would be the hearing officer. Mr. Murphy read **Case #21-76** into the record and turned it over to Mr. McDonough who explained the project which will be to remove and replace the existing house; the new house will be conforming. Mr. Murphy asked if there were any questions from the Board or the public and there were none. Mr. Murphy made a motion to close the hearing which was seconded by Ms. Conway; the Board voted 5-0 with Murphy, Conway, Stiles, Keane and Belezos voting in favor. The Board agreed that the applicant meets the requirements of §-305-10.12. Mr. Murphy made a motion to grant the Special Permit which was seconded by Ms. Conway; the Board voted 5-0 with Murphy, Conway, Stiles, Keane and Belezos voting in favor.

Ms. Fidler returned to the hearing room and asked if the applicant for Case #21-72A was available; Mr. Stewart said he did not see him on Zoom.

#21-79: Terry and Jan Martin: The Petitioners are seeking a Special Permit in accordance with §305-13.02.C.01 and §305-10.12 and a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.07 to construct a 4' x 14' ramp, a 4' x 181' pier, a 3' x 30' gangway and a 20' x 10' float on the property located at **70 Preston Terrace** which is further identified on the Assessors' Maps as being on parcels I16-14-05 and I16-15-11 and is located in an R-3 zoning district.

Ms. Fidler read **Case #22-79** into the record and turned the meeting over to Gregory Morse who was representing the applicants. Mr. Morse went to the screen while he explained the project; he said the Harbormaster visited the site that day. Ms. Fidler asked if any electrical or lighting were proposed and Mr. Morse said no. Mr. Belezos asked about a gate at the end; Mr. Morse said they are not proposing one but it could be added later if it became a problem; Ms. Fidler said the Board has encouraged gates for safety purposes; Mr. Morse said it was more than a reasonable request. Ms. Conway asked about Orders of Condition from ConCom and Mr. Morse said it has been applied for but not issued yet. The ConCom meeting is either next week or the following week and they would go to the Army Corps of Engineers as their next step. The Board and applicant reviewed Conditions for previous docks and Mr. Morse said they were all acceptable. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Murphy, Conway, Stiles and Keane voting in favor. Ms. Fidler said §305-13.02 and §305-10.12 (1-10) have been satisfied. She said the fulltime members would be voting and Mr. Murphy said he would like to give his vote away. Ms. Fidler said they don't

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currently have Orders of Conditions; Mr. Galvin said this would have to comply with any Orders of Condition by the Marshfield Conservation Commission and any Army Corps of Engineers permits and approvals. Ms. Fidler made a motion to grant the Special Permit with the conditions outlined by Mr. Galvin; this was seconded by Ms. Conway and the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the Variance which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Keane voting in favor.

#21-80: Mohamed Ziedan: The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.01 and §305-6.10, Applicability of Dimensional and Density Regulations and the Table of Dimensional and Density Regulations, and a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 39.5" x 110" portico over the front steps on the property located at **60 Montana Street** which is further identified on the Assessors' Maps as being on parcel G12-27-05 and is located in an R-1 zoning district.

