

**Marshfield Zoning Board of Appeals
870 Moraine Street, Marshfield, MA 02050
July 14, 2020 at 6:30 P.M.**

AGENDA FOR REMOTE PARTICIPATION MEETING

In response to Governor Baker's declaration of a public health emergency and the related Emergency Executive Order dated March 12, 2020 as well as the Marshfield Board of Selectmen's Declaration of Emergency on March 17, 2020, the Zoning Board of Appeals shall be meeting remotely until further notice. The audioconferencing 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. The meeting will be shown live on www.marshfieldtv.org/streaming or Channel 35 (Verizon) or Channel 15 (Comcast).

INSTRUCTIONS FOR CONNECTING TO THIS ZOOM MEETING:

Join Zoom Meeting

<https://us02web.zoom.us/j/81066260785?pwd=RlNDRjhEWWI2MU1kNFVoTFpTWdN5dz09>

Meeting ID: 810 6626 0785

Password: 176874

One tap mobile

+16465588656,,81066260785#,,,,0#,,176874# US (New York)

+13017158592,,81066260785#,,,,0#,,176874# US (Germantown)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 810 6626 0785

Password: 176874

Find your local number: <https://us02web.zoom.us/j/kdj80fpZZ>

AGENDA

I. CALL TO ORDER / ROLL CALL

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

III. NEW HEARINGS:

A. #20-38: Joseph and Christine Clark: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 26' x 26' two (2) car garage addition with a two (2) story breezeway connector on the property located at **160 Holly Road** which is further identified on the Assessors' Maps as being on parcel H15-05-10 and is located in an R-1 zoning district.

B. #20-39: Bridget and William Horan: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to rebuild the front porch and construct a 7' x 26' second story addition above it on the property located at **22 Ninth Road** which is further identified on the Assessors' Maps as being on parcel L10-15-08 and is located in an R-3 zoning district.

C. #20-40: Mark and Jan Tedeschi: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to enclose the existing 15' x 20' deck with a roof and screening on the property located at **100 Marginal Street** which is further identified on the Assessors' Maps as being on parcel M06-05-04 and is located in an R-3 zoning district.

D. #20-41: Michael Biviano, G.C. and Paul Lyons: The Petitioners are seeking a Special Permit in accordance with §305-9.06 and §305-10.12 of the Marshfield Municipal Code to raze the dwelling damaged by fire and construct a new 24' x 38' single family dwelling with a 10' x 25' rear deck and an 8' x 12' front deck on the property located at **18 Naomi Street** which is further identified on the Assessors' Maps as being on parcel M05-05-59 and is located in an R-3 zoning district.

E. #20-42: Dana and Rachel Altobello: The Petitioners are seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.10 Table of Dimensional and Density Regulations to allow a reduction in the minimum front setback from 40' to 35' and a Special Permit in accordance with §305-10.12 to construct a 34.2' x 8' farmer's porch on the property located at **193 Boles Road** which is further identified on the Assessors' Maps as being on parcel H15-08-09 and is located in an R-1 zoning district.

F. #20-43: Lauryn and Benjamin Warnick: The Petitioners are seeking a Special Permit in accordance with §305-9.02 of the Marshfield Municipal Code to construct an approximately 17'6" x 11'3" second story addition over the existing first floor at the rear of the dwelling on the property located at **205 Canal Street** which is further identified on the Assessors' Maps as being on parcel M04-05-09 and is located in an R-3 zoning district.

G. #20-44: NextGrid NFF Marshfield, LLC: The Petitioner is seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-5.04 Table of Use Regulations and Site Plan approval under §305-12.02 to construct a large-scale ground mounted solar photovoltaic facility with a nameplate generating capacity of approximately 5.63 Megawatts to be located at the Sanitary Landfill owned by the Town of Marshfield on the property located at **23 Clay Pit Road** which is further identified on the Assessors' Maps as being on parcel H11-04-14 and is located in an R-1 zoning district.

H. #19-55: Health Circle, Inc.: The Petitioner is seeking Site Plan approval under §305-12.02 and a Special Permit under §305-10.10 of the Marshfield Municipal Code to locate a recreational marijuana facility at the existing vacant 14,400 square foot industrial building on the property located at **120 Enterprise Drive** which is further identified on the Assessors' Maps as being on parcels D09-01-13B and is located in an I-1 zoning district. This is a Continued hearing that was re-advertised.

