

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,  
MARSHFIELD TOWN HALL SEPTEMBER 12, 2023 6:30 P.M.  
MEETING MINUTES**

*Members Present:*

*Brian Murphy, Chair  
Larry Keane  
Grover Hensley, Jr. (R)  
Brian Sullivan  
Jean Lee*

*Also Present:*

*Andrew Stewart, Building Commissioner  
Atty. Robert Galvin, Town Counsel (R)*

MARSHFIELD TOWN CLERK  
RECEIVED  
2023 NOV - 7 AM 11:05

*Absent: Stephen Feeney, Heidi Conway*

Mr. Murphy called the meeting to order at 6:33 P.M., read the disclaimers and explained to the public that Zoom was provided as a courtesy and advised callers to use \*6 to mute and unmute. Mr. Murphy conducted roll call attendance as Mr. Hensley was in a remote location.

**#23-63: Julio A. Ferrer:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to replace the existing shed with a 10' x 16' shed on the property located at **158 Meadowview Street** which is further identified on the Assessors' Maps as being on parcel K12-02-04 and is located in an R-3 zoning district.

Mr. Murphy said that the Board would be taking things out of order and resumed **Case #23-63** which had been opened at the August 8, 2023 meeting and continued until tonight. Mrs. Ferrer explained that they were trying to build a shed and had been at the last meeting. She said that they have spoken to Mr. Stewart and he is okay with it; she asked where they went from her. Mr. Murphy asked Mr. Stewart if he was okay and he said yes. Mr. Stewart said that the Ferrers brought a full scaled plan to the Building Department. It was their plan for the addition and it showed the existing conditions at that time. Mr. Stewart said they will not be any closer than five feet (5') from the property line. He said that he was able to look at this once they gave him the full plan. Mr. Stewart said that once they are finished with the shed, they will submit a Final As-Built for the shed as well as the previous addition. Mr. Murphy asked if there were any questions from the Board or the audience and there were none. He made a motion to close the hearing which was seconded and all were in favor. Mr. Murphy made a motion to grant the Special Permit subject to conditions of a building permit and As-Built; the motion was seconded by Mr. Keane and the Board voted 4-0 to grant the Special Permit with Murphy, Keane, Hensley and Lee voting in favor. Mr. Sullivan did not vote and stated that he was not at the previous hearing.

**#23-68: James and Lisa Bonasia:** The Petitioners are seeking a Special Permit in accordance with §305-10.10 and §305-10.12 of the Marshfield Municipal Code to raze the existing 31' x 26' two-story nonconforming house and construct a new 36' x 26' two and a half story dwelling on the existing concrete pier foundation and existing beams on the property located at **233 Foster Avenue** which is further identified on the Assessors' Maps as being on parcel L10-15-10 and is located in an R-3 zoning district.

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Mr. Murphy read **Case #23-68** into the record. Dick Rockwood and Karli Tobias from Rockwood Design said that they did the architectural work and that this had already been approved some time ago. Mr. Rockwood said that they applied to do a rebuilding over the front porch and add a half story. He said the plans haven't changed but they decided to take it down to the first floor; the drawings haven't changed; they are just taking down more of the house. Mr. Stewart said that before the description of the work was extending, an addition, extending, etc. He said this is a complete reconstruction except for the foundation; this project is different only in its intensity. Mr. Murphy asked about the height and Mr. Stewart said it will still be under thirty-five feet (35') even elevated four feet (4') off the ground. Mr. Stewart said that considerations with the total reconstruction included the Coastal Dune proximity to the lot line and having a firewall. Mr. Sullivan said that it is an improvement to public safety and it's attractive. Mr. Murphy asked if the Board, public or people online had any questions and there were none. The Board agreed that the Petitioner met 1-10 of §305-10.12. Murphy made a motion to close the hearing which was seconded and all were in favor. He made a motion to grant the Special Permit subject to conditions of a building permit, an Ad-Built and a Certificate of Occupancy; the motion was seconded by Mr. Sullivan and the Board voted 5-0 to grant the Special Permit with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

