



TOWN OF MARION
ZONING BOARD OF APPEALS
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MINUTES OF MEETING March 10, 2016

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, March 10, 2016 in the main conference room of the Marion Town House to hear case numbers:

- Case #715, that of 20 OIT Realty Trust, c/o Jacqueline Gaffey, 20 Old Indian Trail, for a special permit under sections 6.1.3, 6.1.5 and 7.2 to allow razing of one dwelling and the construction of a single family residence (2 bedroom), with a height of 28', keeping the existing footprint as it relates to the property line. The property is further identified on Assessors' Plan 26, Lot 27. (Continued from January 14, 2016)
- Case #718, that of Garrett Bradley, 8 Park Street, for a special permit under section 6.1.3 of the zoning by-law to allow reconstruction and extension of an existing non-conforming accessory structure, extension of an existing non-conforming structure (second floor area addition), and a special permit from section 8.6 to allow an accessory apartment. (Continued from February 11, 2016)
- Case #719, that of Peter & Elizabeth Turowski, Trustee – 313 Wareham Realty Trust, for the following: 1. A special permit under section 5.1 of the zoning by-law to allow relief from minimum lot requirements to allow a 440 GSF one story expansion to an existing 1,872 GSF two story structure, used as a professional office; 2. Relief from a previous special permit of the first owner restricting second floor to storage use, second owner restricting second floor to owner occupied apartment, seek approval to use as an professional office.

Zoning Board members present were Eric Pierce, Betsy Dunn, Domingo Alves, Michelle Ouellette, Marc Leblanc and Kate Mahoney.

Also present: Dana Nilson; William Washburn, 45 Rocky Knook; Warren Washburn, 319 Wareham Road; Scott Shippey, 2 Spring Street; Delores Sequeira, 12 Old Indian Trail; Valerie Sequeira Cardra, Wareham; Joseph E. Singleton, Jr., 5 Parlowtown Road; Joanne Singleton, 5 Parlowtown Road; Patricia & Thomas DeCosta, 9 Parlowtown Road; Libby & Peter Turowski, 313 Wareham Road; Linda Dessert, 657 Mill Street; Cindy Vistoski, 107 North Street, Mattapoisett; Garrett Bradley, 8 Park Street; Will Saltonstall, 657 Point Road; John Mathieu, 2 Marthas Way, Mattapoisett

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

- Agenda
- Materials for Case # 719, which include:
 - Legal Notice
 - Memo from Conservation Commission
 - Memo from Board of Health
 - Field Card
 - Application
 - Site Plan prepared by N. Douglas Schneider & Associates, Inc.
 - Addition and Renovation Plans by Turowski2 Architecture
 - Letter from abutter Mark Riley
 - Locus Map

- Minutes from February 11, 2016

At 7:30pm, Mr. Pierce opened the continued hearing of case #715, OIT Realty Trust, c/o Jacqueline Gaffey. Dana Nilson of Southeastern Development was present to represent Mrs. Gaffey. At the previous hearing concerns regarding the drainage issues were discussed. It was decided that Mr. Nilson would have a plan designed to improve the water situation. The plan submitted showed the current as well as proposed conditions. Mr. Nilson read a letter that GAF Engineering has prepared as part of this plan. He said the engineers calculations were also included with the plan submitted. Mr. Nilson said they understood the concern regarding runoff and felt that they did address it. A copy of this plan and packet was given to David Davignon of Schneider & Associates for review at the request of the abutting neighbors. Mr. Pierce said that the Board will get a quote for a peer review of their own. Patricia DaCosta, 9 Parlowtown Road had questions regarding the grade on the plan and if any more fill would be brought in. She also asked about the septic system that had been installed on this property. After much discussion Mrs. Dunn suggested that the neighbors contact the Board of Health to discuss the concerns regarding the septic system. Mr. Pierce agreed that the matter before the board is for the drainage issues, not the current septic system. A letter from abutter Lisa Riccardi was read into the minutes. Mrs. Dunn motioned to continue the hearing to April 14, 2016 at 7:30pm; Mr. Leblanc seconded; voted unanimously.

Mr. Pierce then revisited the continued case # 718 for Garrett Bradley at 8 Park Street. Will Saltonstall, Garrett Bradley and Jon Mathieu were present. At the last meeting the Board had requested more information on lot coverage. After that meeting and some feedback they have proposed some changes. Mr. Saltonstall presented updated plans and described the changes. They will be removing the existing basketball court. With removing the basketball court and the proposed new structure the lot coverage will be approximately 33% which is well below the maximum of 40%.

The new structure will be essentially the same but it will be attached to the house with a connector. In order to attach it they have moved the new structure as close to the existing house as possible. The existing garage setback at its closest point is 1 ½' from the rear corner. The new structure will now have a 8.3' setback at its closest point at the rear. There was also a minor adjustment to the proposed second floor addition. They have pulled it back a foot.

