

Marshfield Zoning Board of Appeals
870 Moraine Street, Marshfield, MA 02050
TUESDAY, FEBRUARY 13th, 2024 at 6:30 P.M.

AGENDA FOR HYBRID MEETING

Pursuant to Chapter 2 of the Acts of 2023 dated March 29, 2023, An Act Relative to Extending Certain COVID 19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G. L. c. 30A §18, the Town of Marshfield’s Zoning Board of Appeals Meeting will be conducted both in-person and via remote participation.

The conferencing application Zoom will be used for this purpose. An online link and telephone access number will be provided on all meeting agendas and also on the Board’s website. This application will permit the public to access and participate in future Board meetings and hearings. Instructions for joining meetings in this manner will be provided on the Town and Zoning Board of Appeal’s websites. In addition, Marshfield Community TV may provide coverage of these meetings. We extend our thanks for your understanding and participation in this manner, which is intended to keep members of the Board and the public safe.

Every effort will be made to ensure that members and the public can adequately access the proceedings to the best of our technical abilities; and, despite our best efforts, this meeting may be viewed as a video recording on Marshfield Community Television website (marshfieldtv.org) and a transcript or other comprehensive record of the meeting will be available as soon as possible after the meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

If participating remotely, you must have microphone or you will not be able to speak. You must have camera if you want to see video.

If dialing in on a phone, please use *6 to mute and unmute.

Topic: ZBA Meeting

Time: Feb 13, 2024 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86592833780?pwd=ZTh5UzdQaTk1RXMzME1mRzdqaWd4UT09>

Meeting ID: 865 9283 3780

Passcode: 904411

One tap mobile

+16465588656,,86592833780#,,,,*904411# US (New York) +16469313860,,86592833780#,,,,*904411# US

AGENDA

- I. **CALL TO ORDER / ROLL CALL**
- II. **ANNOUNCEMENTS:** Meeting is being recorded by MCTV (if applicable)
- III. **NEW HEARINGS:**

- A. **#24-08: Town of Marshfield/Conservation Commission:** The Petitioner is seeking Site Plan approval under §305-12.02 of the Marshfield Municipal Code to remove the dam at Veterans Park to restore passage of multiple fish species identified in local, state and federal watershed and fisheries management plans and restore the river channel to a riffle-pool configuration with natural boulders and native sediment/cobble substrate to provide flow complexity and improved riverine ecological processes on the property located at Veterans Park, **2200 Ocean Street and 25 Main Street**, which is further identified on the Assessors' Maps as being on parcels G08-03-02 and G08-03-03 and is located in the B-2 zoning district.
- B. **#24-09: Elizabeth A. Gilmore:** The Petitioner is seeking a Special Permit in accordance with §305-11.09 of the Marshfield Municipal Code to create a 30' x 24' Accessory Apartment with a 10' x 12' deck over the existing garage on the property located at **48 Kenelm Drive** which is further identified on the Assessors' Maps as being on parcel K10-01-50 and is located in an R-3 zoning district.
- C. **#24-10: Next Door Realty Trust:** In accordance with §305-10.09 of the Marshfield Municipal Code, the Petitioner is seeking an Appeal of the Building Commissioner's determination that the property has been modified without approval and that the following prohibited uses have been added to this non-residential property in the R-1 Zoning District and the Water Resource Protection District (WRPD): Retail and Service Use #17, Boat Marina or Boat Yard and Accessory Use #6, Storage or more than two (2) boats. The Petitioner is also seeking a Variance under §305-10.11 for relief from §305-5.04, Table of Use Regulations, Retail and Service #17 and Accessory Uses #6 to allow for the winter storage of boats on the property located at **870 Main Street** which is further identified on the Assessors' Maps as being on parcel E12-03-03A and is located in an R-1 zoning district.
- D. **#24-11: Cristina Leone:** The Petitioner is seeking a Special Permit in accordance with §305-11.03 of the Marshfield Municipal Code to allow an amount of fill equivalent to 500 cubic yards or more for the construction of a single-family dwelling, pool and retaining walls on the property located at **247 Spring Street** which is further identified on the Assessors' Maps as being on parcel D19-05-17 and is located in an R-1 zoning district.
- E. **#24-12: Hale Brothers Construction Co.:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the exiting dwelling and construct a new 36'6" x 34'6" two and a half (2½) story dwelling with a 4' x 4' back platform with +/- five (5) steps on the property located at **19 Brighton Street** which is further identified on the Assessors' Maps as being on parcel M04-10-14 and is located in an R-3 zoning district.