**#23-69: Cheryl L. Toner:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 30' long dormer on the right side of the dwelling to mimic the existing dormer on the left side on the property located at **52 Richard Street** which is further identified on the Assessors' Maps as being on parcel K12-08-02 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-69** into the record. Cheryl Toner, the Petitioner, was in attendance with David Gilberto. Ms. Toner said that they want a thirty foot (30') dormer to replicate the dormer on the other side; there will be no change to the footprint. Mr. Murphy said this looks straight forward; Mr. Stewart said he met with Ms. Toner and Mr. Gilberto and worked things out. Mr. Murphy asked if the Board, public or people online had any questions and there were none. The Board agreed that the Petitioner met 1-10 of §305-10.12. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. He made a motion to grant the Special Permit subject to conditions of a building permit, a final elevation certificate and a Certificate of Occupancy; the motion was seconded by Mr. Sullivan and the Board voted 5-0 to grant the Special Permit with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

**#23-70: 1121 South River Street LLC:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a new 40'4" x 30' dwelling unit on the footprint of the demolished barn structure with a two (2) car garage below, a 6'6" x 26' front porch and a 32'3" x 6' rear porch on the property located at **1121 South River Street** which is further identified on the Assessors' Maps as being on parcel I12-01-14 and is located in an R-1 zoning district.



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Mr. Murphy read **Case #23-70** into the record. Matthew Dacy, manager and principal of 1121 South River Street LLC and his son Tom said that they had met with Mr. Stewart about the project and he thinks it is self-explanatory. Mr. Tom Dacy said that they have a demolition permit. Mr. Murphy asked Mr. Stewart if he had anything to add and he replied not more than what he said in his comments. Mr. Sullivan said there was some question about this being a two (2) family and an Accessory Apartment; Mr. Murphy asked if he had read the decision; Mr. Sullivan said he wasn't sure what the question was. Mr. Murphy asked if the Board, public or people online had any questions and there were none. The Board agreed that the Petitioner met 1-10 of §305-10.12. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. He made a motion to grant the Special Permit subject to conditions of a building permit, a final As-Built and a Certificate of Occupancy; the motion was seconded by Mr. Sullivan and the Board voted 5-0 to grant the Special Permit with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

**#23-71: Brad Nisbet:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raise the existing 24.5' x 38' dwelling approximately four feet (4') to elevate it on a new poured foundation in the same location on the property located at **116 Beach Street** which is further identified on the Assessors' Maps as being on parcel M05-05-61 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-71** into the record. Brad Nisbet of 116 Beach Street said that he and his wife own the house and they want to elevate it; they will be removing the cinderblock foundation and putting in a new foundation. Mr. Stewart said that they have gone through the Floodplain permitting and will be meeting with the Conservation Commission tomorrow. Mr. Stewart noted that Conservation will collect the As-Built. Mr. Murphy asked if the Board, public or people online had any questions and there were none. The Board agreed that the Petitioner met 1-10 of §305-10.12. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. He made a motion to grant the Special Permit subject to conditions of a building permit, compliance with the Floodplain Bylaw and a Certificate of Occupancy and noted that the As-Built will be submitted to Conservation. The motion was seconded by Mr. Sullivan and the Board voted 5-0 to grant the Special Permit with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

**#23-72: Thomas Fitzgerald:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct an 18'9" x 17'9" addition by enclosing the existing deck on the property located at **65 Nevada Street** which is further identified on the Assessors' Maps as being on parcel K10-10-05 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-72** into the record. Bryan Marcella of 184 Foster Avenue said that

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the project was self-explanatory; there is an existing deck and the Petitioner is proposing to put a roof over it. Mr. Stewart said that he had taken a look at it and that Mr. Rockwood drew the plans; he had no additional comments. Mr. Murphy asked if the Board, public or people online had any questions and there were none. The Board agreed that the Petitioner met 1-10 of §305-10.12. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. He made a motion to grant the Special Permit subject to conditions of a building permit, As-Built and a Certificate of Occupancy and noted that the As-Built will be submitted to Conservation. The motion was seconded by Mr. Sullivan and the Board voted 5-0 to grant the Special Permit with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

**#23-73: Kenneth and Laura Lawson:** The Petitioners are seeking to modify the width of their previously approved dock (#22-06) from 2.0' to 2.83' in accordance with §305-10.11 and §305-10.12 of the Marshfield Municipal Code on the property located at **62 Marginal Street** which is further identified on the Assessors' Maps as being on parcel M06-04-07 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-73** into the record. Kenneth and Laura Lawson were in attendance. Ms. Lawson said that they want the Special Permit to change the original width of the dock as it is impossible to walk on because it's too narrow. Mr. Lawson said that they have gone back to the Conservation Commission and Waterways. Mr. Sullivan asked if they were sure that it was wide enough. Mr. Lawson said that it works out that they don't have to change anything at 34 inches. He said it was their error in the beginning; he thought 24 inches would be good. Mr. Keane asked if they had to change anything else; Mr. Lawson said if they went bigger they would have to do another row. Mr. Stewart said they have done their due diligence. Mr. Murphy asked if the Board, public or people online had any questions and there were none. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. He made a motion to grant the Special Permit and Mr. Galvin said that he should say that they agree with the findings of §305-10.11 and incorporate the findings from the previous decision that was granted at the January 25, 2022 meeting. The motion was seconded by Mr. Sullivan and the Board voted 5-0 to grant the Special Permit with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

