

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,  
MARSHFIELD TOWN HALL AUGUST 10, 2021 6:30 P.M.  
MEETING MINUTES**

*Members Present:*

*Lynne Fidler, Chair  
Heidi Conway – (remote)  
Mark Stiles  
Stephen Feeney  
Christopher Belezos  
Larry Keane (remote)*

*Also Present:*

*Andrew Stewart, Building Commissioner  
Atty. Anthony Riley – (remote)*

MARSHFIELD TOWN CLERK  
RECEIVED  
023 MAY 25 PM 2:56

Ms. Fidler called the meeting to order at 6:40 P.M. and advised that there were some technical difficulties. She took a roll call vote for attendance as there were four (4) members in the Select Board chamber and two (2) on Zoom. Attorney Anthony Riley was in attendance in place of Attorney Robert Galvin. Ms. Fidler explained that Zoom was provided as a courtesy and the meeting will not be suspended if there are technical issues. She gave the meeting ID information and advised callers to use \*6 to mute and unmute. The technical difficulties had to do with a conflict between the Zoom and MCTV; the audio would go through MCTV for the hearing and she re-opened the meeting at 6:47 PM. Ms. Fidler advised that there would be some changes in the Agenda.

The Board held a moment of silence for Danny Sheehan.

Ms. Fidler stated that **Case #21-28, American Towers**, had requested to continue to September 14, 2021. She made a motion to continue to that date at 6:30 PM and the motion was seconded by Mr. Stiles; the Board voted 5-0 to continue with Fidler, Conway, Stiles, Feeney and Belezos voting in favor.

Ms. Fidler stated that **Case #21-44, CJV Automotive & Towing**, had requested to continue to September 14, 2021. She made a motion to continue to that date at 6:30 PM and the motion was seconded by Mr. Stiles; the Board voted 5-0 to continue with Fidler, Conway, Stiles, Feeney and Belezos voting in favor.

Ms. Fidler stated that **Case #19-81, DJ Sullivan**, had requested to continue to September 14, 2021. She made a motion to continue to that date at 6:30 PM and the motion was seconded by Mr. Stiles; the Board voted 5-0 to continue with Fidler, Conway, Stiles, Feeney and Belezos voting in favor.

**#21-27: Brian and Kathleen Tedeschi, 162 Bay Avenue:** Petitioners are requesting that the Board determine if moving the proposed structure 7.6' towards Bay Avenue would be considered a minor modification. The northerly side setback of 5.7' will be maintained but due to the angle of the property line, the southerly side setback would be reduced from 3.4' to 3.0'. The Petitioners were granted a Special Permit at the April 13<sup>th</sup> meeting.

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Ms. Fidler read this into the record and explained that this was considered "Other Business". She said the Board is typically not in favor when moving the footprint. Brian Tedeschi explained the hatched area is the existing house and his brother asked him to move it; it will be the same structure but will slide it to the west approximately seven feet (7'). Mr. Belezos asked why they were moving it forward and Mr. Tedeschi said for visibility. There were no questions from the Board or the public. Mr. Stewart explained this was a previously approved plan; the new plan shows the structure moved back which will give a view and is moving away from the dune; it will still be less nonconforming than the previous house. He said the existing structure is on the lot line and they will be moving it even further away. Ms. Fidler said the Board typically has not granted modifications for footprint changes but she said in this case it makes sense. Ms. Fidler asked if there was an abutter on the opposite side; Mr. Tedeschi said yes but he did not know if they were aware of the change. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 to close with Fidler, Conway, Stiles, Feeney and Belezos voting in favor. Ms. Fidler made a motion to grant the minor modification which was seconded by Mr. Stiles; the Board voted 4-1 to grant the modification with Conway, Stiles, Feeney and Belezos voting in favor and Fidler opposed.

