



OFFICE OF ZONING BOARD OF APPEALS  
**TOWN OF EAST BRIDGEWATER**

[www.eastbridgewaterma.gov](http://www.eastbridgewaterma.gov)  
175 CENTRAL STREET  
EAST BRIDGEWATER, MASSACHUSETTS 02333-1912  
Telephone: 508-378-1607/1608 \* Facsimile: 508-378-1628

508-378-1607  
508-378-1607

BOARD MEMBERS  
Robert Looney, Chairman  
Gerry Leavitt, Vice-Chairman  
Kevin Marchant, Clerk

Dorothy Simpson, Admin. Asst.  
[dsimpson@eastbridgewaterma.gov](mailto:dsimpson@eastbridgewaterma.gov)

BOARD MEMBERS  
Gregg Heger, Alternate  
James Ross, Jr., Alternate

MEETING SUMMARY – REGULAR MONTHLY MEETING  
WEDNESDAY, MAY 4, 2022

Members Present:

✓ Robert T. Looney, Chairman – 8/1990  
✓ Gerry Leavitt, Vice Chairman – 3/2006  
✓ Kevin Marchant, Clerk 5/2010

✓ Gregg Heger, Alternate – 6/2012  
✓ James A. Ross, Jr., Alternate – 7/2017  
O Patrick Franey, Building Commissioner

**7:00 Public Hearing for a VARIANCE**  
**Susan McBirney, Applicant**  
**Sean McBirney & Susan McDougall, Owner**  
**20 Porter Farm Road**

**Exhibit I** – Mortgage Inspection Plan prepared by American Surveying Company showing the existing dwelling and proposed addition;

**Exhibit II** – Photos of the property;

**Exhibit III** – Variance Plan prepared by PMP Associates dated April 29, 2022 and prepared for Sean McBirney.

A public hearing was held in the large conference room in the EB Town Hall and was called to order at 7:01 p.m. Robert Looney, Chairman; Kevin Marchant, Clerk and James Ross, Alternate were present and sat on the hearing. Susan and Sean McBirney were present and spoke in favor of the application. **M/Marchant, S/Ross to waive the reading of the public hearing notice, unanimously voted.** The applicant is requesting a VARIANCE as set forth under SECTION 6.A. Location of the Town of East Bridgewater Zoning-By-Law to allow construction of an addition to come 10 (ten) feet from the side property line for the PROPERTY located at 20 Porter Farm Road. The 20' X 39' single story addition would come 12.5 feet from the side property lines as shown on Exhibit III. Close public hearing 7:12 p.m.

**M/ Ross, S/Marchant, UNANIMOUSLY APPROVED 20' X 39' single story addition to come no closer than 12.5 feet from the side property line as shown on Exhibit III\*please see decision for conditions\***

**7:15 Continued Public Hearing for a SPECIAL PERMIT**  
**Elm Street Solar, LLC, Applicant**  
**Heirs of Leslie W. Holbrook & Carolyn Holbrook Rev Trust, Owner**  
**0 Elm Street**

**Exhibit I** – Special Permit Application Brief;

Elm Street Solar LLC;

**Exhibit III** – Stormwater Management Report dated October 4, 2021 and prepared for Elm Street Solar LLC;

**Exhibit IV** – Plan prepared by Beals and Thomas, Inc. revision date March 23, 2022 and prepared for Elm Street Solar LLC;