**#23-66: Health Circle, Inc.:** The Petitioner is seeking a Special Permit in accordance with §305-10.10 and §305-12.06 and Site Plan Approval in accordance with §305-12.02 of the Marshfield Municipal Code to develop and operate a Recreational Marijuana retail establishment 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.

Mr. Murphy said that **Case #23-66** was read into the record at the August 8, 2023 meeting and continued until tonight. Michael Westort and Paul Jacobson representing Health Circle were in



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attendance and Attorney Valerio Romano was on Zoom. Mr. Sullivan said that he was not able to attend the Site Visit (August 29, 2023) and Mr. Keane said that it was very informative. Mr. Westort said that he could go there anytime. Mr. Jacobson said that this was a new filing because the existing permit had expired. He said that, for the most part, this was the same filing except for the front door. There had been some discussion before; they previously had it on the side and now it will be the actual front door. He said that there will be a wooden guardrail put in between 100 Enterprise and 120 Enterprise for separation. They will also be installing cameras. Mr. Westort said they submitted an update with the differences between the old application and the new one. Mr. Jacobson said that this filing has the dumpster outside of the building where the previous one had it inside. He said that traffic was an issue a few years ago and they have updated the traffic study with the new filing; Mr. Westort said the trip counts have come down.

Mr. Jacobson said that Mr. Westort wants to stay consistent with the other establishment and would like to open at 8:00 AM. Mr. Sullivan asked if they had customers at 8:00 AM; Mr. Westort said they open at 9:00 AM in Rockland and they have people waiting. Mr. Westort said it will be a function of whether it makes sense or not. Mr. Keane advised the public that the plan they have presented has already been approved except for some minor changes. He said it changes the low as they are adapting to what their needs are; everything they have there has already been approved and said there has been a lot of lost time. Mr. Westort said it has been almost two (2) years. He asked Mr. Galvin if they should write the decision and then review it. Mr. Galvin said they already have the decision and they should update the hours, the change in the entrance and location of the dumpster. Mr. Murphy asked Mr. Galvin if they could do it tonight and he replied that they could. Mr. Murphy asked if the Board, public or people online had any questions. Mr. Keane said that one reason that he is comfortable with this is that they spent a lot of time on it before and that the changes are cosmetic. Mr. Sullivan said this is the fourteenth (14<sup>th</sup>) meeting and there is nothing more to say. Mr. Keane noted that the hysteria of these stores has diminished. Ms. Porreca advised that she saved a Word document of South Shore Buds' latest decision to the Health Circle file for reference. Mr. Murphy asked Mr. Galvin if they could do the same thing. Mr. Galvin said they can incorporate the findings from the previous decision and change the hours, entrance, etc. Mr. Galvin said their original permit expired and it won't be appealed. He said they should move to grant the Special Permit subject to conditions and incorporate the changes from the summary. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. He recused himself from voting and made a motion to grant the Special Permit subject to conditions; the motion was seconded by Mr. Sullivan and the Board voted 4-0 to grant the Special Permit with Keane, Hensley, Sullivan and Lee voting in favor. Mr. Murphy made a motion to grant Site Plan approval which was seconded by Mr. Sullivan; the Board voted 4-0 to grant Site Plan approval with Keane, Hensley, Sullivan and Lee voting in favor.

Mr. Murphy asked if there was anything else and Ms. Porreca said the minutes from June 27, 2023, July 11, 2023 and August 8, 2023 needed to be approved. Mr. Murphy made a motion to approve this minutes which was seconded by Mr. Sullivan; the Board voted 5-0 to approve the minutes with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.

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Mr. Murphy made a motion to adjourn. The motion was seconded by Mr. Sullivan and the Board voted 5-0 with Murphy, Keane, Hensley, Sullivan and Lee voting in favor.


Meeting adjourned at 7:39 PM.

Respectfully submitted,



Nanci M. Porreca  
Zoning Administrator

These minutes were approved by the Board on September 26, 2023 by a  
5-0 vote.

Signed:  Date: 9-26-23