



TOWN OF MARION  
ZONING BOARD OF APPEALS  
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## **MINUTES OF MEETING**

### **February 11, 2016**

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, February 11, 2016 in the main conference room of the Marion Town House to hear case numbers:

- Case # 717, that of Tabor Academy, Front Street, for a variance for the placement of the Backstop currently located on the baseball field at Tabor Academy. (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.

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

Also present: Christopher Shachoy, 16 South Street; C. Winslow, Tabor Academy; Will Saltonstall, 657 Point Road; Scott Shippey, 2 Spring Street; John Quirk, Tabor Academy; Joan Hartnett-Barry, 8 Briggs Lane; Chris Bryant, 103 Main Street; Garrett Bradley, 8 Park Street; John Mathieu, Mattapoissett

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

- Agenda
- Additional Materials for Case # 717, which include:
  - Letter from Richard Barnes, received February 2, 2016
  - Letter, plans and artist renditions from Tabor Academy, received February 10, 2016
- Materials for Case # 718, which include:
  - Legal Notice
  - Memo from Planning Board
  - Field Card
  - Application
  - Artist renditions of the project
  - Certified Plot Plan prepared by Thompson Farland, Inc.

- Minutes from January 14, 2016

At 7:30pm, Mr. Pierce opened the continued hearing of case #717 for Tabor Academy. John Quirk and Chris Winslow were both present. Mr. Pierce said that a letter from abutter Rick Barnes had been received and detailed his concerns including parking. The letter is available for review. Mr. Quirk said they are aware of the parking situation and they are working on it.

Mr. Quirk referred to the plans that had been submitted to the board. They are proposing to add a pole to the backstop that is approximately 4' higher than what is there currently. He said by doing this it offer more coverage from the home plate area. Mr. Quirk also mentioned the net that is used down the right field line. He felt that these improvements will increase safety in the area. Mr. Pierce asked about the schedule for the netting. Mr. Quirk said if the weather is very good it could be as early as April 1. He also said they will do their best to have the improvements completed by April 1 but he cannot guarantee it. Mr. Alves asked about the total backstop height. Mr. Quirk said that with the additional 4' the total height will be 22'. He said that it is over the top.

Mr. Pierce noted that the physical changes made addressed the safety issues. There were no further comments from the audience or the board. Ms. Mahoney motioned to take case #717 under advisement; Mrs. Dunn seconded; voted unanimously.

Mr. Pierce revisited case #716 for Jeffrey Barrett, 16 River Road that was taken under advisement at the January 14, 2016 meeting. There was a brief discussion regarding the project. Mrs. Dunn motioned to issue the special permit for case #716, Ms. Mahoney seconded; voted unanimously.

At 7:45pm, Mr. Pierce opened case #718, Garrett Bradley, 8 Park Street for a special permit. He read the Legal Notice as well as recommendations from the Planning Board. Will Saltonstall of Saltonstall Architects, John Mathieu, Attorney and Garrett Bradley, home owner were all present. Mr. Saltonstall described the existing house and small garage. The existing small garage is approximately 1 ½ feet from the property line. They are proposing to take down and reconstruct a slightly larger structure that will include an accessory apartment. They are also proposing a small second floor addition to the residence. There will be a column to support the addition but it will not change the footprint since there is a bulkhead that will be below it.

Mr. Saltonstall reviewed each of the plans that were submitted. The first page showed the floorplan of the proposed accessory structure which is proposed to be 18' x 22'. The first floor area is just under 400 square feet. The second page showed the second floor interior just under 400 square feet. He noted the staircase and small deck. The third page showed the 9' x 7' addition that is proposed for the second floor of the existing home. He pointed out the column that will support the addition. Mr. Saltonstall also showed a number of images showing the property from different angles.

Mr. Saltonstall noted that the existing house is 28' tall and the proposed structure is 25'. The gutter line of the existing house is 19 ½ feet and the proposed structure's gutter line is 18.3 feet. He said that the setback it will be 3' from the property line instead of the current 1 ½'.

Mr. Saltonstall addressed the request for an accessory structure and the related by-laws - 8.6, 8.6.3.3 and 8.6.3.8. He felt that they met all of the requirements. The Bradleys will provide an

affidavit that the property will be owner occupied and they will certify that the accessory apartment will be used by immediate family only. Mr. Barrett confirmed that they will not rent the space out and that the intention is for family use only. He said that he had reached out to the three direct abutters. He submitted emails in support from each of those abutters.

Joan Hartnett-Barry of 4 Park Street addressed the board with her concerns regarding the proposed project. She said that she had pulled the Assessors' Field Card for 8 Park Street. The Card listed the current accessory structure as a 140 square foot shed. Ms. Hartnett-Barry had several concerns, one of which was that the accessory structure will be changing from just a shed to a living unit and a garage. She was also concerned at the size of the proposed accessory structure.

Chris Bryant of 103 Main Street had a series of questions about the project. He asked if the new structures casts a shadow on his neighboring property, if that is taken into consideration. Mr. Pierce said that yes, air and light are taken into consideration. Mr. Bryant asked if this will affect his tax rate and also asked about water discharge. There was a discussion about concerns regarding non-conforming structures and the size of sheds. Mr. Saltonstall said the intent is to deal with any storm water on site so there is not any run off to the neighboring properties. Mrs. Dunn asked how much impervious surface is on the property. Mr. Saltonstall estimated it to be 35-40%. There was a brief discussion regarding by-laws 5.3, 6.1.3, 8.6.3.5a and 5.2. The Board asked Mr. Saltonstall to supply the actual percentage of the impervious surface. Mrs. Dunn motioned to continue the hearing to Thursday, March 10, 2016; Ms. Mahoney seconded; voted unanimously.

Minutes from January 14, 2016 were approved.

Ms. Ouellette motioned for the Board to go into Executive Session to discuss impending litigation of Case # 713, Gorraiz. Members took a Roll Call vote at 8:25pm to enter the Executive Session.

At 8:35pm, the Board took a Role Call to exit Executive Session and returned to the main conference room.

With no other business before the Board the meeting was adjourned at 8:45pm

Approved: March 10, 2016

Submitted by: Eric Pierce, Chairman