



TOWN OF MARION
ZONING BOARD OF APPEALS
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MINUTES OF MEETING FEBRUARY 26, 2015

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, February 26, 2015 in the main conference room of the Marion Town House to hear case numbers:

- Taken Under Advisement on January 22, 2015, Case #695, that of the Marion Planning Board seeking relief from the following action by the Building Inspector: Issuance of Building Permit #B1438 dated November 24, 2014 to Dale & Laura Briggs – County Road, is further identified on Assessors' Plan 21 as Lot 17; and

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

Also present:

Luke Hinkle Brewster, MA
Jean Perry The Wanderer

Upon arrival the Board was presented with the following information for the evening's Business:

- Agenda
- Materials for case #695, which include:
 - Legal Notice
 - Application form
 - Memo from Marion Board of Health dated December 8, 2014
 - Memo from Marion Conservation Commission dated January 15, 2015
 - Marion Planning Board Clerks' Certificate of Board Action dated

December 2, 2014

- Copy of email from Bill Saltonstall dated January 9, 2015
- Copy of email from Jennifer Francis dated December 18, 2014
- Copy of letter from Planning Board regarding case fee dated December 22, 2014
- Copy of letter from Planning Board dated November 10, 2014
- Draft of Decision
- Bay Watch - copy of emails and attachment in reference to the comprehensive permit on the title of Lot B

At 7:30pm, Mr. Pierce reopened the hearing of case number 695, Marion Planning Board that was taken under advisement on January 22, 2015. Mr. Pierce noted that Jon Witten, Town Counsel, was asked to draft a decision. Mr. Pierce read aloud points made in the decision regarding the square footage of floor space; and there is no need for 10 or more parking spaces. Mr. Pierce said that at the last meeting Rob Lane of the Planning Board gave a very compelling argument and was very detailed.

Mr. Pierce said that Jon Witten noted that based on the definition of the building as he reads it, it shows 143 square feet and that there is no plan for more than 10 parking spaces. Mr. Pierce said that at the last meeting they took a straw poll and decided that the board was going to support the Building Inspector and ask Mr. Witten to put the wording together.

The motion before the board is to decide if this verbiage is to be accepted as a show of the board's support. Members read the draft of the decision. Mr. Pierce said that the Planning Board had mentioned that they were afraid the Zoning board would set a precedent if another developer came in they would go straight to a variance. He told Mr. Lane that this board does not set precedents. Each case is dealt with individually. This case was unique. Mr. Pierce said that he supports the wording as written by Mr. Witten. He made a motion to accept the decision for Case # 695 as presented by Mr. Witten. Mrs. Dunn seconded the motion; voted unanimously.

Next, Mr. Pierce noted that the board is still seeking members. There are two spots available at this time.

Also under Discussion Items on the agenda is a discussion regarding Bay Watch Lot B. Bay Watch has changed the wording on the Comprehensive Permit. Mr. Pierce believes it has to do the swapping of a property. He read aloud a portion of the change that was being requested. Mr. Pierce noted that we did try to contact Mr. Witten for comment but did not hear back as of the time of the meeting. Mrs. Dunn asked if Bay Watch had come before the board showing this change. No, this request came via email. Mr. Pierce noted that he would like to take a look at the map. Mrs. Dunn said she was not ready to vote

and asked if a representative could come in to explain the request. The board will wait to hear from Mr. Witten. This will be put on the next agenda as a Discussion Item.

The last item of business was to approve Meeting Minutes. Mrs. Dunn motioned to approve minutes from February 21, 2013, April 17, 2014 and May 15, 2014 (regular and Executive Session).

With no other business before the Board the meeting was adjourned at 7:51 p.m.



Donna M. Hemphill, Admin. Assistant

Date: 3/13/15