

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL JUNE 27, 2023 6:30 P.M.
MEETING MINUTES**

Members Present:

*Brian Murphy, Chair
Heidi Conway
Stephen Feeney
Larry Keane
Grover Hensley, Jr.
Mark Corwin - remote
Brian Sullivan*

Also Present:

*Casey Dam, Building Department
Atty. Robert Galvin, Town Counsel*

2023 NOV - 7 AM 11:14

MARSHFIELD TOWN CLERK
RECEIVED

Mr. Murphy called the meeting to order at 6:32 P.M., read the disclaimers and explained to the public that Zoom was provided as a courtesy and advised callers to use *6 to mute and unmute. Mr. Murphy took attendance by roll call as Mr. Corwin was participating remotely.

#23-45: Brian O'Callaghan: The Petitioner is seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.02, Table of Dimensional and Density Regulations, to construct a 10' x 12' shed on the property located at **29 Malden Avenue** which is further identified on the Assessors' Maps as being on parcel J11-01-36 and is located in an R-2 zoning district.

Mr. Murphy read **Case #23-45** into the record. Brian O'Callaghan explained that he would like a 10' x 10' shed on the bottom right of the plan that would be five feet (5') off each property line. Mr. Murphy asked why he need a Variance and Mr. O'Callaghan said the other locations would be in the middle of the yard. Mr. Sullivan said if the shed was ten feet (10') from the lot lines he wouldn't need a Variance. Mr. O'Callaghan said he was told by the Board of Health that he had to be X amount of feet off of the septic. Mr. Sullivan said that people have driveways over their septic. He said he was sorry that Mr. O'Callaghan got that advice and said the Board of Health does not do Zoning. He said that Mr. O'Callaghan won't harm his system, that it is sub surface and not mounded. Mr. Sullivan said that he was telling him that because he does not meet the Variance standards. Mr. Keane said the Board did do one off of Plymouth Avenue and Mr. Murphy said that was a flood area. Mr. Galvin said that most of Kent Park was below sea level. Ms. Conway asked if there was a reason he didn't want it at ten feet (10'); Mr. O'Callaghan said he was fine with that but he was told no. Mr. Keane asked if there were septic system issues and Mr. O'Callaghan said not really. Mr. Murphy said they could continue this; he doesn't want to waste money with a plan. Casey Dam said that Mr. O'Callaghan was working with the Board of Health; Mr. Russell said that he wouldn't approve it if it was too close to the septic. The building permits go to the Board of Health and he will not approve it. Mr. Galvin said that he knows you can't put a house over septic. Mr. Paul Armstrong from the audience said it could be on sonotubes as long as there wasn't ground penetration. Mr. Murphy asked the Board or Public if they had any questions and there were none. Mr. Murphy made a motion to continue the hearing to July 11, 2021 at 6:30 PM. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Keane, Hensley and Sullivan voting in favor.

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#23-46: Mark Kemp: The Petitioner is seeking a Special Permit under §305-11.09 of the Marshfield Municipal Code to create a 1,050 square foot two (2) bedroom Accessory Apartment over the existing two (2) car garage on the property located at **75 Warren Avenue** which is further identified on the Assessors' Maps as being on parcel G16-08-34A and is located in an R-1 zoning district.

Mr. Murphy read **Case #23-46** into the record. Mark Kemp said that he was here for the owner who wants to do an accessory apartment over the garage. Mr. Murphy asked if there were any questions from the Board and there were none. He asked if there were questions from the audience and Michael Solimita of 80 Warren Avenue said that he had no objection but he had a question about the height. Mr. Solimita also asked if there would be a change in the privacy buffer or the septic and Mr. Kemp said no. Mr. Kemp said that they would be eliminating one (1) bedroom from the house. Mr. Murphy asked the Board or Public if they had any questions and there were none. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. The Board agreed that the Petitioner met §305-11.09.C (1-11) the Residential Accessory Apartment requirements. Mr. Murphy made a motion to grant the Special Permit subject to conditions. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley voting in favor.

#23-47: Lynn A. Ford: The Petitioner is seeking a Special Permit under §305-10.12 of the Marshfield Municipal Code to construct a 6' x 6' two (2) story bump-out, an approximate 27.5' x 7.5' dormer at the rear of the dwelling, a 9'6" x 15'6" deck with rear egress staircase and a Special Permit under §305-11.09 to create an approximate 900 square foot Accessory Apartment on the property located at **40 Main Street** which is further identified on the Assessors' Maps as being on parcel G08-05-32 and is located in a B-2 zoning district.

