

**Marshfield Zoning Board of Appeals**  
**870 Moraine Street, Marshfield, MA 02050**  
**TUESDAY, SEPTEMBER 27, 2022 at 6:30 P.M.**

**AGENDA FOR HYBRID MEETING**

Pursuant to Chapter 20 of the Acts of 2021 dated June 16, 2021, 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 Town Clerk'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: ZONING BOARD OF APPEALS

Time: Sep 27, 2022 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88180692346?pwd=RnoycVI5aHMvL2F5U1BtaHBoeVdPd09>

Meeting ID: 881 8069 2346

Passcode: 712448

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Meeting ID: 881 8069 2346

Find your local number: <https://us02web.zoom.us/j/88180692346>

## AGENDA

### I. CALL TO ORDER / ROLL CALL

II. ANNOUNCEMENTS: Meeting is being recorded by MCTV (if applicable)

### III. NEW HEARINGS:

- A. **#22-69A: Angela Vacirca:** The Petitioner is seeking a Special Permit in accordance with §305-13.01 of the Marshfield Municipal Code to expand an existing non-conforming structure by adding a new 20' x 18' two (2) story addition on a crawlspace and a 20' x 8' addition on sonotubes at the rear of the dwelling with dormers on the property located at **16 Wilson Road** which is further identified on the Assessors' Maps as being on parcel L10-09-03 and is located in an R-3 zoning district.
- B. **#22-90: Joseph Masley:** The Petitioner is seeking a Special Permit in accordance with §305-11.09 of the Marshfield Municipal Code to create an 865 square foot Accessory Apartment within the existing dwelling on the property located at **1125 Ferry Street** which is further identified on the Assessors' Maps as being on parcel I15-06-28 and is located in an R-3 zoning district.
- C. **#22-91: Robert Lally:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 and §305-13.02 of the Marshfield Municipal Code to construct an 8' x 28' deck extension onto the existing rear deck, a new 8' x 20' kayak platform with a 4' x 20' swim platform extending into the tidal creek and a Variance in accordance with §305-10.11 for relief from §305-6.01, Applicability of Dimensional and Density Regulations, on the property located at **155 Bay Avenue** which is further identified on the Assessors' Maps as being on parcel M05-05-41 and is located in an R-3 zoning district.
- D. **#22-92: Six Birch Realty Trust:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 and §305-13.02.C(1) of the Marshfield Municipal Code to extend an existing dock and float into the deeper water of the North River and construct a new 4' wide x 63' long wood pier, and relocate an existing gangway and float onto the end of the new pier on the property located at **Little's Lane** which is further identified on the Assessors' Maps as being on parcel D20-01-40 and is located in an R-1 zoning district.
- E. **#22-93: Marcam Precision, L.L.C.:** The Petitioner is seeking a Special Permit in accordance with §305-10.10 and §305-5.04, Table of Use, Retail and Service #2, of the Marshfield Municipal Code to allow a retail establishment selling general merchandise for the sale of firearms and firearms training on the property located at **864 Plain Street** which is further identified on the Assessors' Maps as being on parcel D10-01-04A and is located in a B-2 zoning district. (Withdrawn without prejudice; needs Planning Board approval because this is located in the WRPD.)
- F. **#22-94: Wayne DeRosa:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the existing dwelling and construct a new 22' x 49' two (2) story dwelling with a 17' x 18'6" single story great room on the property located at **60 West Street** which is further identified on the Assessors' Maps as being on parcel M06-03-12 and is located in an R-3 zoning district.

### IV. CONTINUED HEARINGS TO DATE CERTAIN (09-27-2022 6:30 P.M.):

- A. **#22-82: Richard Clemence:** In accordance with §305-10.09 of the Marshfield Municipal Code the Petitioner is seeking an Appeal of the Building Commissioner's opinion dated July 13, 2022 that the

pre-existing, nonconforming use was abandoned on the property located at **16 Old Summer Street** which is further identified on the Assessors' Maps as being on parcel F17-03-07C and is located in an R-1 zoning district. (Petitioner has requested to continue to the September 27, 2022 meeting.)

