

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,  
MARSHFIELD TOWN HALL AUGUST 8, 2023 6:30 P.M.  
MEETING MINUTES**

*Members Present:*

*Brian Murphy, Chair  
Heidi Conway  
Larry Keane  
Grover Hensley, Jr.*

*Also Present:*

*Andrew Stewart, Building Commissioner  
Atty. Anthony Riley for Town Counsel*

*Absent: Stephen Feeney, Brian Sullivan*

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 advised that since all members were present there was no need for roll call attendance.

**#23-62: Jill Dailey:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the existing structure and construct a new 36' x 44' two and a half (2½) story dwelling with a n 8' deep wraparound porch on three (3) sides on the property located at **15 Reed Street** which is further identified on the Assessors' Maps as being on parcel N07-07-06 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-62** into the record. Paul Mirabito from Ross Engineering represented the Petitioner. He said they are proposing to raze the existing dwelling and construct a new one; the site plan shows the existing and proposed. Mr. Mirabito said that the setback will be 15.1' in the front, the right will be 32.2', they will maintain the existing left setback of 11.4' and the rear will be 42.8'; the right side has an existing driveway. He said that the proposed work will not be a detriment to the neighborhood; he filled out Form 2C and can go through that; this is pretty straight forward. Mr. Murphy asked Mr. Stewart about his notes and the open space; he said he thinks something got swapped around with the open space. Mr. Stewart said that the two (2) numbers were swapped; the plan shows the existing open space is 42.2% and the proposed is 51%. He said the building area is getting bigger so the open space should get smaller. Mr. Mirabito said they are increasing the width of the house by eight feet (8'). Mr. Murphy said Mr. Stewart's question was "were the numbers swapped or are they correct"; Mr. Mirabito said they were correct. Mr. Stewart asked how the open space increased when the building area increased. Mr. Mirabito said the open space is a percentage of the entire lot and the proposed building isn't much larger than the existing. The existing building has a porch wrapped around it and it will be enclosed; there is a proposed covered porch on three (3) sides. Mr. Murphy and Mr. Stewart asked how the open space could increase when they have increased the footprint; they are wondering if the numbers are reversed. Mr. Mirabito said again that the numbers were correct and he understands the question. He said that when they did the calculations they came up with an increase in the open space of about 9%. Mr. Stewart said that open space should decrease when increasing the building area; the new porches are covering more open space. Mr. Murphy said that he thinks the numbers are reversed and Mr. Mirabito agreed. 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 Certificate of Occupancy. Ms. Porreca asked if there should be a demolition

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condition and Mr. Murphy said to add it. Ms. Conway seconded the motion and the Board voted 4-0 to grant the Special Permit with Murphy, Conway, Keane and Hensley voting in favor.

Mr. Murphy asked the audience if anyone was here for **Health Circle, Case #23-66**. Mr. Stewart said that he had spoken to them earlier and Mr. Westort was on line. Mr. Murphy said he didn't want anyone waiting in the audience because the case would be continued.

