

## MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, February 7, 2008 • 7:00 p.m., Old School House Common

DRAFT

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### *Stone Appeal of Zoning Administrator action:*

DRB Members present: Dina Bookmyer-Baker, Bruce Hayden, Chuck Bohn, Vince Feeney and Paul Brierre (who arrived part-way through the hearing). Also attending were Bob Light, ZA; Lee and Helen Stone, Appellants; and guests: Tom and Jackie DiMatteo, Earnest P. and Marcia Pauley.

At 7:25 pm, Bruce Hayden, serving as Chair, opened the hearing on the appeal of the Zoning Administrator's action to deny a permit to erect a structure. All parties intending to testify were sworn in. Bruce notified the Appellants that we are beginning with four members and thus could have a tie and verified that they wished to go forward. They do.

The appeal included the following documents:

- an application for a zoning permit, received October 23, 2007.
- a letter of Appeal from Leland and Helen Stone, dated November 19, 2007.

ZA offered some background: He received an application in October from Mr. and Mrs. Stone for an accessory structure. During the site visit he noticed that the structure did not meet the setback requirements for a structure in the Agricultural and Rural Residential district. So he denied the permit. He added that the neighbor across the street had erected a similar structure during the summer, who had not applied for a permit, and he visited them as well.

Appellant noted that the structure has been up for three years. The ZA was notified that the structure was up and required a permit.

ZA clarified that the definition of a portable structure (according to the Marshfield Zoning Regulations) is that if it is 100 square feet or less then it is considered temporary.

Mrs. Stone explained that when they put the building up, a town Lister told them that they did not need a permit. Appellant maintained that if the structure is not legal, then it's not legal. But she would like to ask that the DRB take into consideration that they are planning to move in September, at which time they plan to pack it up and take it with them. It would make their lives much easier if they were permitted to leave the structure standing temporarily until they move. After all, it has been up for three years and no one has complained. To leave it standing for six more months isn't going to harm anything. The structure is not attached to the house.

ZA mentioned that they must take it down before they leave because they will not be able to sell their house with it up. He would not be able to issue a Certificate of Occupancy.

The neighbors appeared to support the Stone's leaving their structure up. They mentioned that the garage is nice looking, that the Stones' property is always clean and neat, and that they are good neighbors. They have no complaints.

Appellants added that they couldn't have put the garage in another place because of location of their septic and other physical attributes of the property. Also, they are getting old, and it has become difficult to scrape the snow and ice off of their car. They can keep the car clean and dry in the garage. They have lived at this residence for 45 years.

ZA asked Appellants if they would be agreeable to take the structure down in the summer, before they move. Appellants answered that that was a possibility, and that the very latest it would come down would be September.

Appellants asked if they would qualify for a variance. It would be a hardship variance, due to the location of the septic, the shape of the property, their age, the location of their water (spring). Being a garage, proximity to house and driveway is necessary.

At 7:52, Bruce moved to close testimony, seconded by Dina, all in favor. Hearing closed. The DRB has 45 days to issue a written decision.

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### *Fortin Appeal of Zoning Administrator action:*

DRB Members present: Paul Brierre, Dina Bookmyer-Baker, Bruce Hayden, Chuck Bohn, and Vince Feeney. Also attending were Bob Light, ZA; and Dennis Fortin, the appellant, and Brooke Dingedine, appellant's attorney.

ZA requested that the DRB continue the hearing to another date when the town attorney can be present. Appellant's attorney objected that it is a town meeting and it is not her client's problem that we need to reschedule and that the town should pay her legal fee for appearing tonight.

DRB moved to continue the hearing to the date of March 6, 2008 @ 7:15 p.m.

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*Deliberative session and Actions:*

At 8:22 p.m. the DRB went into closed session to deliberate the pending application.

At 9:00 p.m. DRB returned to the public meeting to take the following actions:

- Stone appeal—Motion to deny the appeal and uphold the ZA action.

At 9:10 p.m., Paul moved to adjourn the DRB meeting, Bruce seconded, and all were in favor. Meeting adjourned.

Respectfully submitted,  
Dina Bookmyer-Baker