- B. #22-84: James Marathas/TAJ Family Trust:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 5' x 16'4" covered bridge between the dwelling and existing garage and a Variance in accordance with §305-10.11 for relief from §305-6.02, Table of Dimensional and Density Regulations, if necessary, on the property located at **50 Ocean Street** which is further identified on the Assessors' Maps as being on parcel N06-07-08 and is located in an R-3 zoning district.
- C. #22-66: Peter Bethanis:** The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.07 and a Special Permit in accordance with §305-13.02.C.01 and §305-10.10 of the Marshfield Municipal Code to construct a 4' x 56' pier with a 36' long ramp and an 8' x 16' float on the property located at **1184 Ferry Street** which is further identified on the Assessors' Maps as being on parcel I15-24-18 and is located in an R-3 zoning district.
- D. #22-67: Craig Ricciarelli:** The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.07 and a Special Permit in accordance with §305-13.02.C.01 and §305-10.10 of the Marshfield Municipal Code to construct a 4' x 127' pier with a 37' long ramp and an 8' x 20' float on the property located at **1203 Ferry Street** which is further identified on the Assessors' Maps as being on parcel I15-24-22 and is located in an R-3 zoning district.
- E. #22-74: Yacine Nouri/Dish Wireless:** The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to add three (3) six foot (6') antennas to the existing cell tower and a 5' x 7' steel platform on the property located at **Holyoke Avenue** which is further identified on the Assessors' Maps as being on parcel G12-31-01 and is located in an R-1 zoning district.
- F. #22-75: Yacine Nouri/Dish Wireless:** The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to add three (3) six foot (6') antennas to the existing cell tower, a 5' x 7' steel platform and extend the fencing 16' x 12.6' on the property located at **969 Ocean Street** which is further identified on the Assessors' Maps as being on parcel K10-19-03A and is located in a B-3 zoning district.
- V. CONTINUED HEARINGS TO DATE CERTAIN (10-11-2022 6:30 P.M.):**
- A. #22-76: Joanna Dixon:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 45'4" x 31' second story addition over the existing first floor which will be elevated and front stairs to provide access to the raised dwelling on the property located at **56 Hartford Road** which is further identified on the Assessors' Maps as being on parcel K10-15-14 and is located in an R-3 zoning district.
- B. #22-77: Ellen Quinn and Terrence Watts:** The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 10' x 22' addition on the right side of the existing dwelling on the property located at **18 Billings Road** which is further identified on the Assessors' Maps as being on parcel L10-10-03 and is located in a B-3 zoning district.
- C. #22-83: Beth Mahoney:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the existing 24' x 22' dwelling and construct a new 28' x 40'

dwelling and a Variance in accordance with §305-10.11 for relief from §305-6.02, Table of Dimensional and Density Regulations, to allow encroachments into the side and front setbacks on the property located at **26 Island Street** which is further identified on the Assessors' Maps as being on parcel N06-06-60 and is located in an R-3 zoning district.

- D. #22-86: Mariners Lane, L.L.C.:** The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to construct a 13,000 square foot day care/pre-school on a 2.451 acre vacant lot on the property located at the intersection of **Proprietor's Drive and Commerce Way** which is further identified on the Assessors' Maps as being on parcel E09-01-66 and is located in the I-1 zoning district.