Mr. Murphy read **Case #23-47** into the record. Lynn Ford said that there was no pass through upstairs from the front of the house to the back; there are two (2) triangles with a little hobbit door. This bump-out will allow them to install a regular door. She said the house is broken and they want to make it whole. Mr. Murphy asked if there were any questions from the Board or the public and there were none. He made a motion to close which was seconded and all were in favor. The Board agreed that the Petitioners met §305-10.12 (1-10) of the Special Permit requirements as well as the Residential Accessory Apartment requirements found in §305-11.09.C (1-11). Mr. Murphy made a motion to grant the Special Permit for the addition and the Accessory Apartment with the following conditions: building permit, As-Built, Certificate of Occupancy and the requirements found in §305-11.09.C (1-11). The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley voting in favor.

#23-48: Daniel Burkhardt: The Petitioner is seeking a Special Permit under §305-5.04 and §305-10.10 of the Marshfield Municipal Code and Site Plan approval in accordance with §305-12.02 to construct a 180' x 80' commercial building consisting of office and warehouse space on the property located at **Lot**

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26O, Progress Way, which is further identified on the Assessors' Maps on parcel D09-01-09E and is located in the I-1 zoning district.

Mr. Murphy read **Case #23-48** into the record. Gregory Morse of Morse Engineering Co. and Daniel Burkhardt were in attendance. Mr. Morse said that they were before the Board for a Special Permit and Site Plan approval for a 180' x 80' commercial building which is currently a vacant lot. He said that it was previously used as a drainage basin and most of the abutting lots are vacant. Mr. Morse said that most of Progress Way has been built but there was a modification requiring a cul-de-sac. He said this is a moving and storage company; the building will have an office that will be approximately 1,230 square feet and the rest will be a warehouse to store pods until the customers move is complete. The entrance will be on the right front corner and the back will have a loading bay with an overhead garage door. The parking lot will have twenty (20) parking spaces (18 are required) and will include two (2) handicapped spaces. The landscape makes up 40% and 30% is required in the industrial area. Drainage will be through a series of catch basins. This is a day time business during the week. There will be minimal access to the public and employees will go there to get their trucks. Mr. Sullivan asked about the hours of operation and Mr. Burkhardt said that he goes in at 7:30 AM to send the crew out and they are back by 5:00 or 6:00 PM. It was mentioned that there would be no night or weekend hours and not a lot of retail traffic. Mr. Burkhardt said they would be turnkey customers where they will call them to come get the storage units and then deliver them. Mr. Hensley asked if there would be onsite truck storage and Mr. Burkhardt said that there would be outside in the back. Ms. Conway asked if there would be any lights and Mr. Morse said light would be attached to the building. Mr. Keane and Mr. Sullivan said that this would be good for Marshfield. There will be security alarms and they will have their own cameras.

Mr. Galvin said that they mentioned the drainage was checked but he wasn't sure if the Petitioner read Mr. Rod Procaccino's comments that will be included in the conditions. Conditions include that the decision is subject to further review by Rod Procaccino, Town Engineer, to address any concerns relating to stormwater drainage into the common stormwater system and that the project shall be subject to peer review/construction monitoring at the Owners expense of the completion of the stormwater system based on the stormwater calculations. Mr. Morse said that drainage is looked at highly. He said where it went to the Planning Board there is an extensive report. Kevin Grady said that Mr. Morse was referring to the subdivision design that the Planning Board analyzed that allows for 70% of impervious coverage. Mr. Galvin said that it sounds like they have the answers and that they just need to talk to Mr. Procaccino.

Ms. Porreca mentioned traffic mitigation and Mr. Galvin said the Board could waive it; Mr. Morse said it was required by the Planning Board. Mr. Feeney asked how many trips in a day; Mr. Burkhardt said he has twenty (20) employees in and out so twice a day. He has seven (7) trucks and he runs five (5) with three (3) men in a truck; that would be twenty (20) employee cars plus the five (5) trucks, once in and once out. Mr. Morse said they wouldn't be going through the residential part; they're closer to Enterprise Drive. Mr. Murphy made a motion to close which was seconded and all were in favor. Mr. Murphy made a motion to grant the Special Permit and Mr. Galvin noted that conditions should include the discussion with Mr. Procaccino, a building permit, a Certificate of Occupancy and they should comply with the subdivision regulations for traffic mitigation set by the Planning Board. Mr. Murphy made a motion to grant

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the Special Permit and Site Plan approval which was second by Mr. Sullivan; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley voting in favor.

