



TOWN OF MARION  
ZONING BOARD OF APPEALS  
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## **MINUTES OF MEETING October 8, 2015**

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, September 24, 2015 in the main conference room of the Marion Town House to hear case numbers:

- Case #712, that of Susan H. Titus, 36 South Street, for a special permit under section 6.1.5 of the zoning by-law to allow removal of a screened in porch and construction of a new four season room. The property is further identified on Assessors' Plan 16, Lot 73.
- Case # 711, taken Under Advisement on September 24, 2015, that of Dale M. Allison, 359 Delano Road, for a special permit under section 6.1.5 of the zoning by-law to allow reconstruction of an existing non-conforming single family residence. The property is further identified on Assessors' Plan 5A as Lot 103

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

Also present: Dale M. Allison, 371 Delano Road; Mary Lou Hanlon, 359 Delano Road; Jean Perry, The Wanderer; David B. Titus, 36 South Street; Susan H. Titus, 36 South Street; Rick Charon, Charon Associates, Inc.

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

- Agenda
- Materials for case #712, which include:
  - Memo from Board of Health
  - Memo from Conservation Commission
  - Legal Notice
  - Application
  - Field Card
  - Plans by Saltonstall Architects
  - Plot Plan by N. Douglas Schneider & Associates, Inc.
  - Locus Map

- Materials for case #711 – Under Advisement, which include:
  - Letter from Dale M. Allison, received on September 29, 2015
  - Letter from Richard J. Charon, received October 5, 2015
  
- Minutes from September 24, 2015 to approve

At 7:30pm, Mr. Pierce opened the hearing of case #712 with the reading of the legal advertisement. He read aloud comments from the Board of Health-no objection to the project. He also read aloud comments from the Conservation Commission which stated that the project is required to file a Request for Determination of Applicability, which they have. The Conservation hearing is scheduled for October 14, 2015.

Mr. Titus presented two letters of support from neighbors. Mr. Pierce read aloud the letter from Joe & Judy Carver, 35 South Street. He also read aloud the letter of support from Gael Evangelista-Uhl, Trustee of LME Trust, 38 South Street.

Mr. Pierce asked if the new room will be closer to the western property line. Mr. Titus said that was correct. There was a discussion regarding the location of the addition. The increased non-conformance will be 2'4". The stairs are not covered. The existing porch is on piles and the proposed room will have a shallow foundation. The current screened porch is a couple of inches lower than the kitchen floor and slants a little for drainage. The plan is to raise it up to the level of kitchen floor with the cement foundation.

Mr. Titus said that the current porch is approximately 13' long by 7' wide. The new room will be approximately 13' x 13'.

Mr. Pierce asked the Board or audience if there were any questions. There were none. Mrs. Dunn moved to take case #712 under advisement; Mr. Leblanc seconded; voted unanimously.

Mr. Pierce revisited case #711 that was taken under advisement at the meeting on September 24, 2015. The Board received dimensions (square footage, etc.) prepared and submitted by Rick Charon. Mr. Pierce read aloud a letter submitted by Dale Allison. This letter stated that Ms. Allison in consideration of her neighbor Lucky Evans, she is willing to increase the setback from 7' to 12' on the southerly property line.

Mr. Charon presented revised, signed and stamped plan dated October 8, 2015. This showed the location of the dwelling based on the new setback of 12'.

The Board reviewed the plans and felt that this de minimus change was a positive one. Based on the positive support from neighbors and the positive change on the plans submitted October 8, 2015, Mrs. Dunn motioned to grant the special permit for case #711; Ms. Ouellette seconded; voted unanimously.

In regards to the Release of the Letter of Credit for Baywatch Realty that the board voted on at the last meeting, Jon Witten suggested that the Board review plans submitted by the town engineers before releasing the Letter of Credit. The information is being looked at.

Discussion returned to case #712. The Board discussed the project. Mr. Pierce made note of concerns of firefighters being able to access the location, taking into consideration air, light and safety. This addition does not create a hazardous situation. The support of the neighbors was mentioned. Mrs. Dunn motioned to grant the special permit for case #712 based on the plans submitted and that it is not detrimental to the neighborhood or derogation to the by-laws; Mr. Leblanc seconded; voted unanimously.

Mr. Pierce provided a brief update in reference to Tabor Academy case #664. Mr. Quirk has been in touch with the town and meetings are being scheduled to discuss the situation.

Minutes from September 24, 2015 were approved.

With no other business before the Board the meeting was adjourned at 8:01pm.

Approved: January 14, 2016

Submitted by: Eric Pierce, Chairman

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