**#19-48: Green Harbor Yacht Club:** Request an extension of Special Permit #19-48 which was "conditioned upon the application and receipt of all appropriate licenses including without limitation the Chapter 91 Waterways Permit/License, any Orders of Conditions or Conservation Permits and Commonwealth of Massachusetts DEP Permits and Orders of Conditions". The Chapter 91 & Water Quality Certificate was issued July 22, 2021.

Ms. Fidler read the information on the request for an extension into the record. She explained that they extend two (2) years past the Chapter 91 certificate. There were no comments from the Board or public. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 to close with Fidler, Conway, Stiles, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the extension to July 22, 2023 and the motion was seconded by Mr. Stiles. The Board voted 5-0 to grant the extension with Fidler, Stiles, Conway, Feeney and Keane voting in favor.

**#21-52: Stephen V. Smith:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 23'6" x 28' attached two (2) car garage on the property located at **82 Genevieve Lane** which is further identified on the Assessors' Maps as being on parcel L05-27-04A and is located in an R-3 zoning district.

Ms. Fidler read **Case #21-52** into the record and turned it over to Stephen Smith. Mr. Smith said that he suffers from an autoimmune disease and having the garage will allow him to stay in his home longer without having to go to a facility. Mr. Stewart said that it was nonconforming on one side and they were previously granted Special Permit #20-73 for an addition. There were no questions or comments from the Board or the public. Ms. Fidler made a motion to close the



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hearing which was seconded by Mr. Stiles; the Board voted 5-0 to close with Fidler, Conway, Stiles, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded by Mr. Stiles. The Board found that the Petitioner met the requirements of §305-10.12 (1-10) and voted 5-0 to grant the Special Permit with Fidler, Stiles, Conway, Feeney and Keane voting in favor.

**#21-55: Michelle Chaffee and Gregory Welch:** The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to replace the existing 8' x 8' breezeway with a new 8' x 16' breezeway on the property located at **80 Gotham Hill Drive** which is further identified on the Assessors' Maps as being on parcel K04-03-09 and is located in an R-2 zoning district.

Ms. Fidler read Case **#21-55** into the record. Russ Fitzgerald, the builder, explained the breezeway would be between the garage and the house and he pointed out the existing breezeway. Ms. Fidler said that it was not any more nonconforming and stated the Board has the floor plan as well. Mr. Fitzgerald explained the floor plan and pointed out the existing; he said the front is not changing and they will be adding a porch. There were no questions or comments from the Board or public. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 to close with Fidler, Conway, Stiles, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded by Mr. Stiles. The Board found that the Petitioner met the requirements of §305-10.12 (1-10) and voted 5-0 to grant the Special Permit with Fidler, Stiles, Conway, Feeney and Keane voting in favor.

**#21-50: Meaghan Sullivan and Phillip Connolly:** The Petitioners are seeking Special Permits in accordance with §305-10.12 and §305-11.09 and a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-11.09.C.6 to construct a 14.8' x 18' addition and create a 842 square foot Accessory Apartment within the addition on the property located at **37 North River Drive** which is further identified on the Assessors' Maps as being on parcel E19-01-05 and is located in an R-1 zoning district.

Ms. Fidler read Case **#21-55** into the record and turned the hearing over to Dick Rockwood who did the architectural work for the Sullivans. He pointed out the area they are adding and said they are also asking for an in-law suite and asked the Board if they had that. Mr. Rockwood said that it's an R-2 and they don't need approval for the addition because they can build it by right. He said that they purchased the house about nine (9) months ago; Mr. Connolly is living there and there was already a kitchen and bedroom there. He said he included the math for the square footage; the upstairs is about 1500 square feet. Ms. Fidler said a Variance would be needed because of the "three year" Bylaw; Mr. Rockwood said it already has a kitchen. Mr. Stiles asked if, other than the addition they are proposing now, if any substantial improvements had been made. Mr. Rockwood said no.

