

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL JULY 10, 2018 7:00 P.M.
MEETING MINUTES**

Members Present:

*Francis X. Hubbard, Chair
Brian Murphy
Richard Murphy
Mark Stiles
Stephen Feeney*

Also Present:

Robert Galvin, Town Counsel

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Mr. Hubbard called the meeting to order at 7:01 and advised that the meeting would not be recorded by Marshfield Community Television (MCTV).

Mr. Hubbard stated that the Board would not be meeting in Executive Session so they would begin the hearings now. The Jetty was not present at this time and Mr. Hubbard said that they were going to postpone their hearing until Attorney Galvin was present.

#18-45: Michael Skinner: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 16' x 18' addition for a three (3) season room to the existing single family dwelling on the property located at **20 Hanley Court** which is further identified on the Assessors' Maps as being on parcel K10-19-22 and is located in an R-3 zoning district.

Mr. Hubbard read Petition #18-45 into the record and advised that the plans would be on display. Mrs. Skinner stated that they would like to build an 18' x 16' three (3) season room. Mr. Hubbard confirmed that it would be 16' out from the house and Mr. Skinner said that it would be 18' across. Mr. B. Murphy said that they had the engineer's drawing. Mr. Hubbard asked if there were any questions from the Board or the public and there were none. Mr. Hubbard made a motion to close the hearing which was seconded; all were in favor. Mr. Hubbard made a motion to approve the Special Permit which was also seconded; all were in favor.

#18-46: Christopher J. Haddad: The Petitioner is seeking a Special Permit in accordance with §305-10.12 and §305-9.02.C of the Marshfield Municipal Code to construct a 26' x 48.3' two (2) story single family dwelling with a 5.2' rear deck that will be less nonconforming than the previous structure and will be elevated above the Base Flood Elevation on the property located at **76 Everson Road** which is further identified on the Assessors' Maps as being on parcel L09-15-02 and is located in an R-3 zoning district.

Mr. Hubbard read Petition #18-46 into the record. Kevin Grady from Grady Consulting, L.L.C. represented the Petitioner Christopher Haddad who was also in attendance. Mr. Grady said that this was pre-existing nonconforming for area and lot width and that the lot was created a significant time ago. There had been a house on the lot and that owner had previously received a Special Permit but it lapsed. Mr. Grady said this plan was for a slightly modified structure and it would be less nonconforming than the previous one that had been approved. The previous house had a side setback of 11'6" and this structure will be 12.5' from the lot line. He said they can't do anything about the lot size or the lot width. Mr. Grady said the new structure would not

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increase traffic or utilities and it will not be detrimental to the neighborhood. He said that they were basically swapping out the existing residence for a new residence.

Mr. Hubbard stated that he had no questions and asked if anyone did. Mr. Stiles asked about the previous application that was approved. Mr. Grady said that one had expired; Ms. Porreca stated the decision was in the packet. Mr. Stiles asked when it expired and Mr. Grady said about six (6) months ago and had been approved three (3) years prior to that. Mr. Stiles asked when the house was removed. Mr. Grady said that he was not sure and that construction on the approved plan had started but the Petitioner wanted to modify the plans. With the permit expiring he wanted to modify the footprint rather than being stuck with the existing footprint. Mr. B. Murphy asked Mr. Galvin if he wanted to weigh in and Mr. Galvin replied that he could not because he had done the closing. Mr. Hubbard made a motion to close the hearing which was seconded; all were in favor. Mr. Hubbard made a motion to approve the Special Permit which was also seconded; all were in favor.

#18-47: Jenine E. Rollins McFarland: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct an 8' x 21' first floor rear addition and a 21' x 16' second floor addition to the existing single family dwelling which will be elevated to the Base Flood Elevation and a 10' x 14' rear deck with stairs to grade on the property located at **39 Island Street** which is further identified on the Assessors' Maps as being on parcel N06-03-13 and is located in an R-3 zoning district.

