



TOWN OF MARION  
ZONING BOARD OF APPEALS  
2 SPRING STREET  
MARION, MASSACHUSETTS 02738  
Telephone (508) 748-3560; FAX (508) 748-2845  
www.marionma.gov

## **MINUTES OF MEETING**

### **May 12, 2016**

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, May 12, 2016 in the main conference room of the Marion Town House to hear case numbers:

- Case #713, that of Jenna J. Gorraiz, Trustee of 444 Front Street, for a special permit under sections 2.3.3, 4.2A & 7.2 of the zoning by-law to allow the conversion of the residence at 444 Front Street to two dwelling units, on remand from the Plymouth Superior Court "for further hearing and issuance of a subsequent decision containing findings addressing the various special permit criteria". The property is further identified on Assessors' Plan 23 as Lot 36.

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

Also present Richard Schaefer, 175 Converse Road; Jean Perry, The Wanderer; Susan Connor; 466 Front Street; Chris Shachoy, 16 South Street; Lauren Fisher, 464 Front Street

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

- Agenda
- Additional Materials for Case # 713, which include:
  - Legal Notice
  - Memo from the Board of Health dated May 3, 2016
  - Memo from the Planning Board dated March 23, 2016
  - Copy of Decision made on December 10, 2015 – Denial
  - Supplemental Memorandum in Support of the Application from Attorney Richard P. Schaefer
  - Field Card
  - Original application and supporting documents dated September 21, 2015
  - Memo from the Board of Health dated October 26, 2015
  - Memo from the Conservation Commission dated October 22, 2015
- Minutes from April 28, 2016 to be approved

At 7:30pm, Mr. Pierce read aloud the Legal Notice for Case #713. He also read aloud a memo

from the Planning Board in which their members stated they would look favorably upon any effort to have this property classified as affordable house. The Board of Health memo stated that they do not have an objection to the approval of this application.

Mr. Pierce explained that the Board has denied a special permit request under 5.3. He said the Board had misread it. The denial was appealed. Counsel for the homeowner and the town had conversations and the court remanded the case back to the Board for further review.

Chris Shachoy, the owner of the property explained that he owns two abutting properties and that this property was put into a Trust under Jenna J. Gorraiz so that the properties would not merge for zoning purposes. He explained the background of the property.

Attorney Schaefer referred to the original memorandum and plans that was submitted with the original application. He said the renovation will stay within the same footprint but they are adding approximately 500 square feet to the second floor. There will be two uncovered decks.

Attorney Schaefer had submitted additional information including details on by-law 7.2 for the members to review. He read through each part of by-law 7.2 and explained how this project complies. He mentioned the comment that the Planning Board made regarding affordable housing. He said that this rental unit allows someone to live in town without having to buy a home; therefore it is an affordable option.

Susan Connor, 466 Front Street, voiced her concerns. She said that the property had not been a two family but a single family with an in-law apartment. She felt that by making the property "affordable" housing it would decrease values of surrounding properties. Mrs. Connor also said that traffic is an issue. She voiced her concerns regarding clearing that had been done at the back of parcel. She also stated that if this permit were to be allowed that other properties should be allowed to do so if desired.

Attorney Schaefer addressed Mrs. Connors concerns. He said that the opportunity for other properties to receive a special permit for a two family house is possible if following the by-laws. Mrs. Connor said that she would not have a problem if the property were to owner occupied. There was a brief discussion regarding the current condition of the parcel. Mr. Shachoy said that he bought the property a year ago with the intent to renovate but was put on hold due to the process of approval with the Zoning Board of Appeals. He also addressed Mrs. Connor's comments regarding the clearing of the lot. He said that the clearing is on a different parcel of land and was done in conjunction with the Magnolia Cranberry Company.

Mr. Shachoy also said that he will guarantee this will be the most beautiful house on this stretch of the road. He said that the single family will be tastefully converted into two townhouse units with one entrance at the front and the other entrance at the rear. There was further discussion regarding the zoning districts and owner occupied two family homes. Mr. Shachoy said that the intent is to have family living at the property at the outset but did not want to be precluded by renting it in the future.

There were no further questions from the audience or the Board. Ms. Mahoney moved to take Case # 713 under advisement; Mr. Leblanc seconded; voted unanimously.

Minutes from April 28, 2016 were approved.

The Board the revisited Case # 713. After much conversation and discussion, the Board decided to grant the special permit based on the plans submitted on October 21, 2015. The Board determined the fact that granting this special permit would not be more detrimental to the neighborhood or to any subsections of by-law 7.2 Mr. Pierce motioned to grant the special permit for Case #713; Mr. Leblanc seconded. Voting in favor and to grant the special permit for Case #713: Mr. Pierce, Mrs. Dunn, Mr. Leblanc and Ms. Mahoney. Ms. Ouellette voted against granting the special permit. Motioned passed with a 4 to 1 vote.

With no other business before the Board the meeting was adjourned at 8:15pm.

Approved: August 11, 2016

Submitted by: Marc Leblanc, Chairman

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