#23-49: David Crest: The Petitioner is seeking a Variance in accordance with 305-10.11 of the Marshfield Municipal Code for relief from §305-6.02, Table of Dimensional and Density Regulations, for setbacks, maximum building area and impervious cover and a Special Permit under §305-10.12 to construct an approximate 250 square foot addition and a 7' x 22' deck on the property located at **423 Ferry Street** which is further identified on the Assessors' Maps as being on parcel G12-27-04 and is located in an R-1 zoning district.

Mr. Murphy read **Case #23-49** into the record. Nicholas Leing from Grady Consulting presented. Mr. Leing said that there is currently a wraparound deck which will be taken down and a smaller one will be reconstructed; they are going to expand a little on the second floor. He said that they are requesting two (2) Variances and two (2) Special Permits. One Variance will be for lot coverage. He said the stairway is now three feet (3') off Ferry Street now and they will be four feet (4') off. Mr. Sullivan confirmed that the Petitioner is not looking for a dimensional Variance for the structure, just for the stairway. Mr. Sullivan asked if this was preexisting nonconforming and asked Mr. Galvin if they need a Special Permit to extend the nonconformity. Mr. Galvin said he was confused by the lot line. He said that he has hardly ever seen a roadway like this and he couldn't figure out who owned it. Mr. Sullivan said that he thinks they can grant a Special Permit. Mr. Galvin agreed and said he was concerned about the Water Resource Protection District (WRPD). Mr. Murphy said they would need a Variance for coverage. Mr. Galvin said if they were already over then it could be a Special Permit. Mr. Murphy asked if there were any questions from the Board or the public and there were none. He made a motion to close which was seconded and all were in favor. The Board agreed that the Petitioners met §305-10.12 (1-10) of the Special Permit requirements. Mr. Murphy made a motion to grant the Special Permit subject to the following conditions: building permit, As-Built, Certificate of Occupancy and whatever requirements apply in the Water Resource Protection District (WRPD). The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley voting in favor. Mr. Murphy made a motion to deny the Variance as moot; the motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley voting to deny the Variance.

#23-50: Paul Armstrong: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 Marshfield Municipal Code to construct a 7,200 square foot commercial building consisting of office and warehouse space on the property located at **175 Commerce Way**, which is further identified on the Assessors' Maps on a portion of parcel D09-01-131 and is located in the I-1 zoning district.

Mr. Murphy read **Case #23-50** into the record. Kevin Grady from Grady Consulting was in attendance with Paul Armstrong. Mr. Grady said that the project is for an office and warehouse

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for South Shore Pile Driving; they do dock piles and house piles all the way to the Cape. This will be adjacent to Lot 260 Progress way and will be for their construction supplies. He said there aren't any wetlands near the site and it complies with the dimensional setback requirements. Mr. Grady said they have 55,000 square feet and 40,000 square feet is required. He said the Open Space requirement is 30% and they are at 30.1%; they meet all coverage. Mr. Grady said that parking is one (1) space per 1,000 s.f.; they need seven (7) spaces and they are proposing eight (8) with an accessible space. This will be a metal building with an open floor plan; a dumpster will be in the rear and there will be raised bed plantings in the front for screening. Catch basins will go to a large septic fore bay; lighting will be wall pack with downcast lighting; hours will be 7:00 AM to 7:00 PM with no overnight operation. There should be a maximum twenty (20) trips a day – ten (10) in and ten (10) out. Mr. Armstrong said they have already settled with the Planning Board. Ms. Conway asked if he was leasing or buying and Mr. Armstrong said he was buying. Mr. Sullivan said this was why we have an industrial park, to keep Marshfield businesses in Marshfield. Mr. Murphy asked if there were any questions from the Board or the public and there were none. He made a motion to close which was seconded and all were in favor. Mr. Murphy made a motion to grant Site Plan approval with the conditions of a building permit, As-Built and Certificate of Occupancy; the motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley in favor.

#23-51: Susan Larkin: The Petitioner is seeking a Special Permit under §305-10.12 of the Marshfield Municipal Code to raze the existing house and construct a new 12' x 32' dwelling on the same footprint on the property located at **429 Moraine Street** which is further identified on the Assessors' Maps as being on parcel H05-01-19 and is located in an R-1 zoning district.

Mr. Murphy read **Case #23-51** into the record. Richard Servant from Stenbeck & Taylor said that there are multiple dwellings on the lot and the Petitioner wants to demolish a home and replace it in basically the same footprint; the setback will increase with the patio in the rear. Mr. Murphy asked if the Board or public had any questions. Mr. Sullivan asked how old the structure is and Mr. Servant said the Assessor says 1925. A woman in the audience said that Historical has already reviewed this. Mr. Galvin said he wasn't sure if they had a demolition permit and that he thinks this was part of the McGee property. Mr. Murphy made a motion to close which was seconded and all were in favor. Mr. Murphy made a motion to grant the Special Permit with the conditions of a building permit, As-Built, Certificate of Occupancy and compliance with all demolition requirements. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley in favor.