Ms. Fidler read **Case #22-80** into the record and asked Mr. Stewart if he was familiar with this project; Mr. Stewart said that he was. Ms. Fidler asked Mr. Ziedan to explain the project. He said when he moved to his house everything was fine but one day his daughter was going to the house when it was raining and she fell and hurt herself; the rain goes inside the house. He thought it would be better to do something but didn't have any idea about the rules. When he found out there were he came in and processed everything that he was asked to do. Mr. Stewart said this was after the fact; he has a previously nonconforming situation and put this portico/addition on over their steps to provide a safe entry into the house. The reason he has to come to the ZBA is because of the nonconformity of his house; the application is complete, they have a deed and they have been working with Mr. Ziedan; this is something we have granted in the past but it was constructed without a permit. Ms. Fidler asked if this was increasing the nonconformity; Mr. Stewart said it was but it was allowed under *Bellalta* through a Special Permit because it's an existing nonconformity. Mr. Stiles asked what the nonconformity was and Mr. Stewart said it was the front setback and the lot size. Ms. Fidler asked if this was in the Water Resource Protection District; Mr. Stewart said it was but this is a "by right" activity but not required for Planning Board. Mr. Galvin said the decision should reflect that it is in the WRPD. Ms. Fidler said they were here for a Variance and Mr. Galvin said it should be denied as moot; Mr. Stewart thought we were here for a Special Permit. Ms. Fidler made a motion to close the hearing which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Murphy, Conway, Stiles and Feeney voting in favor. Mr. Murphy said he would like to give his vote away; Ms. Fidler said this vote would go to Mr. Belezos. Ms. Fidler made a motion to deny the Variance as moot which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Belezos voting in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Belezos voting in favor.

#21-81: B Home L.L.C.: The Petitioner is seeking a Special Permit in accordance with

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§305-5.04, Table of Use, Retail and Service #2a, of the Marshfield Municipal Code to change the use to retail on the property located at **864 Plain Street, Units 2 and 3**, which is further identified on the Assessors' Maps as being on parcel D10-01-04A and is located in a B-2 zoning district.

Ms. Fidler read **Case #22-81** into the record and turned the meeting over to Bonnie Bongiolatti, the Petitioner, who explained the project. She currently has a shop in Duxbury but would like one here because she lives in Marshfield. Ms. Fidler asked about a lease; the new owner said they would do a lease if they receive approval. There won't be any changes to the front of the building. The applicant said that she would be open 10:00-5:00 Tuesday through Saturday, 11:00-4:00 on Sunday and closed Monday; there will be two (2) employees a day rotating shifts but not at the same time. Ms. Fidler asked if there were any questions from the Board or public and there were none. Ms. Fidler made a motion to close the hearing which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Murphy, Conway, Stiles and Feeney voting in favor. Mr. Murphy said he would like to give his vote away; Ms. Fidler said this vote would go to Mr. Keane. There was a discussion about signage. Ms. Fidler made a motion to grant the Special Permit which was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Keane voting in favor.

Ms. Fidler asked if the applicant for Case #21-72A were available; Mr. Stewart checked in the hallway and they were not in attendance. Ms. Fidler made a motion to continue the hearing to November 23, 2021 at 6:30 PM.; Ms. Conway seconded the motion and the Board voted 5-0 with Fidler, Murphy, Conway, Stiles and Feeney voting in favor.

Webster Point Village, LLC: Request to approve change(s) to the Comprehensive Permit issued to Webster Point Village, LLC by the Zoning Board of Appeals dated August 26, 2021 which the Zoning Board of Appeals has determined to be "substantial changes" after a September 8, 2021 Zoning Board meeting to consider the proposed changes. The property contains 26.33 acres, more or less, located off of Careswell Street in Marshfield, Massachusetts is located in the R-1 Zoning District, and is further identified as Parcel J02-05-01A on the Marshfield Assessor's Maps.

Ms. Fidler mentioned that he had stated that Mr. Galvin would assist her with this hearing. We have Webster Point which is a 40B and will ask Mr. Galvin to be the procedural hearing officer for this case. Mr. Galvin said this was a continued hearing on the proposed change to the Webster Point Comprehensive Permit project. Attorney Bagley is on line and he is counsel for the developer.

There were some technical issues and Mr. Stewart asked if the Board could take a five (5) minute break so that he could speak to IT. Ms. Fidler made a motion to take a short recess and the motion was seconded by Ms. Conway; the Board voted 5-0 with Fidler, Murphy, Conway, Stiles and Feeney and Keane (7:33 PM). Ms. Fidler called the meeting back to order at 7:46 PM.