IV. CONTINUED HEARINGS TO DATE CERTAIN (02-27-2024):

- A. **#23-86: Amy Guillemain:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to modify the previously approved Special Permit (#20-20) to construct a 66' x 30' breezeway and attached garage and a Special Permit under §305-11.09 to create an Accessory Apartment within the proposed addition on the property located at **556 Pleasant Street** which is further identified on the Assessors' Maps as being on parcel E17-04-25 and is located in an R-1 zoning district.
- B. **#23-87: Kevin McDonough:** In accordance with §305-10.09 of the Marshfield Municipal Code, the Petitioner is seeking an Appeal of the Building Commissioner's determination that he will not issue a building permit because Juniper Road does not meet the definition of a "street" as defined in the Marshfield Zoning Bylaws on the property located at **53 Juniper Road** which is further identified on the Assessors' Maps as being on parcel I15-03-13 and is located in the R-3 zoning district.

- C. **#23-95: Patrick Campbell:** In accordance with §305-10.09 of the Marshfield Municipal Code, the Petitioner is seeking an Appeal of the Building Commissioner’s determination that there are no violations of any Town of Marshfield Bylaws or Ordinances on the property located at **1067 Union Street** which is further identified on the Assessors’ Maps as being on parcel B17-01-12A and is located in an R-1 zoning district.
- D. **#24-06: Nicole DiPaolo:** In accordance with §305-10.09 of the Marshfield Municipal Code, the Petitioner is seeking an Appeal of the Building Commissioner’s determination that the proposed use is not a noncommercial kennel on the property located at **71 Furnace Street** which is further identified on the Assessors’ Maps as being on parcel G11-01-06 is located in an R-1 zoning district and the Water Resource Protection District.

V. **CONTINUED HEARINGS TO DATE CERTAIN (02-13-2024):**

- A. **#23-102: Matlin, L.L.C. c/o Sealund Corp.:** In accordance with Mass. Gen. L. c. 40B secs. 20-23 and 760 CMR 56.07(4)(a), the Petitioner is seeking to make substantial changes or modifications to the previously approved Comprehensive Permit (#16-50) that was remanded to the Marshfield Zoning Board of Appeals to consider substantial project changes to include, without limitation, increasing the number of approved units and changing the building types, by constructing eight, seven unit buildings (total of 56-unit multi-family apartment) and one (1) office space, requesting additional waivers, as well as approve the transfer of the prior permit to the Petitioner, on the property located at **Bridle Crossing off Ferry** which is further identified on the Assessors’ Maps as being on parcel G12-29-02 and is located in an R-1 zoning district and the Water Resource Protection District.

VI. **OTHER BUSINESS:**

- A. Discussion regarding proposed changes at Smith & Sons, 887 Plain Street; will proposed changes require a modification of Site Plan Approval or any other type of approval.
- B. Approval of minutes January 9, 2024 and January 23, 2024

VII. **NEW HEARINGS 02-27-2024:**

- A. **#24-13: Richard M. Clemence:** The Petitioner is seeking a Special Permit under §305-9.02, §305-10.10 and §305-10.12 of the Marshfield Municipal Code to alter and reconstruct the second dwelling in the center of the lot to eliminate the dwelling’s setback nonconformity by constructing a 77’ x 28’ dwelling with an attached three (3) car garage and to convert the existing second dwelling to an accessory building on the property located at **16 Old Summer Street**, which is further identified on the Assessors’ Maps as being on parcels F17-03-07C and is located in an R-1 zoning district.
- B. **#24-14: John M. Sheehan:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to demolish an existing 10’ x 28’ kitchen/laundry area and a 12’ x 12’ porch and construct a new 10’ x 12’ addition, a 24’ x 24’ addition and anew 14’ x 16’ porch in the rear of the existing dwelling on the property located at **193 South River Street** which is further identified on the Assessors’ Maps as being on parcel H08-01-01 and is located in an R-1 zoning district.
- C. **#24-15: Stephen Creed:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a new 20’ x 16’ addition on the rear of the existing nonconforming structure on the property located at **162 Careswell Street** which is further identified on

the Assessors' Maps as being on parcel M05-02-02 and is located in an R-3 zoning district.

- D. #24-16: Scott Shanley:** In accordance with §305-10.09 of the Marshfield Municipal Code, the Petitioner is seeking an Appeal of the Building Commissioner's determination that a Commercial Kennel and Dog Training/Day Care use has been added to this residential property which is in violation of §305-5.02: Permitted Uses, §305.504: Table of Use Regulations and §305-11.07: Home Occupation of the Marshfield Municipal Code on the property located at **283 Holly Road** which is further identified on the Assessors' Maps as being on parcel H14-03-02 and is located in an R-1 zoning district.

VIII. ADJOURNMENT