**#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 read **Case #23-63** into the record. Mr. Ferrer said that his shed is falling apart and needs to be replaced. It is five feet (5') from the neighbor in the back and 10'-15' off the street. He wants to extend the shed four feet (4') to make it sixteen feet (16'). He asked about using sonotubes and Mr. Murphy said he could work that out with Mr. Stewart. Mr. Stewart said the plan submitted does not show what is happening with the shed because it isn't detailed; Mr. Galvin agreed. Mr. Murphy asked if he should get a plan by a surveyor done and Mr. Ferrer said he did that. Mr. Murphy explained that Mr. Stewart needs to see a plan that shows the shed. Ms. Conway asked if the shed was going in the same place; Mr. Ferrer said yes but it will be bigger. Mr. Stewart said he doesn't know what Mr. Ferrer means when he says it is going over four feet (4'); he doesn't know which way. He said that usually it's drawn on the plan and then it's up to the Board. Mr. Ferrer said it will be five feet (5') from the rear line. Mr. Stewart asked if this was a Variance request and Ms. Conway said it is for a Special Permit. Mr. Hensley asked if it would be a Special Permit if he builds away from the property line. Mr. Murphy said he can only go four feet (4') to the left and four feet (4') forward from Meadowview. Mr. Stewart said that generally we allow them to maintain the existing line; he will need a Variance if he wants to get closer to the rear line. Mr. Murphy said he will need plans. Ms. Conway asked if they should continue this and Mr. Murphy asked Ms. Porreca when the next meeting was; she replied that it was September 12<sup>th</sup>. Mr. Keane explained to Mr. Ferrer that he needs to have a plan showing the proposed location. Mr. Hensley said they should continue this and Mr. Ferrer should have a meeting with Mr. Stewart to scale it. Mr. Stewart said he was willing to go over it with Mr. Ferrer to see if it could be done without a Special Permit or a Variance. Mr. Ferrer asked about the tubes and Mr. Murphy said he should go over it with Mr. Stewart. Mr. Murphy made a motion to continue the hearing until the September 12, 2023 meeting at 6:30 PM. The motion was seconded and the Board voted 4-0 with Murphy, Conway, Keane and Hensley in favor.

**#23-64: Solange DeFaria:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to enclose the existing porch to create a 20'4" x 19'5" family room on the property located at **464 School Street** which is further identified on the Assessors' Maps as being on parcel C10-04-02 and is located in an R-1 zoning district.



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Mr. Murphy read **Case #23-64** into the record. Solange DeFaria was in attendance with Maria who came to translate. Maria said that the wood was rotted, there were termites and the porch was falling apart. They wanted to replace the existing porch and enclose it and they didn't know they needed a permit because it was existing. They initially did not want a family room but they were told they needed the permit because it was a family room, not an enclosed porch. Mr. Murphy asked Mr. Stewart if they needed a Special Permit and would they need other permits and an As-Built. Mr. Stewart said it was pretty straight forward; he met with their representative to go over it with them. This would be the first step if they had applied for a permit. Mr. Stewart said they discovered that work had been done and completed. He said he can issue a building permit after this is approved and said that hopefully no walls will come down. Ms. Conway asked if these were the plans that were submitted when they applied for a building permit; Mr. Stewart said they never got any plans at the onset of this. He sent a Notice of Violation and they received the plot plan in May. He said a permit was approved in October 2022 and they tried to communicate over several months to let them know it will expire and they found the work had been done. Mr. Stewart said that the ZBA considers this a "no-brainer". Maria said the DeFarias had a licensed contractor who never got the permits; Mr. Murphy said that was what Mr. Stewart had explained. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. Ms. Conway asked if there was a shed. Mr. Stewart said no, that Mr. Galvin left comments from the previous case on his notes. 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 building and electrical permits, As-Built and Certificate of Occupancy. Ms. Conway seconded the motion and the Board voted 4-0 to grant the Special Permit with Murphy, Conway, Keane and Hensley voting in favor.

**#23-65: John Connors:** The Petitioner is seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-7.04, Signs Permitted in any "B" District, to install channel letters on each end of the building, one (1) set measuring 46.25" x 101.25" (32.5 s.f.) and one (1) set measuring 31.8" x 144.5" (31.9 s.f.) on the property located at **497 Plain Street** which is further identified on the Assessors' Maps as being on parcel E10-01-18C located in a B-2 zoning district.