Mr. Connolly had submitted a letter from his doctor who explained reasons why this is necessary. There were no additional comments from the Board or the public. Ms. Fidler made a



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motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 to close with Fidler, Conway, Stiles, Feeney and Belezos voting in favor. Ms. Fidler made a motion to grant the Special Permit under §305-10.12 and §305-11.09 which was seconded by Mr. Stiles. The Board found that the Petitioner met the requirements of §305-10.12 (1-10) and voted 5-0 to grant the Special Permit with Fidler, Stiles, Conway, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the Variance as described in the application. Mr. Stiles seconded the motion and the Board voted 5-0 to grant the Variance under §305-10.11 with Fidler, Stiles, Conway, Feeney and Keane voting in favor.

**#21-51: William Meehan:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 and a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.08.E.3 to construct a 15'8" x 23' deck which will be 5'11 ¾" in height on the property located at **431 Ocean Street** which is further identified on the Assessors' Maps as being on parcel M08-18-07A and is located in an R-3 zoning district.

Ms. Fidler read Case **#21-51** into the record and turned the hearing over to Dick Rockwood who did the architectural work for Mr. Meehan. He pointed out the area where the deck would go and said it would be accessed from house through a slider. Mr. Meehan is disabled and has mobility issues so they want to make the deck even. He said they are also asking for a height Variance because they fifty percent (50%) into the setback. Mr. Rockwood said it was too difficult to raise the grade. Ms. Fidler said they need to consider the conditions that apply to the lot and she read the requirements. Mr. Meehan said that he was in the Marine Corps, was injured and took one and a half (1½) years to walk; he falls without his wife's help. There were no other comments from the Board or the public. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the Special Permit which was seconded by Mr. Stiles. The Board found that the Petitioner met the requirements of §305-10.12 (1-10) and voted 5-0 to grant the Special Permit with Fidler, Stiles, Conway, Feeney and Keane voting in favor. Ms. Fidler made a motion to grant the Variance which was seconded by Mr. Stiles. The Board found that the Petitioner met the requirements of §305-10.11 (1-5) and voted 5-0 to grant the Variance with Fidler, Stiles, Conway, Feeney and Keane voting in favor.

**#21-43A: Christopher and Sara McNeil:** The Petitioners are seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-11.09.C.6 to create an approximately 150 square foot Accessory Apartment within the addition to be constructed on the property located at **110 Eames Way** which is further identified on the Assessors' Maps as being on parcel F15-01-08 and is located in an R-1 zoning district.

**#21-43: Christopher and Sara McNeil:** The Petitioners are seeking a Special Permit in accordance with §305-11.09 of the Marshfield Municipal Code to create an approximately 150 square foot Accessory Apartment within the addition to be constructed on the property located at **110 Eames Way** which is further identified on the Assessors' Maps as being on parcel F15-01-08 and is located in an R-1 zoning district.



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Ms. Fidler read **Case #21-43A** into the record and advised that she would read continued **Case #21-43** into the record again and turned the hearing over to Dick Rockwood. Mr. Rockwood stated the accessor apartment is actually 1150 square feet and not 150 square feet; he then pointed out the main dwelling and apartment areas. Ms. Fidler stated that this was an example of a Bylaw change that was going before Town Meeting. They Bylaw currently reads that the addition should be in existence and not substantially altered within three (3) years. Mr. Rockwood said the existing property is conforming and that this was for the apartment, not the addition. Mr. Stiles said he didn't think a Variance was necessary.

Pam Keith, 73 Standish Street, asked if there was an explanation of who could live there; Ms. Porreca explained the lot requirements; Mr. Stewart explained it is not an in-law apartment, it's an accessory dwelling unit. Ms. Fidler asked about the Scrivener's Error in the notice and asked Attorney Riley how to proceed. He said the Board could vote on it as long as they use the correct number/number that's on the plan. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Belezos voting in favor. The Board acknowledged that the Petitioner met the requirements of §305-11.09 and Ms. Fidler made a motion to grant the Special Permit which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Stiles, Conway, Feeney and Belezos voting in favor. Ms. Fidler made a motion to grant the Variance which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Stiles, Conway, Feeney and Belezos voting in favor.