Mr. Galvin reminded the Board that back on September 8th the Board made a determination that the proposed changes that were requested by Attorney Bagley on behalf of his client, Mr. Gioiso and Webster Point Village LLC, were substantial changes. Attorney Bagley and Attorney

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Setrovick (sp) representing the developer filed a motion to amend an existing appeal to include the issue of whether the Board was correct in determining the changes to be substantial or insubstantial. The Board has taken the view that there wasn't an appeal and in compliance with an order of the Housing Appeals Committee in August the Board opened a Public Hearing at the beginning of October. As a result of a power outage at that hearing the case was continued until tonight. Attorney Bagley is here on behalf of the Webster Point Village LLC and is going to explain the basis for his request that the Board prove substantial changes to the Comprehensive Permit.

Attorney Bagley said he does not want to give a comprehensive history of the project but there was a condition of the Comprehensive Permit that requires Webster Point Village grant and record a Conservation Restriction. He said this was intended as a buffer zone. The developer thought he would satisfy this by granting the restriction to the Marshfield Conservation Commission. However, after the permit issued and WPV went to the Marshfield Conservation Commission and the Duxbury Conservation Commission as both were considered to be grantees of the Restriction, both declined. WPV made several efforts to find another grantee and has found that this property is not appropriate for the Restriction; it's long, fragmented and not near other conservation land. Since they have found that it was impossible to satisfy the nature of the Restriction, they have no choice but to request that the condition be removed.

Mr. Galvin asked Mr. Bagley what conditions in the Comprehensive they feel need to be changed so that the Board can look at those conditions. Mr. Bagley said there is a condition in Marshfield that the developer record a Conservation Restriction; Mr. Galvin said he was thinking about the number of the condition and not the condition itself; Mr. Bagley did not have it. Ms. Fidler asked if it was within the seventy-four (74) pages submitted in the original request for substantial vs. insubstantial. Mr. Bagley believes there is a reference in there to the number of the condition and asked if the ZBA didn't know where it was. Mr. Galvin said he was asking for the number because some of the current Board members were not on the Board then; they could go to the specific condition and read it; it wasn't a trick question; we understand the substance of what you are trying to do. Mr. Galvin asked the Board if they had questions for Mr. Bagley. Ms. Fidler asked if they have made any progress since the last time they were before the Board as far as finding a grantee. Mr. Bagley said they have not made any subsequent efforts because they have made all of the efforts previously; they believe they have exhausted their efforts. Mr. Murphy asked if Mr. Bagley thought this would be an issue for another developer. Mr. Bagley asked if they have a case where a developer was asked to have the Conservation Commission be the grantee of a Conservation Restriction and the Commission declines; that's very unusual. Mr. Belezos asked if the condition itself said that the Marshfield Conservation Commission was going to take it; Mr. Bagley said it did not, there was no requirement that the Marshfield or Duxbury Conservation Commission be the grantee. He said the issue is that at the time it was everyone's understanding that that is how it would be satisfied.

Mr. Galvin asked the public if there was anyone who wished to speak in favor of the request to amend the Comprehensive Permit and nobody replied. He asked if anyone wanted to speak in opposition and he recognized Joe Pecevich of Wilson Road. Mr. Pecevich said he was opposed to this change in principle. Carol Gage of 74 Leland Road said she knows that 40B developments don't have to follow all the rules that everyone else does and wanted to know if

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they were in the floodplain. Mr. Bagley was not able to answer that off the top of his head. Mr. Stewart said they were not in the floodplain. Attorney Dennis Murphy on Zoom represents the Marshfield and Duxbury Neighborhood Association. He saw his letter from a couple of months ago on the screen and wants to address a couple of points Attorney Bagley brought up. First to answer the question about the Comprehensive Permit condition; this is the permit issued August 6, 2015 and the condition at issue is #2 on page 6. He said it's only nine (9) lines long but the words "Marshfield Conservation Commission" do not appear in the condition. In addition to Mr. Murphy's letter, Attorney Bagley referenced the Conservation Management permit by the Division of Fisheries and Wildlife. This is a recorded permit and along with it there is a Declaration of Restriction. There is a critical legal difference between a Declaration of Restriction and Restrictive Covenant. To be clear, what has been done by Fish and Wildlife is a Declaration of Restriction which requires a Conservation Restriction under MGL Ch. 184 which is a more restrictive condition than what is in the Fish and Wildlife restriction. He said this was adopted as part of a settlement between his clients and the applicant going back to 2003 or 2004 when the original decision had an exclusion for removal of sand and gravel. The "deal" was the neighborhood would drop its opposition to the removal of sand and gravel in exchange for the restriction to protect their land and homes; that was the settlement.

