

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL MARCH 27, 2018 7:30 P.M.
MEETING MINUTES**

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Members Present:

Lynne Fidler

Francis X. Hubbard

Brian Murphy

Also Present:

Ms. Fidler called the meeting to order and advised that the meeting was being recorded by Marshfield Community Television (MCTV) and voices and images were being recorded. Ms. Fidler stated that the Board did not have a quorum and would only be able to hear Site Plan requests. The remainder of the hearings would be moved to April 10, 2018. She said that she would be the Hearing Officer and that other members were signified by their nameplates.

#18-21: John A. Kesaris, Trustee/Kesaris Realty Trust: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 and §305-13.02 of the Marshfield Municipal Code to construct a 12' x 15' addition and a 22' x 28' addition to the existing building to add fifty (50) additional seats to the restaurant and to remove the existing drive-through lane and reconfigure the parking area to add seven (7) new spaces including two (2) ADA accessible spaces on the property located at **1840 Ocean Street**, which is further identified on the Assessors' Maps as being on parcel H08-04-07A and is located in a B-1 zoning district.

Ms. Fidler read petition #18-21 into the record and asked the Petitioner and his representative to explain the project. Dana Altobello of Merrill Engineers and Land Surveyors said that Mr. Kesaris was also in attendance. He said that the property is located at 1840 Ocean Street on the northerly side of the road; the site is located in the B-1 Business district as well as the Coastal Wetlands District. Presently on the site is the existing restaurant, Pizzing's, an outdoor patio and a parking area. The proposed work would be on the side and the west side will be the existing building; there will be no change in use. They are proposing an 880 square foot addition that will provide fifty (5) more seats in the restaurant. They are also proposing to reconfigure the interior of the structure to provide a more functional layout and to take advantage of the picturesque views of the South River in the back. The project will result in building coverage of 3,050 square feet which is well below the 8,000 square feet allowed. Mr. Altobello said that the addition will meet all setback requirements, the side rear and front property lines. They are also proposing the removal of the existing drive through area as it is not used anymore. They are proposing a new landscaped island so the overall site coverage will be reduced slightly bringing it down to 63% compared to the 70% that is allowed. Mr. Altobello said that Mr. Kesaris will be relocating the existing ADA spaces to a safer area and they will be adjacent to the building. They will also reconfigure the striping of spaces and they will have five (5) additional spaces when they relocate the ADA spaces. They currently have 33 spaces and they will need three (3) more spaces due to the addition; they will have 38 spaces instead of the required 36 spaces. The loading area in the rear will be restriped which will result in a safer, more defined, parking area. Mr. Altobello said they would continue to provide storm water treatment; recharging and sub surface infiltration system, 93' long and 16' wide. Ms. Fidler asked what the current seating capacity was and Mr. Altobello said there are 92 existing seats and this will bring them to 142

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seats. Ms. Fidler asked if they had to go before the Board of Health and Mr. Altobello said that the changes will get them before Conservation for the grease trap. Ms. Fidler asked when they were going before Conservation and Mr. Altobello replied, next Tuesday. Ms. Fidler asked if they had three (3) ADA spaces and Mr. Altobello said that they would have two (2) ADA spaces and they would have thirty-eight (38) total spaces. Ms. Fidler asked if they were getting rid of the ADA space on the boundary on the left and Mr. Altobello said that they were relocating the ADA spaces. Ms. Fidler asked if they would have two (2) larger ADA spaces that would be more accessible to the building and Mr. Altobello said that was correct.

Ms. Fidler asked if the Petitioner had any renderings of the proposed addition. Mr. Altobello showed the rendering on an easel and it was also displayed on screen. Ms. Fidler said that she could easily see the egress off the front; Mr. Altobello said that it would stay where it was but would have a nicer entrance. Ms. Fidler said that they had two (2) doors in the back and asked if they were both for patrons and staff; Mr. Altobello said that they were for both. She asked about the loading dock in the back and Mr. Altobello pointed it out on the plan. Ms. Fidler said that it looked like a garage bay on the right and Mr. Altobello said that was a cooler; she could not see it on the plans and Mr. Altobello pointed it out. Ms. Fidler said that she noticed on the application that Mr. Altobello mentioned that lighting would be surface mounted on the building and asked if that was correct. He said that they were looking at a few things but there would not be any additional poles or upward shining lights. With regard to the flow of traffic, Ms. Fidler said that they currently have two (2) curb cuts going in and asked if they had access going in and out of both curb cuts; Mr. Altobello said that would stay as it is. Ms. Fidler asked if there were any questions from the Board and Mr. Hubbard and Mr. Murphy replied, No. Ms. Fidler asked Mr. Altobello if their Conservation hearing was the next week and he replied that it was. She asked when they thought they would start the actual construction on the project and how long did they think it would take. Mr. Altobello said that the appeal period would wrap well into April; Mr. Kesaris said they plan to open in May or June and that they would be closed during the construction process because they had to excavate the grease traps. Ms. Fidler said that how she understood this was that they would get all of their permitting and they will close the business for two (2) months or whatever it took; Mr. Kesaris said that he hoped it would be less time. Ms. Fidler said that she noticed on the plans that Mr. Kesaris had pretty strict criteria for construction as far as safety. She said that his plans were well drawn and she did not see any problems with them. She stated again that she would like to keep the record open where there were only three (3) members of the Board present. Mr. Murphy asked if they could vote on that and Mr. Hubbard said that he was comfortable with voting. Ms. Fidler asked if anyone else wished to speak and nobody replied. Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to grant Site Plan approval which was seconded; all were in favor. She advised the Petitioner that Ms. Porreca would explain the appeal period.