**VI. CLOSED HEARINGS/UNDER ADVISEMENT:**

- A. #22-24: Marshfield Commerce Way, L.L.C.:** The Petitioner is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B for the construction of seven (7) three-story buildings, seven (7) townhome buildings, and one (1) clubhouse building. This development will consist of one hundred and seventeen (117) one-bedroom units, one hundred and sixteen (116) two-bedroom units and sixty-seven (67) three-bedroom units, which will total 300 units in all, seventy-five (75) of which will be considered affordable according to the Boston Metropolitan Statistical Area Index, as determined by HUD, on the property located on an approximately 12.68 acre site off of **Commerce Way** which is further identified on the Assessors' Maps as D08-01-11A and is located in I-1 and R-1 zoning districts and within a PMUD – Planned Mixed Use Overlay District.
- B. #22-68: Jeffrey Casale:** The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-5.04, Accessory Uses #6, of the Marshfield Municipal Code to store a camper in the driveway on the property located at **1176 Ferry Street** which is further identified on the Assessors' Maps as being on parcel I15-24-16 and is located in an R-3 zoning district.

**VII. OTHER BUSINESS:**

**#20-83: Jamie and Joshann Palagi:** Petitioners are requesting an extension on their Special Permit that was granted at the December 8, 2020 Zoning Board of Appeals meeting. The Petitioners are also asking if a change from their approval to construct a 32' x 36' single story addition to a two (2) car garage with storage above on the same approved footprint would be a minor modification.

**VIII. NEW HEARINGS FOR OCTOBER 11, 2022:**

**#22-76A: Joanna Dixon:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 and §305-13.01.C(1) of the Marshfield Municipal Code to construct a 45'4" x 31' second story addition over the existing first floor which will be elevated with front stairs to provide access to the raised dwelling and a Variance in accordance with §305-10.11 for relief from §305-6.08.E(3) which is necessary to provide adequate code compliant egress to the elevated home in place of the existing egress on the property located at **56 Hartford Road** which is further identified on the Assessors' Maps as being on parcel K10-15-14 and is located in an R-3 zoning district.

**#22-77A: Ellen Quinn and Terrence Watts:** The Petitioners are seeking a Special Permit in accordance with §305-10.12 and §305-13.01.C(1) of the Marshfield Municipal Code to construct a 10' x 22' addition on the right side of the existing dwelling on the property located at **18 Billings Road** which is further identified on the Assessors' Maps as being on parcel L10-10-03 and is located in a B-3 zoning district.

**#22-95: Andrea Manning:** 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 owner of the subject property is in the process of constructing a single family dwelling, the equipment on the property is being used to support the active construction and the activity in question does not violate Town Bylaws, Zoning Bylaws or the Building Code on the property located at **167 Planting Fields Road** which is further identified on the Assessors' Maps as being on parcel E09-01-28A and is located in an R-2 zoning district.

**#22-96: James and Judith Oriola:** The Petitioners are seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.02 and §305-6.10 to allow for three (3) stories instead of the previously approved two and a half (2½) stories to resolve deficiencies resulting from the contractor not following flood zone related building codes on the property located at **37 Constitution Road** which is further identified on the Assessors' Maps as being on parcel K11-22-09 and is located in an R-3 zoning district.

**#22-97: Nancy Fleming:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 16' x 22' x 44' L-shaped addition and a 10' x 16' deck on the property located at **65 Hancock Street** which is further identified on the Assessors' Maps as being on parcel M07-08-01 and is located in an R-3 zoning district.

**#22-98: Dianne Snelgrove:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct an L-shaped second story addition over the existing first floor which will be 4'6" x 27'8" on the side and 19' x 10'1" in the rear on the property located at **197 Ocean Street** which is further identified on the Assessors' Maps as being on parcel N07-08-08 and is located in an R-3 zoning district.

**#22-99: Ryan and Danielle Gardiner:** The Petitioners are seeking a Special Permit in accordance with §305-10.12 and §305-13.02 of the Marshfield Municipal Code and a Variance in accordance with §305-10.11 for relief from §305-6.08.5(C) to construct a 24' x 26' two (2) car garage, a 24' x 26' master bedroom above and a 10' x 13' mudroom on the property located at **45 Hatch Street** which is further identified on the Assessors' Maps as being on parcel G08-05-22 and is located in an R-2 zoning district.

## **IX. ADJOURNMENT**