Mr. Murphy read **Case #23-65** into the record. John Connors was in attendance for the owner, VIP Tires and Service. Mr. Connors said they put in a free standing sign but VIP, with their typical branding, wants signs at each end for faster recognition. The signs won't hurt the imagery, there is still a lot of greenery on the road. He had trouble recognizing the sign on the right as he approached; the speed limit is 45 MPH and they have three (3) seconds to recognize it. Ms. Conway asked if this was the old Marshfield ire and Mr. Connors said yes. Mr. Murphy asked if there were any questions from the audience, Mr. Stewart or Mr. Riley and there were none. Mr. Keane said that he want by there. He said there was good visibility leaving town but the trees block it going towards town. He said they could put one (1) sign on the building if they followed the Bylaw. Mr. Connors said they would like two (2) to go with their customary branding. This limits them by putting it on the front. Mr. Keane said the Board recently went through this with McDonalds and their branding. Mr. Connors said if they can have one they would want it on the right side but they would like both. Mr. Murphy advised that there were



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only four (4) voting member and asked if he was okay with that; Mr. Connors said that he was. Mr. Murphy made a motion to close the hearing which was seconded and all were in favor. Mr. Keane said that signs on both ends are a little much. He said the existing Bylaw would give Mr. Connors what he wanted. Mr. Murphy made a motion to deny the Petitioner's request for a Variance to install channel letters on each end of the existing building, one (1) set measuring 46.25" x 101.25" (32.5 s.f.) and one (1) set measuring 31.8" x 144.5" (31.9 s.f.) because the filing does not meet the criteria set forth in Sections §305-10.11 of the Zoning Bylaw. The motion was seconded by Ms. Conway and the Board voted 4-0 with Murphy, Conway, Keane and Hensley voting to deny the Variance. Mr. Murphy advised Mr. Connors to apply for what the Bylaw allows and work with Mr. Stewart.

**#23-53A: J. Stephen Bjorklund:** The Petitioner is seeking a Special Permit in accordance with §305-9.02.C and §305-10.12 of the Marshfield Municipal Code to raze the existing structure and construct a new 50' x 70' single family dwelling in the rear of the property located at **1211 Forest Street** which is further identified on the Assessors' Maps as being on parcel D16-02-34 and is located in R-1 zoning district.

Mr. Murphy read **Case #23-53A** into the record. J. Stephen Bjorklund of 861 Main Street Norwell said that he had been here before and mistakenly filed for a Variance; he is coming back now to request a Special Permit. He said that the setbacks exceed the requirements. Mr. Murphy asked Mr. Bjorklund if he would be okay with only four (4) voting members and Mr. Bjorklund said yes. Mr. Murphy asked if they would be keeping the existing garage; Mr. Bjorklund said yes because it's in great shape. Frank DiCristofaro of 1248 Forest Street said that Mr. Bjorklund went up and down Forest Street and was up front about what he wants to do; he said this is the only eyesore on the street so he is in favor of the project. 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 demolition permit, a building permit, As-Built and Certificate of Occupancy and must conform to the performance and design standards for the WRPD in §305-13.03, F. of the Marshfield Zoning Bylaw. Mr. Hensley seconded the motion and the Board voted 4-0 to grant the Special Permit with Murphy, Conway, Keane and Hensley 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 read **Case #23-66** into the record. He made a motion to continue to the September 12<sup>th</sup> meeting at 6:30 PM. The motion was seconded by Ms. Conway and the Board voted 4-0 to continue the hearing with Murphy, Conway, Keane and Hensley in favor.



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**#23-67: Michael Sullivan:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 24' x 24' attached two (2) car garage with living space above and a 7' x 24' breezeway attached to the existing dwelling on the property located at **117 Meadowview Street** which is further identified on the Assessors' Maps as being on parcel K11-01-52 and is located in an R-3 zoning district.

