

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL JUNE 13, 2023 6:30 P.M.
MEETING MINUTES**

Members Present:

*Brian Murphy, Chair
Heidi Conway
Stephen Feeney
Larry Keane
Brian Sullivan*

Also Present:

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

Absent: Grover Hensley, Jr. and Mark Corwin

Due to technical difficulties with Zoom, Mr. Murphy called the meeting to order at 6:49 P.M. and advised that this would not be a hybrid meeting as Zoom would not be an option for participation due to the technical difficulties. He also advised that roll call attendance was not necessary as there were five (5) members were all physically present at the meeting.

#23-41: Cheryle and John Gallagher: The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 19.5' x 11.5' single story addition in the front and a 22' x 23' second story addition in the rear on the property located at **30 Hillside Street** which is further identified on the Assessors' Maps as being on parcel K12-03-05 and is located in R-3 zoning district.

Mr. Murphy read **Case #23-41** into the record. Bill Forniciari of BF Architects was with John Gallagher. Mr. Forniciari explained that the Petitioners needed more room to host their extended family. Mr. Stewart said there wasn't much to mention; it is a nonconforming lot with expansion in the front. He said that it would conform to the setbacks. He said his only question was whether the bottom floor would be considered a basement and not a story. Mr. Murphy asked the Board or Public if they had any questions and there were none. Mr. Galvin said he had no other comments other than what was in his memo. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. The Board agreed that the Petitioners met 1-10 of the Special Permit requirements. Mr. Murphy made a motion to grant the Special Permit with the conditions of a building permit, a Final As-Built and a Certificate of Occupancy. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor.

#23-42: Tara Trayers: The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 10' x 28'6" addition and an 8.5' x 15' deck on the property located at **113 Arnold Road** which is further identified on the Assessors' Maps as being on parcel M07-15-06 and is located in R-3 zoning district.

Mr. Murphy read **Case #23-42** into the record. Bill Forniciari of BF Architects was with Tara Trayers. Mr. Forniciari explained that the Petitioner is facing future mobility issues and this will help make the bathroom more accessible and the bedroom a little bigger. Ms. Trayers needs

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more room so that she can age in place. Mr. Murphy asked the Board or Public if they had any questions and there were none. Mr. Stewart said that this was a nonconforming lot and the addition will not make it anymore nonconforming. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. The Board agreed that the Petitioner met 1-10 of the Special Permit requirements. Mr. Murphy made a motion to grant the Special Permit with the conditions of a building permit, a Final As-Built and a Certificate of Occupancy. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor.

#23-43: Daniel and Gina Wood: 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 52' x 51' single family dwelling on the property located at **14 Alabama Street** which is further identified on the Assessors' Maps as being on parcel M04-05-08 and is located in R-3 zoning district.

Mr. Murphy read **Case #23-43** into the record. Daniel and Gina Wood said that the existing structure is not habitable. They are proposing to take it down and rebuild it within the setbacks. Mr. Murphy said that this seems straight forward and Mr. Sullivan asked for the survey plan. Mr. Wood said that one was done by Grady Consulting. Mr. Galvin said there is one but it only has exiting conditions and not the proposed conditions. He said the building envelope on the existing plan identifies the setbacks and that usually a proposed plan is submitted. Mr. Wood said that he has it hand drawn on the Grady plan and he was going to send it. Mr. Sullivan said that normally something is submitted by the surveyor prior to the hearing. He said without scaling the Grady plans, he isn't sure if it would be within the existing structure. Mr. Wood said it wasn't in the existing but it is within the setbacks. Mr. Keane said he would need that for the building permit. Mr. Wood said that he drew it to scale and Mr. Sullivan asked if he were a surveyor; Mr. Wood replied that he was not. Ms. Conway asked if Grady had a plan that they could email to Ms. Porreca. Ms. Wood said that they didn't have time. Mr. Murphy asked if they could go forward and Mr. Galvin said the Board could condition it. Mr. Stewart said that he can't issue a building permit without it. Mr. Murphy asked the Board if they were okay with conditioning it and they were.