**#21-57: Mark and Meg Anderson:** The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the existing structure and construct a new 46' x 36' two and a half (2½) story dwelling on the property located at **79 Marginal Street** which is further identified on the Assessors' Maps as being on parcel M06-03-09 and is located in an R-3 zoning district.

Ms. Fidler read **Case #21-57** into the record and stated that Mr. Keane and Mr. Belezos would be voting on this case. She then turned the hearing over to Dick Rockwood who is the architectural work for the Andersons. He said they were here last year to add dormers. With the pricing, they decided not to do dorms but will raze and rebuild instead. He said that what is different than last time is that they are extending the kitchen but the new structure will not be any more nonconforming. Mr. Rockwood said this is the same house that was previously approved by the Board with the exception of the kitchen in the back. It was noted that this is not in the Flood Zone. Ms. Fidler asked Mr. Rockwood if he had the calculations for the attic space and he said that it is under 66% and it's in the drawings. Ms. Fidler noted that the alterations were drawn in ink, using the redline version. Mr. Rockwood said he was over four inches (4") when he turned in the plans and his drawings have been corrected. Ms. Fidler also noted that changes were made on A2, A4, A5 had two (2) changes, A6 and A8; she said all changes were reasonable. There were no comments from the Board or public. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Stiles, Feeney, Keane and Belezos voting in favor. The Board acknowledged that the Petitioner met the requirements of §305-10.12(1-10) and Ms. Fidler made a motion to grant the Special Permit which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Stiles, Feeney, Keane and Belezos voting in favor.

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**#21-56: Ajith Gamage and Tharangani Samarappulige:** The Petitioners are seeking a Special Permit in accordance with §305-11.09 of the Marshfield Municipal Code to create a Residential Accessory Apartment within the existing dwelling on the property located at **90 Edward Road** which is further identified on the Assessors' Maps as being on parcel L05-23-10 and is located in an R-3 zoning district.

Ms. Fidler read Case **#21-56** into the record and turned it over to Mr. Gamage. Mr. Gamage said that there are two (2) parking areas, a separate entrance, separate kitchen. Mr. Stewart said that these were permitted with building permits years ago; he thinks they meant to do the work and wait the three (3) years but they just never did it. He said the new owners have been very proactive to make this legal. Ms. Fidler made a motion to close the hearing which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Belezos voting in favor. The Board acknowledged that the Petitioner met the requirements of §305-11.09 and Ms. Fidler made a motion to grant the Special Permit which was seconded by Mr. Stiles; the Board voted 5-0 with Fidler, Conway, Stiles, Feeney and Belezos voting in favor.

**#21-49: Thomas Hedin:** 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 16' x 41' single family home with a 10' x 16' deck on elevated wood piles on the property located at **9 Bryants Lane** which is further identified on the Assessors' Maps as being on parcel M08-51-03 and is located in an R-3 zoning district.

Ms. Fidler read Case **#21-49** into the record and turned it over to Terry McGovern of Stenbeck & Taylor who was representing the applicant. Mr. McGovern said there is an existing house that sits on a block foundation; the lot is 20.5' wide and the setbacks narrow from 2.4' on the north to 1.7' and 1.3 on the back side. There is a covered deck that runs the length of the house; the new structure will be a couple of inches narrower and they will remove the covered deck.

Ms. Fidler made a motion to adjourn the meeting. The motion was seconded by Murphy and the Board voted 5-0 in a roll call vote with Fidler, Murphy, Feeney, Keane and Belezos voting in favor.

The meeting adjourned at 9:10 P.M.

Respectfully submitted,



Nanci M. Porreca  
Zoning Administrator

These minutes were approved by the Board on April 11, 2023 by a  
5-0 vote.

Signed:  Date: 04/11/2023