#23-52: Kevin Power: The Petitioner is seeking a Special Permit under §305-9.02 of the Marshfield Municipal Code to construct an 80' x 34' replacement home with a 10' x 50' porch on the property located at **365 Ocean Street** which is further identified on the Assessors' Maps as being on parcel M08-35-01 and is located in an R-3 zoning district.

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Mr. Murphy read **Case #23-52** into the record. Richard Servant from Stenbeck & Taylor and Kevin Power were in attendance. Mr. Servant said the house is in tough condition; it's too far gone to restore; the Petitioner wants to demolish it and build a new one. He said that Mr. Power has worked with Historical. The house is in the Flood Zone and they will move it further back to get it out of the Flood Zone. It will be pushed back a little to line up with the rest of the street. Mr. Murphy asked if there were any questions from the Board or the public and Ms. Conway said it was said to see it go. Stephen Wessling of 369 Ocean Street said that the house was in terrible shape. Mr. Galvin said that he met with Mr. Powers and historical a few months ago and he is okay. Mr. Murphy made a motion to close which was seconded and all were in favor. The Board determined that the Petitioner meets the requirements found in §305-10.12 (1-10). Mr. Murphy made a motion to grant the Special Permit with the conditions of a building permit, As-Built, Certificate of Occupancy and compliance with all demolition requirements. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley in favor.

#23-53: J. Stephen Bjorklund: The Petitioner is seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.08, §305-6.10 and any other relief the Board of Appeals deems necessary to construct a single family dwelling at the rear of the lot on the property located at **1211 Forest Street** which is further identified on the Assessors' Maps as being on parcel D16-02-34 and is located in an R-1 zoning district.

Mr. Murphy read **Case #23-53** into the record. Steven Bjorklund of 861 Main Street, Norwell said that this is an existing nonconforming lot; the existing dwelling is dilapidated and somewhat demolished. They would like to put the dwelling further back on the lot. Mr. Murphy said that this is preexisting nonconforming and asked Mr. Bjorklund why he didn't apply for a Special Permit. Mr. Bjorklund said that he had talked to people at Town Hall and he requested "any other relief"; he said if they have to re-advertise he would come back. Mr. Murphy asked if this had to be re-advertised and Mr. Galvin said yes, that the Board doesn't guess at what relief is needed, they have to apply for the relief. Mr. Murphy asked what they should do; Mr. Galvin said the Petitioner should withdraw this without prejudice or they can keep it as long as it was decided within 100 days. Mr. Bjorklund said they would withdraw which is easier; he asked if there were any issues the Board could see; several members mentioned Special Permit. Mr. Murphy made a motion to accept the withdrawal without prejudice which was seconded and the Board voted 5-0 with Murphy, Conway, Keane, Hensley and Sullivan voting in favor. Tom Pilat of 123 Highland Street said that what he doesn't see is the fire lane that abuts and intersects on the property; it's about six feet (6') wide; he asked if that would be taken into consideration. Mr. Pilat said the westerly most portion where the frontage is 253' is the beginning of the lane entrance. He said that it used to go through the Lopes property; he hasn't walked it; this plan shows the lane on its own property; it's clearly not on his property other than the front. Mr. Pilat asked if there were definitive plans. Mr. Murphy advised that the hearing was closed and he will need to speak at the hearing for the Special Permit. Mr. Galvin said the proposed plan showed that it was conforming.

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#23-54: Michelle Collins/Boofa's at Green Harbor: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 Marshfield Municipal Code to construct 8' x 74' and 8' x 42' fencing and six (6) exterior lights on the property located at **62 Beach Street**, which is further identified on the Assessors' Maps on a portion of parcel M05-05-86 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-53** into the record and made a motion to continue to the July 11, 2023 meeting at 6:30 PM. The motion was seconded and all were in favor.

Mr. Sullivan made a motion to adjourn. The motion was seconded by Mr. Murphy and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor. Mr. Murphy advised that this was Mr. Corwin's last meeting and thanked him for his work.

Meeting adjourned at 7:20 PM.

Respectfully submitted,



Nanci M. Porreca
Zoning Administrator

These minutes were approved by the Board on September 12, 2023 by a
5-0 vote.

Signed:  Date: 9/12/23