

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,  
MARSHFIELD TOWN HALL JUNE 11, 2019 7:00 P.M.  
MEETING MINUTES**

*Members Present:*

*Francis X. Hubbard  
Brian Murphy  
Lynne Fidler  
Richard Murphy  
Mark Stiles  
Stephen Feeney*

*Also Present:*

*Robert Galvin, Town Counsel  
Jeremiah Folkard, Building  
Commissioner*

Mr. Francis Hubbard opened the meeting at 7:05 P.M. and advised that the meeting was being recorded by Marshfield Community Television (MCTV) and voices and images were also being recorded. Mr. Hubbard stated that he would be the Hearing Officer and that other members were signified by their nameplates.

**#19-41: Lee Phelps:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 14' x 25' half story addition above the attached garage on the property located at **78 Cherry Street** which is further identified on the Assessors' Maps as being on parcel N06-03-33A and is located in an R-3 zoning district.

Mr. Hubbard read Case **#19-41** into the record and turned the hearing over to the applicant or his/her representative. Mr. Lee Phelps stated that he has been at 78 Cherry Street for 40 years. As a result of the January 2018 floods, he applied with the Conservation Commission to raise the house on the existing footprint. He is applying for a Special Permit to add a floor because the garage is attached to the house; it will add space and will have a carport underneath; he has already applied for a foundation permit. Mr. Hubbard asked if the members of the Board or Mr. Folkard had any questions. Mr. Folkard said that he was confused a little because Mr. Phelps wants to put a 14'x25' half story above the attached garage but he has a foundation permit. Mr. Phelps said that it was adding a floor to the garage and the garage would now be elevated. Mr. Folkard stated that Mr. Phelps has a foundation for the garage that is there now and he would be adding a second floor to that. Mr. Folkard asked Mr. Phelps why he filed for a foundation plan when he was adding a half story above the existing garage. Mr. Phelps said the whole house will be going up eight feet (8') and they will park underneath in the garage; they are just adding a floor on the area that is the garage now. Mr. Folkard said he was okay Zoning-wise and they will talk about building requirements when Mr. Phelps applies for the building permit. Ms. Fidler asked if the foundation will go straight up on the existing footprint and Mr. Phelps said that it would. Mr. Hubbard asked if any Board members or Mr. Folkard had any other questions or comments and there were none; he opened it up to the public and there were no comments. Mr. Hubbard moved to close the hearing which was seconded and all were in favor. He moved to grant the Special Permit which was also seconded and all (Hubbard, B. Murphy, Fidler, R. Murphy, Stiles) were in favor.

**#19-42: William Dowling:** The Petitioner is seeking a Special Permit in accordance

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,  
MARSHFIELD TOWN HALL JUNE 11, 2019 7:00 P.M.  
MEETING MINUTES**

with §305-10.12 of the Marshfield Municipal Code to replace the existing 14' x 24' shed with a new 14' x 24' shed on the property located at **181 Bay Avenue** which is further identified on the Assessors' Maps as being on parcel M05-05-46 and is located in an R-3 zoning district.

Mr. Hubbard read Case **#19-42** into the record and turned the hearing over to the applicant or his/her representative. Richard Burchill stated that he was representing Billy and Marie Dowling. He said the shed in the back is on rip rap, is in tough shape and is falling down. He also said that it is listed as a garage but it is actually a shed; there won't be a car there. What they want to do is take the shed down and replace it. Mr. Hubbard asked how long the shed has been there and Mr. Dowling said since 1929, longer than he or Mr. Hubbard have been alive. Mr. Hubbard asked if the Board, Mr. Folkard or the public had any questions or comments and there were none. He moved to close the hearing which was seconded and all were in favor. Mr. Hubbard moved to grant the Special Permit which was seconded and all (Hubbard, B. Murphy, Fidler, R. Murphy, Stiles) were in favor. Mr. Hubbard stated that to be safe he is moving that Site Plan approval is a moot issue and does not need to be approved. This was seconded and all were in favor.

**#19-43: Michael Snowdale/Stellwagen Beer Company:** The Petitioner is seeking Site Plan modification in accordance with §305-12.02 of the Marshfield Municipal Code to include outdoor patio space on the property located at **100 Enterprise Drive** which is further identified on the Assessors' Maps as being on parcel D09-01-12 and is located in an I-1 zoning district.