**Exhibit V** – Technical Review, Environmental Partners dated December 33, 2021;

**Exhibit VI** – Beals & Thomas response to Environmental Partners review;

**Exhibit VII** – Stormwater Management Report revised March 23, 2022;

**Exhibit VIII** – Environmental Partners technical Review #2;

**Exhibit IX** – Letter submitted by Deputy Fire Chief requesting a 15-foot access road dated April 27, 2022.

A public hearing was held in the large conference room in the EB Town Hall and was called to order at 7:15 p.m. Robert Looney, Chairman; Gregg Heger, Alternate and James Ross, Alternate were present and sat on the hearing. Evan Turner, Applicant and Chris Greene, Owner were present and spoke in favor of the application. The applicant is requesting a SPECIAL PERMIT as set forth under SECTION 5.A.(1).(m) Allowed Uses District R-1 of the Town of East Bridgewater Zoning-By-Law to allow construction of ground-mounted photovoltaic (solar) array in a Residential -1 zoning district. Public hearing was continued to November 3, 2021, April 6, 2022 and May 4, 2022. Zoning By Law Section E.(1) states “more restricted portion of such lot shall be deemed to extend to the lot lines provided that the lot has frontage in the more restricted district”. Property has frontage in Residence 1 zoning district making the property R-a to the property lines. Ground mounted solar is not an allowed use I Residential 1 zoning district, property access is across the Residential 1 zoning district. Approximately 200 (two hundred) feet back from the centerline of Elm St. the zone changes to Industrial zone which allows ground mounted solar array, the entire ground mounted solar array will be constructed in the Industrial zone which is an allowed use. The Deputy Fire Chief requested the Applicant to “provide and maintain a minimum of 15ft wide all-weather access road to at least on side of the fenced area”. Three (3) foot walk to be constructed for access around the arrays and a seven (7) foot high fence will be constructed around the property with a gate. Shrubs will be planted on the property. Close public hearing at 7:19 p.m.

**M/Ross, S/Heger, UNANIMOUSLY APPROVED the application request to allow construction of Ground Mounted Solar Array to be located in the Industrial zoning district as shown on the most recent revision dated March 23, 2022, with conditions.** \*Please see decision for conditions\*

### **7:30 Continued Public Hearing for a SPECIAL PERMIT**

**Leonard Ferrara, Trustee  
350 West Street Family Trust  
Superior Rail and Iron Works, Inc.  
350 West Street**

**Exhibit I** – Plan dated 2/10/22 prepared by Zenith Consulting Engineers, LLC and prepared for Superior Rail and Iron Works, Inc.;

**Exhibit II** – Stormwater Management Report dated February 10, 2022;

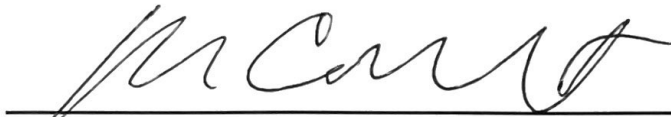
**Exhibit III** – Memo stating previous Special Permits, March 2013; March 2017 and September 2019.

A public hearing was held in the large conference room in the EB Town Hall and was called to order at 7:30 p.m. Robert Looney, Chairman; Kevin Marchant, Clerk and James Ross, Alternate were present and sat on the hearing. Tony Ferrara, Owner/Applicant and Jamie Bassinet, Zenith Consulting Engineers, LLC were present and spoke in favor of the application. The applicant is requesting a SPECIAL PERMIT as set forth under SECTION 2. General Provisions A.

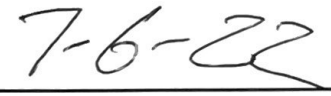
expansion of a pre-existing non-conforming use by adding a 7,100 s.f. addition to the existing building and a 7,500 s.f. canopy attached to the addition for the property located at 350 West Street. Board members conducted a site visit. Two existing buildings out back will be used for manufacturing. Some abutters were present and voiced their concerns for the present operation with noise, traffic, parties at night with the buildings out front. Property has a locked gate. Property consists of 26 acres of land and fronts on West St. which is in a Residential 3 zoning district, but the buildings are constructed in the Industrial zone. Being a Special Permit the Board can put conditions in their decision. Complaints mostly concerned the two front buildings. M/Ross, S/Marchant to Close public hearing at 8:30 p.m. No decision was made at this time, Board to deliberate.

**Other: M/Leavitt, S/Marchant to approve minutes of April 6, 2022, UNANIMOUSLY APPROVED .h**

**Other: Adjourn Wednesday, May 4, 2022 meeting at 8:40 p.m., M/Ross, S/Marchant UNANIMOUSLY APPROVED**



Kevin Marchant, Clerk



Date