Mr. Saltonstall said that given the proposed changes they are no longer asking for a special permit under by-law 8.6. They are only asking for a special permit under 6.1.3 to address the setback issues. There was a discussion about the changes in setback distances as well as the square footage of the existing garage and new addition.

Mr. Saltonstall noted that in the packet that they submitted with the changes were letter from abutters including a letter from Joan Hartnett-Barry. In this letter she retracted her statements from the last meeting and is in support of this project as presented. A letter from abutter Chris Bryant is also included in this packet and expresses his support. Mr. Bradley told the Board that he took the neighbors' concerns to heart. He said they tried to keep the property in line with similar structures in town. Mr. Pierce said that the new design addresses any issues of air, light and safety.

Mr. Alves asked for clarification on the breezeway connector. Mr. Saltonstall described the design to the Board. Mr. Pierce asked about water retention. Mr. Saltonstall said they will have a collection system in place.

Mr. Pierce asked Mr. Saltonstall to confirm that the application is being amended to withdraw the request under by-law 8.6 for the accessory structure and that the only request is for a special permit under 6.1.3.

Mrs. Dunn motioned to take case # 718 under advisement; Ms. Ouellette seconded; voted unanimously.

Mr. Pierce opened case # 719, Peter & Elizabeth Turowski – 313 Wareham Realty Trust, by reading the Legal Notice. Mr. & Mrs. Turowski were present. Mrs. Dunn mentioned that this property has come before the Zoning Board twice before. Mr. Turowski described the existing conditions noting that space is tight. He also described the proposed project. They would like to do a small addition around the back and a small enclosure within the porch area. This would extend the office area on the ground floor. He also described the changes within the building such as moving a bathroom and using the upstairs as a conference room. Mr. Pierce asked if the footprint would be extending in the back of the building. Mrs. Turowski yes, by about 10'.

Mrs. Dunn asked for clarification on the requests on the application. Mr. Turowski said they are asking for the special permit for the footprint changes and the special permit to use the upstairs as a conference room. He said that they meet all setback requirements but it is the lot coverage that they are seeking relief from. He said that they meet the parking requirements. He noted that the condition of the previous special permit reverted back to the original condition. This is in reference to a special permit that allowed the use of the upstairs as an apartment. Mr. Turowski said they are seeking relief from that so they may use the upstairs as office space.

Mr. Pierce read a letter from abutter Mark Riley, owner of Top of the Hill Liquors. Mr. Riley's letter expressed concerns regarding parking at the business. He said that overflow parking from the Turowski's business has been impacting his business. Mr. Riley's letter also expressed concern over granting the request for the upstairs to be converted to office space and the impact that could have on the parking. There was a discussion regarding the parking concerns.

Mr. Pierce asked about the number of employees currently working there. Mr. Turowski said that they have 11 employees but usually have 9. There is an overlap occurring now and that is short term. He noted that generally once cars are parking in the lot they are parked for the day. There

isn't a lot of traffic in and out of the lot. Mrs. Turowski said that they usually do not have clients come to the office, that they generally visit clients on site.

Mark Riley, 311 Wareham Street, was present and addressed the Board. He reiterated his concerns that he expressed in his letter. Bill Washburn was present to represent his mother Ann Washburn of 319 Wareham Street. Mr. Washburn described the history of the building and the special permits that had been issued over the years. He said that Mrs. Washburn is against any further expansion on this property. Warren Washburn of 319 Wareham Street lives with his mother, Mrs. Washburn. He also stated that he is also very concerned about any expansion and agreed with the statements that B. Washburn made. B. Washburn asked if this addition would trigger a Planning Board site visit. Mr. Shippey said no since the addition is under 500 square feet.

Mr. Pierce asked if there were any further questions from the Board or the audience. There were none. Mrs. Dunn motioned to take case # 719 under advisement; Mr. Leblanc seconded; voted unanimously.

Minutes from February 11, 2016 – Regular Session – were approved.

Case # 717, Tabor Academy which had been taken under advisement on February 11, 2016 was discussed. Ms. Ouellette motioned to grant the variance for case # 717; Mr. Alves seconded; voted unanimously.

Case # 715, OIT Realty Trust, was discussed briefly. The Board voted to have Mr. Shippey ask for quotes for the peer review and Mr. Pierce will make the decision as to which engineer to use.

There was a brief discussion regarding the proposed addition for Case # 718, Garrett Bradley. The subject of kitchen facilities and two means of egress were discussed. No decisions were made.

With no other business before the Board the meeting was adjourned at 9:15pm

Approved: March 24, 2016

Submitted by: Eric Pierce, Chairman

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