



TOWN OF MARION
ZONING BOARD OF APPEALS
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MINUTES OF MEETING

September 22, 2016

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, September 22, 2016 in the main conference room of the Marion Town House to hear case number:

- Case #727, Sharon J. Giblin, Greg H. Ludes and John T. Ludes, Jr., Trustees of Eleven Hiller Street Nominee Trust, 11 Hiller Street, Map 14, Lot 82C, for a special permit under section 7.15 of the zoning by-law to allow conversion of the building to two dwelling units.
- Case #725, Kate Hill, 460 Front Street, Map 23, Lot 41, for a Special Permit under section 7.4.1 of the zoning by-law to allow a revision of the current special permit to now allow a three bedroom bed and breakfast.

Zoning Board members present were Marc Leblanc – Chairman, Betsy Dunn, Domingo Alves and Kate Mahoney

Also present: Kate & Ryan Hill, 460 Front Street; Richard Schaefer, 175 Converse Road; Jean Perry, The Wanderer

Upon arrival the Board was presented with the following information for the evenings Business:

- Agenda
- Additional Materials for Case # 727, which include:
 - Legal Notice
 - Memo from the Board of Health dated September 6, 2016
 - Memo from Titus, Ryan, Schaefer & Kunz, P.C. dated September 21, 2016
 - Application
 - Assessors' Field Card
- Additional Materials for Case # 725, which include:
 - Legal Notice
 - Memo from the Board of Health dated September 6, 2016
 - Memo from Titus, Ryan, Schaefer & Kunz, P.C. dated September 20, 2016
 - Email from Scott Shippey, Building Commissioner dated September 21, 2016
 - Letter from Kate Hill received August 24, 2016
 - Application
 - Assessors' Field Card

At 7:30pm, Mr. Leblanc read aloud the legal notice for Case #727, Trustees of Eleven Hiller Street Nominee Trust. He also read aloud a memo from the Board of Health and they did not have any objections to this application.

Attorney Richard Schaefer was present to represent the home owners. He described the current use of the building which has commercial space on downstairs and upstairs is a residential unit. The special permit application is to convert this property into two residential units. Mr. Schaefer referenced the memo that was submitted along with the application. He read aloud a portion of it. The memo noted that section 7.5 of the bylaws allow changes to designated by section 4.2. Section 4.2A allows a building in a limited business to have two dwelling units. Mr. Schaefer reviewed the criteria associated with the bylaw. He noted that there is a space under the building for cars to be parked. Each unit will have separate utilities. Mr. Schaefer further reviewed the points in section 7.5. He felt that this property meets all of the criteria as stated in the bylaws.

There was a brief discussion regarding the current and future floorplan of the building. Mr. Leblanc asked how many bedrooms would be in the units. That information was not included in the application. According to the Assessors Field Card the upstairs residential unit has two bedrooms and three bathrooms. The property is within the flood zone.

There were no further questions from the Board or the audience. Mrs. Dunn motioned to take Case #727 under advisement; Mr. Alves seconded; voted unanimously.

Mr. Leblanc read aloud the legal notice for case #725, Kate Hill, 460 Front Street. He also read aloud a memo from the Board of Health that said that the only objection they had was that the pool was being used for business purposes and that was not allowed. Mr. Leblanc also noted that in the file was a memo from Attorney Richard Schaefer and a memo from Kate Hill. Mr. Leblanc read aloud an email exchange between Mr. Schaefer and Scott Shippey, Building Commissioner/Zoning Enforcement Officer regarding the use of the bedrooms. There are four bedrooms but one will be closed down at any given time so that three bedrooms will be used. The email also states that Hills will provide monthly written reports as to which bedrooms will be used. Mr. Shippey said in his email response that he would agree to such reports provided that the Zoning Board of Appeals approves the special permit.

Mr. Schaefer addressed the Board of Health comment regarding the pool usage. He said that the pool has not been used this year (not since last September) and it scheduled to be filled in. Mr. Shippey is aware of this.

Mr. Schaefer said that he said submitted a memo ahead of time so that members could read it and everyone would be on the same page for the hearing. He said that the points made in his memo were in reference to the special permit request to increase the current two bedroom bed and breakfast to a three bedroom bed and breakfast. He also mentioned the email to Mr. Shippey and reiterated that according to his email Mr. Shippey would agree to the monthly reports.

Mr. Schaefer described the different bedroom. The loft bedroom is to be shut down for eight months of the year due to the fact that it does not have heat. While that is closed the Sewing Room would be open. If the special permit is granted, the Hills will have three bedrooms available for rent.

Mr. Schaefer reviewed his memo to the Board. He said that sections 7.2 and 7.4.1 of the zoning bylaws are applicable. He described the criteria including social economic needs and traffic flow. Mr. Schaefer said that this application meets all of the criteria listed in the bylaws. He said

that 7.4.1 allows three bedroom bed and breakfast establishments.

Mrs. Dunn reviewed the Assessors Field Card and asked that the number of bedrooms be clarified. There was a brief discussion regarding the number of bedrooms. Mr. Schaefer explained that there are four bedrooms at the property and they are asking that three bedrooms be available for rent as the bed and breakfast units. He also said that Mr. Shippey will be apprised of the rentals and which bedrooms are available for rent.

There was a brief discussion regarding renting the entire house. Mrs. Hill said that if they were to rent the entire house they would still only rent the three bedrooms that they are permitted for. It was unclear if a special permit for a bed and breakfast is separate from renting an entire house. The question of occupancy was also discussed and it did not appear to be mentioned in the bylaws.

There were no further questions from the audience or the Board. Mr. Alves motioned to continue this hearing to the next meeting at Thursday, October 13, 2016 at 8:10pm; Mrs. Dunn seconded; all members voted in favor to continue.

Mrs. Dunn moved that the minutes from August 25, 2016 be approved; Ms. Mahoney seconded; all members voted in favor.

Ken Steen of Bay Watch Realty Trust was present to discuss a Proposed Letter of Credit for the next phase of the project at Fieldstone Lane at the Marion Village Estates/Sippican Woods. He described the process of the Letter of Credit and how it was necessary to get the project started. He requested that the Board approve that Mr. Steen submit a Proposed Letter of Credit. Once the draft is completed it will be given to the Board for final approval. Mr. Alves motioned that the Board approve that the Proposed Letter of Credit be prepared and submitted for approval; Mrs. Dunn seconded; all members voted in favor.

Discussion returned to Case #727, Trustees of Eleven Hiller Street Nominee Trust which had been taken under advisement earlier in the evening. After a brief discussion, Mrs. Dunn motioned to grant the special permit for Case #727, under section 7.5 of the zoning bylaw to allow the conversion of the building into two dwelling units with the stipulation that they stay within the confines of the current building. Any footprint changes would require another Zoning Board Application; Ms. Mahoney seconded; all members voted in favor to grant the special permit.

With no other business before the Board the meeting was adjourned at 8:35pm.

Approved: October 13, 2016

Submitted by: Marc Leblanc, Chairman

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