Mr. Hubbard read Case **#19-43** into the record and turned the hearing over to Mr. Michael Snowdale, owner of Stellwagen Beer Company. Mr. Snowdale said that they opened up just under a year ago and he is here now to request Site Plan modification for two (2) patios, a 60'x21' patio and a 12'x24' patio. Both patios would be in a proposed beer garden. Ms. Fidler stated the application says 24'x68'; Mr. Snowdale said that he may have misspoken, it would be 24'x68'. Ms. Fidler asked about lighting and Mr. Snowdale said it would be existing lighting on the said of the building, floodlights. Ms. Fidler asked if the floodlights would be enough to cover the entire area to make it visible and safe and Mr. Snowdale said that it would. Ms. Fidler asked if there would be outside music and Mr. Snowdale said yes. Mr. Hubbard asked if he had presented this to the Board of Selectmen yet and have they approved it. Mr. Snowdale said they are waiting for ZBA approval. He said that he has run this by Chief Tavares and has received his verbal okay. Ms. Fidler asked if the only thing prohibiting a person from leaving the area and going to their car with a beer is the picket fence. Mr. Snowdale said that there is an existing chain link fence that separates his property from the next door neighbor and he pointed out several picket fences and the emergency exit door which opens from inside. Ms. Fidler stated that they obviously could not lock that and asked if it would be monitored. Mr. Snowdale said that it would be monitored; there is a glass door which provides line of sight to the serving area.

Ms. Fidler asked what the Board did in Brant Rock. Mr. Folkard said that emergency exit couldn't have any obstruction such as a car in the way; they moved their parking lot over so it brought them straight out to the lot. Mr. Galvin said the issue is seating capacity and parking. Mr. Hubbard said the Board of Selectmen has authority over the design of the fence. Mr.



**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,  
MARSHFIELD TOWN HALL JUNE 11, 2019 7:00 P.M.  
MEETING MINUTES**

Galvin said that outdoor seating requires a fenced in area; Mr. Hubbard mentioned Station 8 and Kkaties; Mr. Galvin said the other place was the old Pizzings that used to have an outdoor patio. Mr. Hubbard asked if the Board of Selectmen would dictate the type of fence style; Mr. Galvin said there is a set of regulations that they have regarding how it has to be fenced in. He said it needs to be compliant with the Selectmen's regulations. Mr. Galvin said the Board needs to know the seating capacity because there will be parking and they will need an additional parking space for every four (4) seats. Ms. Fidler asked about safety with using pea stone. Mr. Folkard said that was his question along with accessibility because you can't roll on pea stone. He asked Mr. Snowdale what he would be doing for accessibility seating. He also asked about emergency egress from that area and where to they go from there if they have a food truck. Mr. Snowdale pointed out all of the open space that is never obstructed. Mr. Folkard advised they would need directional signs showing the exit. Mr. Galvin asked if they would need a hard packed surface and Mr. Folkard said it would have to be hard packed for accessibility. Mr. Snowdale asked if the patio itself needed to be hard packed; Mr. Folkard said that it would and they would need to have a certain amount of accessible seating out there. Mr. Snowdale said the patio is hard and asked if that made a difference. Mr. Folkard said they could designate areas but they can't separate the accessibility by saying, "You're in a wheelchair so you have to sit over there". Mr. B. Murphy asked if they could use mats like at the beach. Mr. Snowdale said they could easily install some kind of hard surface for accessibility. Mr. Folkard said that he could see that they have a covered area for their well and said whatever they put in that area for a hard surface could have a removable cover.

Mr. Hubbard said that Mr. Galvin raised a good point, that the Board didn't have the proposed seating so they can't determine if there are adequate parking spaces. Mr. Snowdale said the seating capacity would be the number of tables with three (3) people per side; it would mostly be for standing room and playing corn hole. Ms. Fidler asked if they were proposing three (3) picnic tables and Mr. Hubbard said that would be eighteen (18) seats. Mr. Folkard said seat calculation is for movable seats, non-movable seats, wheelchairs, standing room; there's a lot more calculation than just counting; you would need seven (7) square feet per person and twenty-five (25) square feet per wheelchair. Ms. Fidler asked Mr. Folkard if he could work those out with Mr. Snowdale and Mr. Folkard said that he would.

Mr. Hubbard said he was uncomfortable giving Site Plan approval without knowing the approximate load. Mr. B. Murphy asked if they could continue the meeting and Mr. Folkard could work with Mr. Snowdale. Mr. Hubbard said that Mr. Snowdale could also sit down with Mr. Grady. Mr. Galvin asked if it was shared parking; did they use the parking lot for the other property. Mr. Snowdale said no, the landlord is on one side and he pointed out their parking plus the street parking. Mr. B. Murphy said they could use the grassy area and Mr. Folkard said it would have to be lined; Mr. B. Murphy said it looked like they had more than enough and he should work it out with Mr. Folkard. Mr. Snowdale said the current occupancy load was for inside and they wouldn't be requesting additional occupancy for outside; it would be the same number. Mr. Folkard said it would be an accumulated number for both inside and outside; Mr. Snowdale said that currently the load is 220. Mr. Folkard said their occupancy load is 220 but they are adding three (3) picnic tables with eight (8) seats so the load will increase by twenty-four (24); for every four (4) people you need one (1) more parking space. Ms. Fidler asked Mr.