Ms. Wood asked if they could tear it down and Mr. Galvin advised not to tear it down until they have a plan; if they tore it down without a plan there would be a major problem. Ms. Wood said they have demolition and building permit applications. Mr. Galvin stated again that they should not take it down without a plan. Mr. Murphy asked the Board or Public if they had any questions and there were none. He made a motion to close the hearing which was seconded and all were in favor. The Board agreed that the Petitioners met 1-10 of the Special Permit requirements. Mr. Murphy made a motion to grant the Special Permit with the conditions of a demolition permit, a building permit, a Final As-Built, a Certificate of Occupancy as well as a surveyed plan showing that the dwelling will comply with all setbacks. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor.

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#23-44: Train4Life: The Petitioner is seeking a Special Permit in accordance with §305-10.10 of the Marshfield Municipal Code to operate a gym under §305-5.04, Table of Use Regulations, Community Facilities #17, and a refreshment area for members under Accessory Uses #11 on the property located at **41 Rockwood Road** which is further identified on the Assessors' Maps as being on parcel D09-01-22A and is located in the I-1 zoning district.

Mr. Murphy read **Case #23-44** into the record but the applicant was not there to present. Ms. Porreca said she wasn't sure about expecting anyone; she only had the submitted applications, checks and had to call for a check for the abutter list. Mr. Stewart explained that this came about as a result of a DBA request for a refreshment area. As part of the Zoning review, he needs to look at these things and he doesn't know how this originally got approved. He said this is part of his ongoing effort to bring things into compliance. Mr. Sullivan asked Mr. Stewart if he explained to them that the Board will be meeting with them and they should be here. Mr. Stewart said that he hasn't spoken to them, only to the person asking for the refreshment area. Mr. Sullivan said it would be a good idea to send them a letter requesting their presence at the next meeting. Mr. Galvin said that he did not think the refreshment area was an accessory use, that it was part of the primary use. Mr. Murphy asked when the next meeting was; Ms. Porreca said June 27th and Ms. Conway stated there were 10 cases on that Agenda. He asked when the meeting after that was and Ms. Porreca stated July 11th. Mr. Murphy made a motion to continue the hearing until July 11, 2023; the motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor of continuing.

#23-39: Kevin C. McDonough: In accordance with §305-10.09 of the Marshfield Municipal Code, the Petitioner is seeking an Appeal of the Building Commissioner's determination that this lot does not meet the minimum lot depth requirements needed to construct a single family residence and, if necessary, a Variance under §305-10.11 for relief from §305-6.10 Table of Dimensional and Density Regulations, Minimum Lot Depth, on the property located at **53 Juniper Road** which is further identified on the Assessors' Maps as being on parcel I15-03-13 and is located in an R-3 zoning district.

Mr. Murphy stated that this case was read into the record at the May 23, 2023 meeting; it was closed and the record was held open for the written record. Mr. Keane said that the previous Building Commissioner gave permission for him to move forward with the project and he can't get past that. Mr. Sullivan said he respects Mr. Stewart's call on this but the way he reads it, it's a buildable lot and doesn't need a Variance. Mr. Feeney said that he agreed with Mr. Keane and Mr. Sullivan. Ms. Conway said she understands where Mr. Stewart is coming from and she agrees with Mr. Folkard's determination. Mr. Murphy said that he feels the same way. There was plenty of time to review the information. Mr. Murphy made a motion to close Case #23-39 which was seconded by Ms. Conway; all were in favor. Mr. Murphy made a motion to grant the Appeal of the Petitioner. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor. Mr. Murphy made a motion to approve the withdrawal of the Variance request without prejudice. The motion was seconded

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by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor.

Mr. Murphy asked if there was anything else on the Agenda and Ms. Porreca said the approval of the May 23, 2023 minutes. Mr. Sullivan made a motion to approve the minutes. The motion was seconded by Ms. Conway and the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Sullivan voting in favor.

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

Meeting adjourned at 7:20 PM.

Respectfully submitted,



Nanci M. Porreca
Zoning Administrator

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

Signed:  Date: 7/11/23