Mr. Hubbard read Petition #18-47 into the record. Mr. Dick Rockwood represented the Petitioner and stated that he had done the existing architectural work; they are taking an existing two (2) story house and elevating it to the Flood Zone requirement of Elevation 17. He said the first floor addition was smaller than the second story addition; they would be extending it in the back, farmhouse style. Mr. Rockwood said that they meet the requirements of fifteen feet (15') on both sides except for the side at 14.2". He said that the owner has talked about moving it back five feet (5') from the front and Mr. Hubbard asked if they had an updated plan. Mr. Rockwood said that they did not. Mr. B. Murphy said that they were in an R-3 zone and would still have thirty feet (30'). Mr. Rockwood wanted to make a note that Bob Crawford was submitting a new plan that has the structure five feet (5') back. He said that the Petitioner had eighteen inches (18"0) of water from the storms this winter and they haven't been in there since; they want to get in there before the next storm.

Mr. Stiles asked if he had another plan that was stamped by a surveyor. Mr. B. Murphy and Mr. R. Murphy said that this plan was stamped; Mr. Stiles said it was stamped by a Professional Engineer. Mr. Rockwood said that he has it but it doesn't reflect the five feet (5') back. Mr. Galvin said that they should have the plans stamped by a surveyor, a Registered Land Surveyor. Mr. Rockwood said that he had done a whole plan moving it back five feet (5') and the Board will have it in the morning. Mr. Galvin said they should get it certified by a Registered Land Surveyor. He said that it was nothing against Mr. Rockwood's work but they have had one (1) case where it was built too close to the lot line. Mr. Hubbard asked if there were any questions and there were none. He moved to close the hearing; it was seconded and all were in favor. Mr.

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Hubbard made a motion to grant the Special Permit with the condition that the Site Plan would be signed and stamped by a Registered Land Surveyor and that the Site Plan would show the movement of the house an additional five feet (5') from the front. This was seconded and all were in favor.

#18-48: Michael Biviano: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze an existing single family dwelling and construct a new 45' x 27'6" two (2) story dwelling with a 24' x 24' garage and a 10' x 12' deck on the property located at **104 West Street** which is further identified on the Assessors' Maps as being on parcel M06-06-09 and is located in an R-3 zoning district.

Mr. Hubbard read Petition #18-48 into the record. Mrs. Mary Barbone was in attendance with Gregory Morse from Morse Engineering. Mr. Morse said that the Petitioner wants to raze and reconstruct the dwelling at 104 West Street. He said the lot itself is pre-existing nonconforming because of the lot area of 8,043 square feet and the frontage is 57.21' and not 80'. Mr. Morse said that the existing home was built in 1946. The structure is not compliant due to the setbacks; currently the left setback is 7.2', the right is 14.1' (15' is required) and the rear is 9.1' (30' is required). The Petitioner is proposing to take down the existing dwelling and construct a new one that will be less nonconforming. The right setback will remain at 14.1'; the right setback will be slightly greater at 7.9'; the rear setback will go from 9.1' to 30.5' measured to the house and 20.5' measured to the deck. The lot area and frontage will remain unchanged. Mr. Hubbard said that he had no questions and asked the Board and the public if they had any questions; they did not. Mr. Hubbard moved to close the hearing which was seconded; all were in favor. Mr. Hubbard moved to approve the Special Permit which was also seconded; all were in favor.

#18-43: Jeffrey C. Simpson: The Petitioner is seeking a Special Permit in accordance with §305-10.10 and §305-9.02.C of the Marshfield Municipal Code to construct a 30' x 32' two (2) story addition to the existing single family dwelling and will be no closer to the rear yard setback than the existing dwelling on the property located at **32 Colonial Road** which is further identified on the Assessors' Maps as being on parcel M08-20-01 and is located in an R-3 zoning district.