Mr. Murphy read **Case #23-67** into the record. Michael Sullivan said that he is requesting a 24' x 24' attached garage with a breezeway, living space and a basement. He said they would be using pre-case planks for the floor. Mr. Murphy asked the Board, Mr. Stewart and the public if they had any questions. Mr. Stewart said Mr. Sullivan came in and met with him to go over the New England Energy Code and Stretch Code. Dorman Clark of 75 Field Street wanted to make the Board aware that there is an easement going through his property. Mr. Murphy asked Mr. Clark if the Petitioner would be going through the easement. Mr. Clark said he wants to make everyone aware that the easement is for sewer and gas; he doesn't think that anybody in town was aware of the easement. He said there is a missing vent pipe that needs to be replaced. Mr. Sullivan said the pipe is there. He said that a neighbor a few doors down said that everyone is hooked up to another line so this is a dead line. Mr. Murphy asked Mr. Riley if this would be okay if they are not building in the easement. Mr. Riley said it was hard to say because he can't see it but if it's not interfering...Mr. Stewart said a way to resolve it would be to have the easement put on the plan. Frank DiCristofaro of 43 Pilgrim Terrace said he has no problem with this. Mr. Keane asked if the easement was being used now; Mr. Clark said yes, to his property; Mr. Sullivan said no. Ms. Conway asked if we had a record of the easement. Mr. Stewart said that there are some easements in GIS and that we would have to check the Registry of Deeds. 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, Certificate of Occupancy and to have a Professional Land Surveyor locate the easement. Ms. Conway seconded the motion and the Board voted 4-0 to grant the Special Permit with Murphy, Conway, Keane and Hensley voting in favor. Mr. Sullivan asked if the Town water and sewer department would have that; Mr. Murphy said a surveyor can do it.

**#23-45: Brian O'Callaghan:** The Petitioner is seeking a Variance in accordance with §305-10.11 of the Marshfield Municipal Code for relief from §305-6.02, Table of Dimensional and Density Regulations, to construct a 10' x 12' shed on the property located at **29 Malden Avenue** which is further identified on the Assessors' Maps as being on parcel J11-01-36 and is located in an R-2 zoning district.

Mr. Murphy said that the Petitioner for **Case #23-45** has requested to withdraw this without prejudice. He made a motion to accept the request which was seconded by Mr. Hensley; the Board voted 4-0 with Murphy, Conway, Hensley and Sullivan voting in favor.

**#23-59: Eric Grubbs, Jr.:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 12' x 12'10" lateral addition on the property located at **1081 Ocean Street** which is further identified on the Assessors' Maps as being on parcel K10-17-09 and is located in R-3 zoning district.

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Mr. Murphy read **Case #23-59** into the record again. Eric Grubbs explained that he wanted a lateral addition in the back of the dwelling because they have a baby on the way; Mr. Keane offered congratulations. Mr. Murphy asked Mr. Stewart if he had any comments. Mr. Stewart said he has been working with Mr. Grubbs for a long time to get this worked out. They are increasing the nonconformity to 8.8 feet but they won't have the jog. Mr. Stewart said the Petitioner has already been through Conservation and has a Floodplain Permit. Mr. Murphy asked if there were any questions or comments from the Board or the public 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 subject to conditions of a building permit, an As-Built, and a Certificate of Occupancy. Mr. Hensley seconded the motion and the Board voted 4-0 to grant the Special Permit with Murphy, Conway, Keane and Hensley voting in favor.

**#22-43A: Jaime Robinson, 15 Hutchinson Road:** Petitioner requests a one (1) year extension until August 23, 2024 for her Special Permit and Variance granted at the August 9<sup>th</sup>, 2022 ZBA meeting due to contractor issues and a reduction in the size of the project.

Mr. Murphy said that Jaime Robinson of 15 Hutchinson Road is requesting a Variance extension. He asked Mr. Riley if they could extend it a year even though the Bylaw says six (6) months. Mr. Riley advised to grant the six (6) months and the Petitioner can come back. Mr. Murphy made a motion to extend the Variance to February 23, 2024 which was seconded by Ms. Conway. The Board voted 4-0 to grant the extension with Murphy, Conway, Keane and Hensley voting in favor. Mr. Stewart said that the Petitioner is in a Flood Zone and has not met with him yet.

Mr. Murphy asked if there was anything else and Ms. Porreca said they had taken care of everything.

Mr. Murphy made a motion to adjourn. The motion was seconded by Mr. Sullivan and the Board voted 4-0 with Murphy, Keane, Hensley and Sullivan 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 12, 2023 by a

5-0 vote.

Signed: \_\_\_\_\_

Date: 9/12/23