

## MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, October 14, 2010, 7:00 p.m. • Old School House Common

DRAFT

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*Christ Covenant Church, proposal to renovate and expand an existing schoolhouse at 167 Creamery Street:*

DRB members present: Paul Brierre, Vince Feeney, Dina Bookmyer-Baker, Bruce Hayden, and Sandy Paritz. Also present: Bob Light, Zoning Administrator.

At 7:15 p.m., with a quorum present, DRB Chair Paul Brierre opened the hearing to review the Christ Covenant Church proposal.

The Applicant was not present.

Dina testified that the Applicant, Father David Mulligan, had called her and stated that he had not notified the abutting landowners and he had not posted the property in accordance with the hearing notice procedures.

Due to a flaw in the warning, the hearing was unable to proceed.

Motion: Paul: To recess the hearing to the next meeting date of November 11, 2010, to be heard at 7:15 p.m. Second: Dina. Discussion: None. Those in favor: Paul, Dina, Vince, Bruce, Sandy. Those opposed: None. Motion carried: 5-0.

DRB Clerk Dina Bookmyer-Baker will notify the Applicant of the date, time, and notice procedure for the continued hearing.

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*Tim Moulton, variance request and appeal of zoning permit 10-22 as denied by the Zoning Administrator to extend an existing workshop structure with an attached shed roof at 59 Gilman Street:*

DRB members present: Paul Brierre, Vince Feeney, Dina Bookmyer-Baker, Bruce Hayden, and Sandy Paritz. Others present: Bob Light (ZA), Tim Moulton (Applicant), Joe Parry, Carol Parry, and Jean Matthew.

At 7:45 p.m., with a quorum present, DRB Chair Paul Brierre opened the hearing to review Tim Moulton's proposal. Paul introduced the DRB members and summarized the review process. All parties intending to testify were sworn in. Mr. Moulton testified that he had notified the abutters and posted the property in accordance with the hearing notice procedures.

The members of the DRB reviewed the application, which included the following:

- an application for a building permit, submitted on August 24, 2010, to build a 15' x 24' shed extension of the existing workshop
- a letter of appeal and variance request or waiver of the setback requirement, dated August 25, 2010
- a site plan drawing showing the location of the proposed expansion and its dimensions.

Mr. Moulton submitted an application to construct an addition to an existing accessory building (storage shed). He proposed to extend the roof of the shed to (15' x 24') in which to park his camper, to keep it out of the weather. The proposed addition is a roof supported by two corner poles. Walls are not proposed at this time, but if they would not be a problem, and the Board would approve, he would like to include walls to keep the snow from drifting in.

The Zoning Administrator noted that he had to deny the application, as according to Section 450 (the Water Conservation Overlay District), no construction is allowed within 75-feet of the river. The structure as proposed is open-sided, of minimal impact, the only encroachment being the two support beams in the ground.

The proposed structure is not for habitation—it will not be lived in. The structure will not harm the river bank. The Applicant will not remove any trees for the project. The project will be structurally solid, will be aesthetically pleasing, will match the style of the existing shed, and will not degrade the property or character of the area.

The existing structure is 16-feet from the river top of bank. Mr. Moulton has lived on this property for 33 years and water has never gone inside the existing woodworking shop, either from the river flooding or from rain flooding. The top of the bank is typically 5 to 6 feet above the water line.

Regarding other locations considered for the shed roof, there is an existing roof on the SW end of the structure, but it is too small to use for this. There is no other site on the property suitable for a new structure, and it would make the best use of the property to add it to the existing shed.

The Board reviewed the proposal in accordance with Section 281 Non-Conforming Structures (1), which states, "Any non-conforming structure may be extended in any direction that does not increase the non-conformance..."

The Board reviewed the proposal in accordance with Section 450 Water Conservation Overlay District, Restrictions of Use, which states, “Within the Water Conservation Overlay District, no land development and no clearing of land is permitted except as provided below. Any existing structure (as of March 3, 2009), except as noted below, within the Water Conservation Overlay District shall be considered a non-conforming structure and shall be limited to expansion as prescribed in Section 281.”