Mr. Galvin asked if anyone wanted to speak in opposition and asked if Mr. Bagley wanted to respond to what Attorney Murphy said. Mr. Bagley said they have a disagreement about the encumbrance required. Mr. Galvin said at this time it would be appropriate to close the public hearing on this and took a roll call vote to close with Stiles, Keane, Fidler, Conway, Belezos, Feeney and Murphy in favor. He asked if the Board wanted to deliberate now or take it under advisement and Ms. Fidler would like to move it to the next hearing. Mr. Galvin said this should be moved to the Agenda on November 23, 2021 for deliberation and advised Mr. Bagley and Mr. Murphy the Board will debate and make a decision on this on November 23, 2021.

#21-59A: Town of Marshfield/Harbormaster: The Petitioner is seeking a Special Permit in accordance with §305-10.10, §305-10.12 and §305-13.02 for the extension and alteration of an existing nonconforming use and Site Plan approval under §305-12.02 of the Marshfield Municipal Code to regrade the Town's existing Dredge Spoils Area (DSA) to provide additional parking for a total of ninety-four (94) parking spaces and eighteen (18) trailer spaces for use by Harbor Park visitors and overflow parking for the Town Pier on the property located at **Joseph Driebeek Way** which is further identified on the Assessors' Maps as being on parcel M07-03-01 and is located in an R-3 zoning district.

Ms. Fidler said they are now at **Case #21-59A** and she asked Mr. Galvin to help with this hearing. It has already been read into the record and is a continued public hearing due to the storm. She said there have been two (2) prior opportunities for the public to speak and there have been a lot of submissions. Mr. Galvin said there was #21-59 and #21-59A; Ms. Fidler said that was the addition of §305-10.12. Mr. Galvin said that for the public to be aware, since the last hearing there is a grand total of fifty-four (54) submissions that have been made and he has listed them all but won't read them all into the record but they include emails, reports, pictures and plans that have all been distributed to the Board. He asked Mr. DeMeo if there was anything

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that he wanted to add to his presentation. He said that he has random pictures from a random Tuesday taken on 10/12; you can see that many of the spaces are taken as well as cars in the trailer spaces. Ms. Fidler asked if this was the first that the Board was seeing these and Mr. DeMeo and Mr. Galvin said they were submitted to Ms. Porreca.

Mr. Galvin talked about a petition that was submitted by abutters or other interested parties where the point is there are 199 abutters and only 14 signed the petition. People in the audience said they couldn't hear the Harbormaster when he spoke; someone said they were handicapped. Mr. Galvin said he would ask the Harbormaster to keep his voice up. Mr. Stewart said that we do have listening assistance if needed. Mr. Galvin explained that the microphone was for online and said if Mr. DeMeo was comfortable he could face them and speak. Mr. DeMeo said that was all he had and that Amory Engineers wasn't able to be here tonight.