#18-27: Town of Marshfield Recreation/Peter Igo Park: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to construct a 59' x 30' beach volleyball court in the southeast quadrant of the park adjacent to the bocce ball courts on the property located at **35 Marshall Avenue**, which is further

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identified on the Assessors' Maps as being on parcel M07-01-02 and is located in an R-3 zoning district.

Ms. Fidler read petition #18-27 into the record and asked the Petitioner to identify himself for the record and explain the plans. Mr. Bud Duksta stated that he was the Chairman of the Friends of Peter Igo Park and they are proposing a beach volleyball court. The court will run from east to west in the Southeast quadrant adjacent to the bocce ball courts. What they have decided to do, as they have done in the past with all of their construction, is to go up instead of down. He said that it has been fifty (50) years since the park was a trash burning dump and he is quite sure that after being capped in 1969 that they would have no issues. But rather than look for any problems they will build up instead of down. They will have a berm go around construction on the actual grid. From an aesthetic point of view it will keep the naturalness of the park which goes down to the Green Harbor river and it will prevent any issues as far as digging. Mr. Duksta said that Chelsea Kovits, a former New England All-Scholastic in volleyball at St. Michael's College has promised to have an exhibition match to showcase the court when it is built; they are hoping it will be done in six (6) to eight (8) weeks. Ms. Fidler said that she loved the project and is all in favor of having more things like this for the town, for the kids and the adults. Mr. Duksta said that they are at the park all of the time, one (1) or two (2) of them from April to November when the courts are open. They do routine maintenance and the DPW does the heavy lifting. Mr. Duksta said that they do surveys and ask people what they want to see; other than a zip line across to the island, this sounded plausible because there is a lot of interest. There is high visibility being right off Dyke Road; it's so clear now you can see right across to the whole park. Ms. Fidler asked if there would be nets to keep the balls from going on Dyke Road. Mr. Duksta said that they would have to go up 7½-8 feet; the court is going east to west and the worst that could happen is a bocce ball player might get hit; the balls will go in the direction of Marshall Avenue and the DAV. Ms. Fidler asked if they would bring sand in for the safety of the kids and the old folks if they decide to go there. Mr. Duksta said they would bring in some ¾" stone for draining and they will have actual beach sand. He said there is a product called Edge Guard that is durable, environmentally friendly and supposedly has a lifetime guarantee. He said it's expensive but if a knee, foot or body hits it, it goes in versus the old way of using timbers where people would get splinters or broken kneecaps. Mr. Duksta said they were looking at a natural berm with wood chips around it. Ms. Fidler asked about lighting and Mr. Duksta said they have lighting on the gazebo and it goes across to the bocce courts. He said they will have early evening matches but everything will shut down at 9:30 and all of the lights will be out. Ms. Fidler made a motion to close the hearing which was seconded; all were in favor. Ms. Fidler made a motion to grant Site Plan approval which was seconded; all were in favor.

Ms. Fidler said that there were some new hearings that the Board was not able to hear due to the lack of quorum. She stated that she will read them into the record and will make a motion to continue them to a date certain of April 10, 2018:

#18-22: Eric Tatten: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to replace an existing porch with a new 24.1' x 9' porch on the property located at **19 First Road**, which is further identified on

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the Assessors' Maps as being on parcel L09-16-07 and is located in an R-3 zoning district.

#18-23: Stephen Wildes: 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.

#18-24: Stephen Webber: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 14' x 14' addition on the rear of the dwelling on the property located at **98 June Street**, which is further identified on the Assessors' Maps as being on parcel M07-15-25 and is located in an R-3 zoning district.

#18-25: 87 Edmund Road Realty Trust: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to expand and renovate the existing shed with a shed that is 20' x 20' on the property located at **87 Edmund Road**, which is further identified on the Assessors' Maps as being on parcel D20-01-06 and is located in an R-1 zoning district.

#18-26: Timothy and Catherine Lohe: The Petitioners are seeking Special Permits in accordance with §305-10.12 and §305-13.02 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 90' pier with a removable 4' x 24' gangway and 15' x 10' float and to construct a 25' x 30' two (2) story addition on the north side of the existing structure on the property located at **1354 Union Street**, which is further identified on the Assessors' Maps as being on parcel B19-02-01 and is located in an R-1 zoning district.

Ms. Fidler said that there were some Continued hearings that also needed to be continued to a date certain of April 10, 2018 and she apologized that the Board was not able to hear the cases. These cases were previously read into the record so Ms. Fidler referred to the case numbers only:

#18-17: Francis and Rachel Sturgis

#18-18: Timothy and Penelope Boyd

#18-19: Suzy Abbott and Ann Phillips

#18-20: Direct Granite Realty Trust

Ms. Fidler made a motion to adjourn which was seconded; all were in favor.

Meeting adjourned at 8:10 P.M.


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Respectfully submitted,

Nanci M. Porreca
Zoning Administrator

I attest the foregoing minutes were approved by the Zoning Board of Appeals at their

May 29, 2018 meeting by a 5-0 vote.

Signed:  Date: JUNE 1, 2018