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Marshfield Airport neighbors' request to zoning board dismissed

MARSHFIELD – Neighbors of Marshfield Municipal Airport may take their case to court after the zoning board dismissed their request to issue a cease-and-desist order on the recently expanded runway because of an error in the special permit issued in 2011.

Attorney Sean Beagan on Sept. 15 asked the zoning board on behalf of the Marshfield Citizens Against Airport Pollution to issue a stop order for any ongoing work and the use of unpermitted work that has already taken place in the residential suburban zone at Marshfield Municipal Airport.

George Harlow Field, located at 93 Old Colony Lane, is in both the airport and residential suburban zones. The zoning board in 2011 granted a special permit to move and widen runway, thereby moving it closer to neighboring homes.

The newly reopened runway was shifted 190 feet west of the previous surface, widened by 25 feet and extended 300 feet, and the taxiway was widened by 5 feet. An additional 300 feet of paved safety buffer was added at each end, providing 3,600 feet for takeoffs and 3,900 feet for emergency landings.

But when the zoning board granted the special permit, Beagan said the permit itself and all associated public notices incorrectly listed the property as being in the airport and business highway zones, rather than the airport and residential suburban zones.

Beagan called the permit “fundamentally flawed,” and said the errors on the public hearing notices created “substantial prejudice” because residents would have shown more interest if they knew the work was in the residential zone.

The neighbors originally asked Building Commissioner Gerald O’Neill to issue a stop order on the work, but he declined to do so because the project was built as the site plan specified.

Zoning aide Brenda Eckstrom said the board Tuesday upheld O’Neill’s decision not to act, citing jurisdiction and the statute of limitations.

“Essentially they looked at the defect in the advertisement, and law states that if there is a defect in the notice, you have 90 days to appeal from when the decision is made,” she said Wednesday. “Because (the defect) wasn’t cited at that point, the board believes the appeal period for that issue had expired, so it becomes a jurisdictional issue.”

Member Francis Hubbard, who is a lawyer, also said the zoning of a property is not a legal requirement for public notices. The notice must correctly list the parcels under consideration, which it did.

John Whippen, a member of the Marshfield Citizens Against Airport Pollution, submitted on behalf of the group the request for a cease-and-desist order. He said Wednesday that the group hasn’t had an opportunity to discuss the board’s decision, but he “fully expects further action.”

“Our next steps are up for discussion now, but if we take further action, it’s going to court so we can appeal the zoning board’s decision,” he said.

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