IV. CONTINUED HEARINGS TO DATE CERTAIN (07-14-2020):

A. #20-28: Michael Murphy: The Petitioner is seeking a Special Permit in accordance with §305-10.10 and §13.02.C.1 of the Marshfield Municipal Code to extend the existing dock an additional 63 feet with a proposed 35 foot long gangway and retain the existing 20' x 10' float on the property located at

1213 Ferry Street which is further identified on the Assessors' Maps as being on parcels I15-24-24 and I5-11-19A and is located in a B-4 zoning district. **Petitioner has requested to continue this hearing to the August 11th, 2020 meeting as they have not received Conservation approval as yet.**

B. #19-81: D.J. Sullivan Collision Center, Inc.: In accordance with §305-10.09 of the Marshfield Municipal Code the Petitioner is seeking an Appeal of the failure of the Building Commissioner to issue a decision confirming that multiple principal uses are allowed on the property located at **612 Plain Street** which is listed on the Assessors' Maps as being on parcel E10-02-10 and is located in a B-2 zoning district with a Water Resource Protection District overlay.

C. #20-22: Christina Ansted: The Petitioner is seeking a Special Permit in accordance with §305-11.09 of the Marshfield Municipal Code to create a Residential Accessory Apartment within the existing structure on the property located at **15 Foxhill Circle** which is further identified on the Assessors' Maps as being on parcel C16-02-31 and is located in an R-1 zoning district.

V. CLOSED HEARINGS/UNDER ADVISEMENT:

VI. OTHER BUSINESS:

A. William Last, Jr./Webster Point Village: Discussion with the Board to give an update, clarification and substitution of an existing declaration of restriction for currently required conservation restriction.

B. #20-01: Leo Stickney: Received Special Permit at January 14th, 2020 meeting; asking for Board's opinion if moving house twenty-four feet (24') to the north which will bring it into conformity on two (2) sides instead of one (1) would be considered a minor modification.

C. #19-18: D.H. Smith & Sons Request for Minor Modification: Petitioner requests that the Board approve a minor modification to eliminate the requirement for fencing around the fuel tanks referenced in the decision. Fencing is not required by the Fire Department or other applicable regulations. The fuel tanks are located behind the building and not visible from the street. The concrete pad has embedded radiant heat tubes within the concrete that could be damaged if coring is required at this time.

D. 275 Elm Street: Jeffrey DeLisi, Esquire: Pursuant to Special Condition No. 5 of the Variance decision filed with the Town Clerk on November 23, 2004, Petitioner requests that the Board approve a modification to the approved 2004 variance plan, and accept the building permit plan drafted by Stenbeck and Taylor for the property located at 275 (Lot 169) Elm Street dated 02-25-2020. The 2020 Plan modifies the previously approved 2004 plan originally drafted by Keefe Associates dated June 21, 2002. The 2020 Plan is different than the 2004 plan because it incorporates the Special Conditions expressed in the Grant of Variance Decision dated November 9, 2004, the comments recently requested by Marshfield Town Engineering Department; and reduces the footprint of the home.

E: Board discussion re: cancelling August 25, 2020 meeting

VII. APPROVAL OF ANY MINUTES

VIII. ADJOURNMENT (Roll Call Vote Required)

NOTES TO REMOTE MEETINGS

1. All or any of the members of the public body may choose to participate in a public meeting via remote access. Meetings may be virtual in their entirety.

2. The public will not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or town staff or official(s) physically present at the meeting location during the meeting. "Public comment" portions of meetings will be temporarily suspended.

3. However, the public will be provided with alternative access through which they can watch or listen to meetings “in real time,” and meeting notices will specify the manner in which members of the public may access audio or video of the meeting as it is occurring.
4. If, despite our best efforts, our technological capabilities do not adequately support public access to virtual or remote meetings, the town will ensure that an audio or video recording, transcript, or other comprehensive record of the proceedings at the meeting is posted on the town’s website as soon as possible after the meeting.
5. Notices for public hearings will contain additional information about how the public may participate via electronic/technological means.
6. For executive session meetings, public access to the meeting will be limited to the open session portion(s) of the meeting only. Public access to any audio, video, internet or web-based broadcast of the meeting will be discontinued when the public body enters executive session.
7. Where individuals have a right, or are required, to attend a public meeting or hearing, including executive session meetings, they will be provided with information about how to participate in the meeting/hearing remotely.
8. Meeting notices will still be posted at least 48 hours in advance (not counting Saturdays, Sundays, or legal holidays), unless it is an emergency meeting as defined under the Open Meeting Law (in which event, the meeting notice will be posted with as much advanced notice as is possible in the circumstances). Minutes will still be taken.