



TOWN OF MARION
ZONING BOARD OF APPEALS
2 SPRING STREET
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MINUTES OF MEETING

December 8, 2016

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, December 8, 2016 in the main conference room of the Marion Town House to hear case number:

- Case #733 – Continued from November 10, 2016 - Manuel DeMiranda, 10 Pumping Station Road, Map 23, Lot 25, for a Special Permit under sections 2.3.3, 4.2A and 7.2 of the Zoning By-laws to allow the "Conversation To Two Dwelling Units" as allowed under Section 7 – Uses by Special Permit.

Zoning Board members present were Marc Leblanc – Chairman, Betsy Dunn, Domingo Alves, Michelle Smith and Kate Mahoney.

Also present: Ron Barros, 936 Point Road; Bob & Susan Greene, 22 Pumping Station Road; Bill Claffin, 618 Delano Road; Jean Perry, The Wanderer; David Hubbard, 16 Thomas Lane.

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

- Agenda
- Minutes from October 13, 2016, October 27, 2016 & November 10, 2016
- Draft Budget for Fiscal Year 2018

At 7:30pm, Mr. Leblanc read aloud the legal notice for continued Case #733, Manuel DeMiranda, 10 Pumping Station Road. Mr. Leblanc read aloud the email dated that George Gakidis sent. The applicant has requested to withdraw without prejudice. Mr. Leblanc motioned to accept the withdrawal of Case #733; Mrs. Dunn seconded the motion; all members voted in favor to accept the withdrawal without prejudice, 5-0.

At the last meeting, the Board voted to approve Case #725 for the amendment of the previously issued special permit for Kate Hill, 460 Front Street. Ms. Mahoney motioned that the Board vote to approve the application and the decision as written; Mr. Alves seconded the motion; Mr. Leblanc, Mrs. Dunn, Mr. Alves and Ms. Mahoney voted to approve, Mrs. Smith abstained. Approved, 4-0.

Minutes from October 13, 2016 and October 27, 2016 were approved as written. Minutes from November 10, 2016 were tabled to the next scheduled meeting.

The Draft Budget for Fiscal Year 2018 was reviewed and approved unanimously.

Case # 729, Daniel Gibbs, 4 Derby Lane, that was taken under advisement on November 10,

2016 was discussed. After a brief conversation, Mrs. Smith motioned to deny the request for a special permit based on the fact that this is not a conversion since it is new construction and therefore the by-law 7.2A does not apply. Mrs. Dunn seconded the motion; voted unanimously to deny the special permit request for Case #729.

Case #730, David Jenney, 818 Point Road, on the appeal of the Building Commissioner's Violation Order that was taken under advisement on November 10, 2016 was discussed. After further conversation the Board voted as follows: Mr. Alves motioned to overturn the Building Commissioner's decision based on the testimony presented to the Board. Motion failed 3-2: Mr. Leblanc – Yes, Mrs. Dunn – No, Mr. Alves – Yes, Mrs. Smith – Yes, Ms. Mahoney – No. Then, Ms. Mahoney motioned to uphold the Building Commissioner's decision based on the testimony presented to the Board. Motion failed 3-2: Mr. Leblanc – No, Mrs. Dunn – Yes, Mr. Alves – No, Mrs. Smith – No, Ms. Mahoney – Yes. Since both motions failed the Building Commissioner's decision stands.

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

Approved: January 26, 2017

Submitted by: Marc Leblanc, Chairman

RECEIVED & FILED
1/27/17 10¹⁰ am
DATE TIME
Nichelle Bessemer
TOWN CLERK OF MARION