**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,  
MARSHFIELD TOWN HALL JUNE 11, 2019 7:00 P.M.  
MEETING MINUTES**

Snowdale if he knew how many spaces he had and he said he believes they have seventeen (17) lined spaces. Mr. Galvin said they would need fifty-five (55) spaces with an occupancy load of 220; Mr. Snowdale said they were mixed, his use is retail as well. Mr. Galvin asked how many seat inside and Mr. Snowdale replied 48 or 49. Mr. B. Murphy asked if he was saying is capacity is 220 but they have 49 seats; Mr. Snowdale replied yes. Mr. Galvin said that was better because it makes it 12.25 spaces. Mr. Hubbard asked Ms. Porreca about the June 25<sup>th</sup> Agenda and she replied that it was light. He then asked Mr. Snowdale if he could come back on June 25<sup>th</sup> with updated information and site plans and Mr. Snowdale said yes, that he would go back and calculate the parking spaces required. He said if the current parking situation is sufficient then this site plan would be okay, otherwise he will have an updated plan showing additional parking spots. Mr. Galvin said the site plan should show the picnic tables and walkways. Mr. Folkard said it should also show exits and fences. Mr. Folkard said they would need hard packed that wheelchairs could ride on. Mr. Hubbard said the Mr. Snowdale could work with Mr. Grady and Mr. Folkard. Mr. Hubbard said he would keep the hearing open and moved to continue it to June 25<sup>th</sup>; the motion was seconded and all were in favor.

Mr. Hubbard stated that next on the Agenda was the summer schedule. Ms. Porreca said that they only needed to discuss August as they voted on July 9<sup>th</sup> at the last meeting. Mr. Hubbard said they have two (2) choices either August 13<sup>th</sup> or August 27<sup>th</sup>; he thought August 13<sup>th</sup> would be better. Ms. Porreca said they probably wouldn't want to go more than a month between meetings and Mr. Galvin said they wouldn't want it during the Fair. Mr. B. Murphy asked if everyone was okay with August 13<sup>th</sup> and Mr. Stiles said that he would not be here. Mr. B. Murphy asked if everyone else was okay with that date and the consensus was that they were.

Zoning Complaints: The Building Commissioner is the Zoning Enforcement Officer and complaints should be submitted to him in writing. The Zoning Enforcement Officer is required to respond to complaints, in writing, within fourteen (14) days of receipt of the request. If a complaint is submitted anonymously, he cannot fulfill his notification obligation.

Mr. Hubbard read the last item on the Agenda into the record and stated they would have a discussion. He said that he has discussed this with Mr. Folkard, the Zoning Enforcement Officer, and Mr. Galvin and they have agreed to have a discussion at a meeting about a way for people to submit anonymous complaints where after his investigation, Mr. Folkard could post his results on a website referencing the complaint number and the street address. Mr. Hubbard said that Mr. O'Neill when he was the Zoning Enforcement Officer started accepting anonymous complaints but he was not sure how Mr. O'Neill provided feedback. Mr. B. Murphy wanted Mr. Galvin's opinion on this and asked what the standard Town procedure was. Mr. Galvin said that if an anonymous complaint comes in, it is investigated at the Zoning Enforcement Officer's discretion; he said he could get thousands of anonymous complaints which would overwhelm Mr. Folkard; he can investigate these at his discretion if he has time. Mr. B. Murphy and Mr. R. Murphy were okay with that. Mr. B. Murphy said they could leave it at Mr. Folkard's discretion and he feels putting it on a website would encourage more work for Mr. Folkard; and it's not standard procedure for the Town. Mr. Galvin said if you get ten (10) anonymous complaints

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,  
MARSHFIELD TOWN HALL JUNE 11, 2019 7:00 P.M.  
MEETING MINUTES**

about the same subject then there is probably something there. Mr. Hubbard said Mr. Folkard still needs to notify the complainant; Mr. Galvin said Mr. Folkard won't know who to notify if it's anonymous so he thinks it should be up to Mr. Folkard. Mr. B. Murphy said he would be happy to leave it as it is; Mr. Galvin said if Mr. Folkard wants to investigate every one of them then he can. Mr. B. Murphy asked if they needed to vote on this and Mr. Hubbard said that they did not.

Meeting adjourned at 7:30 P.M.

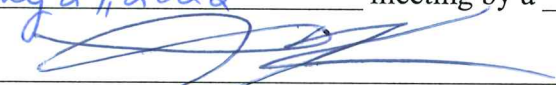
Respectfully submitted,



Nanci M. Porreca  
Zoning Administrator

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

May 24, 2022 meeting by a 5-0 vote.

Signed:  Date: 5/24/22