Mr. Hubbard read Petition #18-43 into the record. Mr. Dick Rockwood represented the Petitioner and stated that he had done the architectural work for the Simpsons. Mr. Rockwood pointed out the original house and the addition on the displayed plan. He said that it was a simple two (2) story addition with a crawl space. He said that the house is not in the Flood Zone because it is elevated high enough. Mr. Rockwood said that the addition will not be any more nonconforming. Mr. Hubbard asked if there were any questions or comments. Mr. Stiles said the he noticed that there was no delineation on the architectural plans. Mr. Rockwood pointed out what was existing and said everything to the right is the addition; there's an extended family room and some bedrooms upstairs. Mr. Stiles said that it looked like they had created a two (2) family in a way. Mr. Rockwood said there was the front door and a mudroom. Mr. Stiles asked if there was a petition wall and Mr. Rockwood said there was not. Mr. Hubbard asked the Board and the public again if there were any questions and there were none. He moved to close the

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said that he had a couple of issues that he wanted to discuss and asked the Board members to chime in with their own questions. Mr. Hubbard stated that there would be outdoor drinking but there would not be a bar. Mr. Galvin said that they would need a modification to their liquor license from the Board of Selectmen. He said they could have food. He stated that an outside bar can have alcohol but there needs to be a line of sight from the bartender. Mr. Hubbard asked if there would be a bartender and Ms. Vaughn said there would be a server. Mr. Galvin said that they would also need approval from the Conservation Commission and Mr. Taylor said that they were before Conservation tonight. Mr. Galvin asked if this was a barrier beach and Mr. Taylor said they had gone over that with Conservation. Mr. Hubbard said that he had a discussion with Mr. Galvin because the Zoning bylaws state that when you transition from a business zone to a residential zone you need a thirty-five foot (35') buffer zone. Mr. Taylor said this was a B-4 zone.

Mr. Stiles asked who owned the existing fence and Ms. Vaughn said it was hers and that as long as they have owned the property there has been a fence. Mr. Galvin said that he was surprised that Conservation said okay. Mr. Hubbard asked if there were any questions from the Board and there were none. Neil Duffy of 17 Bryants Lane said that he is on the other side of the fence, with the shed. He said that he likes the establishment and is bittersweet to be here. He said that it doesn't usually get loud until 9:00 P.M. But now it will be loud all day. He said the seating will be twenty-five feet (25') from his kitchen. He said he likes the business, likes the people but wants the peace. Mr. Duffy said the bean bag toss will be thump-thump-thump and there will be ragging that will go along with it. Ms. Hennigan agreed with Mr. Duffy and said that she loves the place. But everyone leaves the restaurant and goes through her yard to look at the beach; Mr. Duffy said they go through his yard, too. Ms. Vaughn said they have done everything and the fence will help prevent people coming out of the Jetty. She said she has seen people walk from the Esplanade through the yards. Ms. Hennigan said now they will have drinks when they walk out and she is concerned about liability. Mr. Duffy said there was a camera pointed to the seawall and people will go out and dance so that people can see it in the bar. Ms. Vaughn said that the intent of the camera was to see the water. She said that they keep it off for certain times now and they can angle it higher so it will show the water and not the wall. Mr. Duffy said that the dining will be from 8:00 A.M. to 9:00 P.M. and then the music will be from 9:00 P.M. to 1:00 A.M. Mr. Feeney asked how long it had been a restaurant and Ms. Vaughn said at least forty (40) years. Susan Wilkinson, an employee of the Jetty, said that it was the Breakers from 1966 to 1986, the Lobster Tale.

Mr. Hubbard asked if there were any questions and stated that tonight he had received three (3) letters in support. Mr. B. Murphy asked what the addresses were and Mr. Hubbard replied, 294 Ocean Street, 9 Bryants Lane and 11 North Street. Mr. Hubbard asked the Board if they wanted to close the hearing and deliberate. Mr. B. Murphy said they should close it and go see the site; Mr. Feeney said he had been there a million times. Mr. B. Murphy asked Ms. Hennigan and Mr. Duffy if it would be okay for the Board to walk on their property. Mr. Hubbard said they won't close the hearing, they would continue it to August 14th and the members can visit the property. He said they could deliberate on August 14th.

Mr. Hubbard made a motion to adjourn which was seconded; all were in favor.

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Meeting adjourned at 8:30 P.M.

Respectfully submitted,



Nanci M. Porreca
Zoning Administrator

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

September 19, 2019 meeting by a 5-0 vote.

Signed:  Date: 9/19/19