Mr. Galvin asked the Board if they had questions. Ms. Conway said she had some safety concerns she would like to address. She said the current pedestrian situation there is tricky even when the lot is half full; there's no place for pedestrians to walk from Harbor Park over to The Point or the Harbormaster building. She asked if there was something in the plans that addressed that because she didn't see it and apologized if she missed it. She said that she goes over there with her little ones and it's tricky; is there a plan in place for sidewalks and safety concerns? Mr. DeMeo said this is partly how it all started; any traffic at Harbor Park can stay at Harbor Park and not have to park at the pier to walk across the bridge. There's nothing to go from the pier to the building and that's something they can look at with help from the DPW, engineers and consultants. Ms. Conway asked if there were other plans to add phases to this; is this use going to be used for anything other than boat/boat ramp. Mr. DeMeo said it could be used for events down there like Lobsterfest, Easter egg hunts or other events eventually. The whole goal is to keep it blocked off until it's needed; we don't need the parking every single day. Ms. Conway asked how he was proposing people move forward into the new lot to get from Point A to Point B; what safety things are in place. Mr. DeMeo said the guardrail would be replaced and there would be a 40 foot opening in the middle. We want to isolate the two (2) crosswalks and have people drive through the middle to the parking lot. The 18 trailer spaces would be for the triple axel trailers only.

Mr. Galvin asked Mr. Stewart to show Google Map for this area with the satellite overhead; Mr. Stewart displayed the map. Mr. Galvin asked him to zoom into Harbor Park area. Ms. Conway said they didn't get to the idling while people wait to put their boats in. Do they wait in their spaces? Mr. DeMeo said they come across the bridge and form a queue line on the north pier which is part of the problem; the fisherman can't get there because the boat trailers are in their way.

Ms. Fidler said she knows we are here for the parking lot and this is a site plan issue but when she is looking at the parking lot and hears folks concerned about the traffic towards Central Street it's logical the spaces on the top are set up to go the proper way but the spaces on the bottom will be tough to turn. A lot of concern has been with the way the lot is set up. Mr. Belezos said there are 94 car spaces and 18 triple axel spaces; given the concern of the abutters would he be willing to consider something of a smaller scope, focused primarily on the trailers and have them go in and out down Driebeek without ever going in the residential areas. Mr.

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DeMeo nodded and Mr. Belezos confirmed that he would be willing to downscale the project.

Mr. Keane asked if there had been any core samples taken, any contaminants from past dredging? Mr. DeMeo said all material that's in there goes through the DEP Water Quality Team and then placed there. At some point the DPW will go in and have samples taken. Ms. Fidler said that she knows that Mr. DeMeo recorded their Conservation Conditions and asked if he was aware of any appeals on that based on MGL Ch. 214, Section 7 which allows a group of ten (10) or so citizens to appeal? He isn't aware of that and said a Notice of Intent has been filed.

Mr. Galvin asked if there was anyone who wanted to speak in favor of the Harbormaster project. Philip Ashcroft, 35 Arrowhead Road, is in favor of the project because it generally helps economic development. Linda Daichman, on Zoom, of 1 East Street, is in favor of proposal because the Harbormaster has shown there is a need and he has a plan to fulfil that need. It will be a positive thing to stimulate the economy. She feels that there is an elephant in the room and mentioned Mr. Cusick; Mr. Galvin said she needs to keep it limited to why she is in favor of the project. She said that she has a question about maintenance because Mr. Cusick said the DPW won't maintain it. Mike Kiely, 743 Ocean Street, has supported the project from the beginning; he testified via phone at the last meeting. He would like to say that you're promoting an area down there but you're not willing to accept the consequences. He doesn't have a boat or a trailer but they enjoy as residents walking in Harbor Park, taking the dogs there. Paul Clark of Branch Street asked if the Harbormaster has done any traffic studies of the area; there could be 180 people there (because of number of spaces) and asked if they had looked at maintenance, trash, dumpsters, etc. Mr. DeMeo said there are cameras there and in Harbor Park as well; there are trash receptacles in the area and he doesn't want to add receptacles to the lot. It will be locked up or chained up when not needed and opened when it is needed. They've considered keeping trailer and car parking separate so that if you don't need car parking then you only open the trailer parking. He said he isn't an expert at everything and is open to suggestions.