The Board reviewed the proposal in accordance with Section 450 Water Conservation Overlay District /Restrictions of Use /Permitted Uses (1), which states, “Open-sided structure(s) (such as a gazebo or lean-to) so long as the aggregate area of all such structures on a parcel of land within the overlay zone district do not exceed a total of 200 square feet and so long as the structures are not within the first 25 feet adjacent to a stream, or pond over 5 acres in size.”

There being no further testimony or questions, at 8:10 p.m., Paul made a motion to close testimony, which was seconded by Vince. All were in favor. The DRB will issue a written decision within 45 days.

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*Kim McAdams, variance request and appeal of zoning permit 10-23 as denied by the Zoning Administrator to build a new dwelling at 108 Marshfield Pond Loop:*

DRB members present: Paul Brierre, Dina Bookmyer-Baker, Vince Feeney, Bruce Hayden, and Sandy Paritz. Others present: Bob Light (ZA), Kim McAdams (Applicant), Michael Stark (General Contractor for Applicant), and Cary and Janice Smith.

At 8:15 p.m., with a quorum present, DRB Chair Paul Brierre opened the hearing to review Kim McAdams’ proposal. Paul introduced the DRB members and summarized the review process. All parties intending to testify were sworn in. Ms. McAdams testified that she had posted the property in accordance with the hearing notice procedures and had notified the abutters.

ZA noted that Appellant had a nonconforming structure (because it didn’t meet the setbacks) on an existing small lot. Applicant could only rebuild the same structure in the same footprint and/or expand an existing structure so long as don’t increase the nonconformance. But Appellant has removed the existing structure. So now she has an existing small lot on which to build a camp. Therefore, this application should be treated not as a rebuild, but as a new structure on an existing small lot.

Ms. McAdams stated that the camp was removed two weeks ago, after the permit was denied. It was removed because of weather (the ground freezing). She and contractor wanted to be ready to start the new construction as soon as the permit was approved. The existing dwelling was quite dilapidated—the stairway was twisted; it was unsafe, and uninhabitable.

The Board reviewed the proposal in accordance with Section 280(1)(c)(ii), which states that building expansion is allowed, provided that it does not exceed 25% of its building footprint size as it existed upon the effective date of the bylaw.

The new structure is 80 square-feet larger than the old structure. Proposed location is closer to the water, but is on higher, dryer ground. The shift increases the distance between this camp and the next nearest camp, with which she shares a driveway access. Can’t move any closer to the front (toward the road) because the existing privy is there and a bank. The new “EL” shape was chosen not for safety, but for ease of construction. This is the smallest structure that Appellant is willing to build. Old camp was too small for three adults, so could not have a guest.

Will keep the existing out-house, which is grandfathered. The contractor checked with the state and they don’t need to make any change to the outhouse setup so long as there is only one pipe in and one pipe out. The camp’s water source is from a spring. Kim also carried in water. The plan includes a small dry well in the gravel underneath the sink for gray water.

The structure will be built on pallisters, not pillars. Pallisters sit on top of a gravel pad. This floating design is based on a plan the contractor has used to build three camp dwellings on Harvey’s Pond. The design proves to be stable and floats above frost-heave effects. The camps on Harvey’s Pond were built in 1996, 1997, and 1999 and they are all in good shape.

The neighbors, the Smiths, testified that this is a good idea and they have no objection to the project. The camp needed to be removed, and they feel that this is an improvement to the neighborhood. Neighbor final comment: have learned more tonight and think it’s been thought through and is a good plan for the site and the neighborhood.

At 8:55 closed testimony.

At 9:17 the DRB went into closed session to deliberate the applications (Moulton and McAdams).

At 10:05 the DRB came out of deliberative session.

Moulton: Motion: Paul: To grant the waiver and approve the project with the condition that the two exterior walls stop at least 1' from the ground. Second: Sandy. Discussion: None. All in favor. Motion carries: 5-0. (Vince will write the decision.)

McAdams: Motion: Vince: To grant a variance to build a camp 16x32 with a 3' overhang on N and S ends, coming no closer than 25' from the water edge to the nearest wall. 2nd: Paul. Discussion: None. All in favor: 5-0. Motion carries. (Dina will write the decision.)

At 10:10 p.m. Paul moved to adjourn the DRB meeting. Bruce seconded. All were in favor. The meeting was adjourned.

Respectfully submitted,  
Dina Bookmyer-Baker