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ZONING BOARD OF APPEALS
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MINUTES OF MEETING March 24, 2016

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, March 24, 2016 in the main conference room of the Marion Town House to hear case numbers:

- Case #720, that of Jorge & Tiffany Figueiredo, 12 Cross Neck Road, for a special permit under section 8.6 of the zoning by-laws to allow an accessory apartment, one bedroom suite, above a proposed two car garage.
- Case #721, that of Dena Xifaras, 34 Piney Point Road, for a special permit under section 8.6 of the zoning by-laws to allow an accessory apartment.

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

Also present: Scott Shippey, 2 Spring Street; Tiffany & Jorge Figueiredo, 12 Cross Neck Road; Donna Palmer, 64 Paper Mill Road, W. Wareham; William Washburn, 45 Rocky Knook Lane; Andrea Ray, The Wanderer; Michael Papadakis; Dena Xifaras.

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

- Agenda
- Materials for Case # 720, which include:
 - Legal Notice
 - Memo from Planning Board
 - Memo from Board of Health
 - Memo from Conservation Commission
 - Field Card
 - Application including Septic Inspection Review Form from the Board of Health
 - Plot Plan prepared by Farland Corp.
 - Architectural Drawings by Mount Vernon Group Architects
- Materials for Case # 721, which include:
 - Legal Notice

- o Memo from Board of Health
 - o Memo from Planning Board
 - o Memo from Conservation Commission
 - o Field Card
 - o Application including affidavits from Dena & Margaret Xifaras
 - o Letter of support from abutter Kelly Kelliher
 - o Site Plan prepared by Romanelli Associates, Inc.
 - o Architectural Drawings by Saltonstall Architects
- Minutes from March 10, 2016
 - Correspondence regarding Notice of Waterways License Application for 35 Holly Road
 - Quote from engineer regarding Case #715, OIT Realty Trust

At 7:30pm, Mr. Pierce read the Legal Notice to open Case # 720, Jorge & Tiffany Figueiredo, 12 Cross Neck Road. He also read aloud a memo from the Planning Board in which the size of the septic system was questioned. They also noted the discrepancy between the application and assessors information in relation to the number of bedrooms. The Assessors information stated it is a four bedroom home, and the applicant states that it is a three bedroom house. The Board of Health memo indicted that the septic system is designed as a five bedroom system and could handle the extra use. The Conservation Commission had no comments since the project is not in its jurisdiction. Mr. & Mrs. Figueiredo were present. They said that the intent of this project is to have Mrs. Figueiredo's mother, Donna Palmer, live in the unit. Mrs. Palmer was also present.

Mr. Figueiredo explained the discrepancy regarding the number of bedrooms. The house originally had four bedrooms. The previous owners had two of the bedrooms renovated into one master suite. It was unclear as to why they Assessors did not have the updated information.

Mr. Pierce reviewed the plans and asked if all the setbacks had been met. Scott Shippey, Building Commissioner, looked at the plans and said yes. Mr. Shippey said that the Building Department will need more detailed plans.

Mr. Pierce said that by-law 8.6 has a number of steps and criteria that would need to be met, such as a signed affidavit stating that the unit will be family occupied. Ms. Mahoney asked what the square footage of the proposed apartment will be. Mr. Figueiredo said it is approximately 800 square feet.

There were no further questions from the board or the audience. Mr. Pierce mentioned that he would like to have engineered building plans for the file. Mrs. Dunn motioned to take Case #720 under advisement; Ms. Ouellette seconded; voted unanimously.

Mr. Pierce read the Legal Notice to open Case #721, Dena Xifaras, 34 Piney Point Road, for a special permit under section 8.6 of the zoning by-laws to all an accessory apartment. Mr. Pierce read aloud a letter in support from the Kellehers. The Board of Health memo noted that they do not have objections to the project. The Planning Board memo mentioned concerns on the stand-alone structure and additional sanitary demands. The Conservation Commission did not have comments since it the project is not within their jurisdiction.

Ms. Xifaras presented the Board with two additional letters of support from abutters. She described the property and the project. They have provided professional surveyed and building

plans. Ms. Xifaras noted their importance of having family close by. Mr. Pierce asked about parking and if there will be a garage. Ms. Xifaras said there is no garage proposed but the driveway is close to the house for ease of access. The structure will have a full basement. The accessory structure is approximately 1,195 square feet.

There will no further questions from the Board or the audience. Mrs. Dunn motioned to take Case #721 under advisement; Ms. Ouellette seconded; voted unanimously.

Minutes from March 10, 2016 were approved.

Regarding Case # 715, OIT Realty Trust: A quote of \$980.00 from Merrill Engineering was received for the peer review. Mr. Pierce motioned that the Board accept the quote and the work be done by Merrill Engineering; Mrs. Dunn seconded; voted unanimously.

Case # 718, for Garrett Bradley, 8 Park Street, that was taken under advisement on March 10, 2016, was revisited. Ms. Ouellette submitted an Ethics Disclosure form to Mr. Pierce. He read aloud the disclosure indicating her relation to the Bradley family. Mr. Pierce asked Ms. Ouellette if she is able to be objective, she said yes. Mr. Pierce asked if any Board members had any issue with her continuing on with this discussion.

The Board reviewed the plans and discussed the changes that were made. After much discussion the discussion was tabled until the next meeting.

The Board revisited Case # 719, Peter & Elizabeth Turowski, Trustees of 313 Wareham Realty Trust, which had been taken under advisement on March 10, 2016. The history of the building and previous permits were discussed. There was a discussion regarding the current conditions and the proposed changes.

After much deliberation, the Board made the decision to deny the expansion; no footprint changes or expansions shall be allowed and to grant the special permit for the use of the second floor for professional office space with the following contingencies: A. The Special Permit will terminate upon transfer of ownership, the second floor use as professional office space will cease and will revert back to storage and B. the second floor office space must be owner occupied, and is not to be rented, leases or sublet office space. Mrs. Dunn motioned to deny/grant the decision; Ms. Mahoney seconded; voted unanimously.

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

Approved: April 14, 2016

Submitted by: Eric Pierce, Chairman