Steven Lonergan, 108 Town Way, wanted to know on an average Saturday in the summer, how many boats can be launched and when does it reach critical mass of the number of boats being launched. Mr. DeMeo said the lot holds 77 trailers; they see a couple of hundred launches a day; they can check by the meters. They sell approximately 250 annual permits which are \$125 so if you launch 10-12 times you break even on your permit. Mr. Lonergan asked if they are adding boat spaces will they be able to handle launching the extra boats. Mr. DeMeo said yes and said sometimes people have to wait to launch. Mary Beth Conroy, 16 Linwood Street, said she never got a notice and she is a direct abutter; the only way she knew about all of this was from Facebook. Mr. Galvin said Mr. DeMeo has a map and he knows who the abutters were that got the notice; he asked her to point out her address on Mr. DeMeo's map so he can tell if she got noticed. Mr. DeMeo said she should have received a notice because she is in the buffer zone. Mr. Galvin said at any rate she is here. Ms. Conroy wanted to know what area it would be in when she looks at Google Maps and what would happen with the water after it was paved. Mr. DeMeo explained it won't be paved; it will be porous material such as crushed stone. Mr. DeMeo went to the map to show where this would be located. Diane Jordan of Bancroft Street asked what material would be used and asked Mr. DeMeo to explain what porous material was; he said it could be crushed stone or crushed asphalt, whatever is cheaper; it can't be paved, it has

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MARSHFIELD TOWN HALL NOVEMBER 9, 2021 6:30 P.M.
MEETING MINUTES**

to be porous. Ms. Jordan asked why and Mr. DeMeo said it wasn't allowed and they aren't proposing to pave it. Ms. Jordan asked why it wouldn't be paved and Mr. Galvin said Mr. DeMeo just answered that question. Ms. Jordan asked how deep the porous material would be and how many cubic feet of water can it hold when there are high tides that flood the area. Mr. DeMeo said that it doesn't flood. Ms. Jordan asked if they had done an engineering study and Mr. DeMeo said they walked it with an 11 foot tide. She says she has pictures of the area flooded from the last high tide. Mr. Galvin said the questions go through the Board and they will ask Mr. DeMeo; it's not interplay between the two (2) of them. My questions were how many cubic feet of porous material and how many cubic feet of water. Mr. DeMeo isn't sure he understands her question; the whole DSA can hold 50,000 cubic yards of material but he's not sure how that equates to water. Mr. Galvin said she is asking about the depth of the porous material and whether that material will hold water. Mr. DeMeo said it will probably be about four inches (4"). Mr. Murphy said the water has to go over the berm to get anywhere else.

Mr. Stewart said this is not in a Flood Zone, it's in the Coastal Wetlands District and is not susceptible to flooding; it has had engineering studies done by FEMA. When talking about porous material, that is what is there now. Mary Murphy, 252 Ocean Street, said she is all about safety and spoke at the last meeting. She has a letter that she gave to the Board that the state won't allow the spoils to go there. Mr. Lynch, Mr. Pecevich, Pam Keith and several other residents also spoke in opposition.

Mr. Galvin stated that in addition to the mailings to the abutters, this also appeared in the newspaper. He recommended that the record be held open for this plan but to close the hearing. Ms. Fidler made a motion to close the hearing and leave the written record open. Mr. Galvin explained that the record would be held open only for this plan to be submitted. Mr. Murphy seconded the motion; the Board voted 5-0 to close the hearing with Fidler, Murphy, Conway, Stiles, and Feeney in favor. The Board did not deliberate.

Ms. Fidler made a motion to adjourn the meeting which was seconded by Mr. Murphy; the Board voted 5-0 in a roll call vote with Fidler, Murphy, Conway, Stiles and Feeney voting in favor.


Respectfully submitted,



Nanci M. Porreca
Zoning Administrator

These minutes were approved by the Board on 12-13-2022 by a

5-0 vote.

Signed: 

Date: 12-13-22