

## MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, October 9, 2014 • 7:00 p.m., Old School House Common

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DRB members present: James Arisman (Chair), Gary Leach, Michael Schumacher, and Les Snow. Absent: Jenny Warshow. Also present: Bob Light (Zoning Administrator), Barbara Burkhalter (recording secretary), Jay Strauss, Erica Spiegel, Greg McNaughton, Joe Perreault, and Laurie Perreault (Hebert).

The DRB members reviewed and approved the minutes of meeting dated September 11, 2014.

*Appeal by Greg McNaughton, of a permit issued to Laurie Hebert for a single family dwelling on Maple Hill Road, Parcel ID #MA010:*

At 7:15 p.m., with a quorum present, James opened the hearing to review the McNaughton appeal. All parties intending to testify were sworn in.

- The Appellant stated that he has concerns in regards to the permit: he does not see that it qualifies as a dwelling and is appealing the ZA's decision
- Exhibit 1 presented: Listers' sheet, description of building: capped basement
- The original zoning permit issued was for a 2-storey 24' tall building, which was never finished and is unoccupied
- The Appellant asked what constitutes a residential dwelling under the zoning ordinances
- The building is not the same as what was originally going to be built and there is no indication that the building will be finished past being a capped basement
- Chase & Chase Engineering issued a letter dated November 5, 2011, stating that the septic was installed in accordance with the permitting design; it has been tested yearly and passed
- The original permit was issued in 2007; zoning permits are in effect for 6 years and may be extended, in some cases a further 3 years
- Applicant started building, but stopped after the foundation was completed. He requested and was denied a certificate of occupancy, because the building did not match the specifications that were applied for and approved
- 6 years have gone by and applicant spoke to ZA about moving in and occupying the space as a residence; he was told he needed to submit a new building permit application, with the new specs as it was to be lived in. Applicant has applied for a zoning permit for a 10' tall single family dwelling with living space in basement
- Structures that are partially or totally underground are acceptable; there is nothing in the zoning ordinances that prevent that
- Mr. McNaughton was asked to point the DRB to state law or regulations where this building isn't permitted, or restrictions on what someone may build
- Bob Light has been the ZA since 1995 and in those years has not had any basis to disapprove a zoning permit or certificate of occupancy for such a building
- The Town of Marshfield has no regulations concerning "what" someone may build; there are no regulations pertaining to the case at hand
- Neighbors are concerned that the foundation is not aesthetically pleasing, that there is an unusable vehicle on the property and are worried that the property could become a potential salvage yard. Mr. Perreault stated that the car was donated for emergency response training and the fire department asked them to keep it there a while longer for further training
- Appellant is concerned about the 1,000 yards of soil that has been moved and filled without the prior approval of the DRB; the fill has not been spread out. Mr. Perreault stated that Danny Tatreault, the road foreman, asked if he could dump fill there and there have been about 35-40 8 yard loads brought in with the dump truck
- If the owner decides to put in a 1st floor, addition or add to the dimensions of the building in any way, a new permit must be applied for

At 8:10 p.m., there being no further testimony or questions, the hearing was closed. The DRB will issue a written decision within 45 days.

At 8:15 p.m. James Arisman made a motion for the DRB to enter closed session to deliberate the pending applications, Les Snow seconded the motion, and all were in favor. The DRB entered deliberative session.

At 9:15 p.m. James Arisman moved to adjourn deliberative session, Gary Leach seconded the motion, and all were in favor. The DRB returned from deliberative session.

At 9:17 p.m. James Arisman moved to adjourn the meeting, Les Snow seconded the motion, and all were in favor. The meeting was adjourned.

Respectfully submitted,  
Barbara Burkhalter

*Final*  
*Approved January 8, 2015*