

MARSHFIELD PLANNING BOARD
MEETING MINUTES
JULY 27, 2020 – 7 PM
REMOTE MEETING –ZOOM

PRESENT: Mike Biviano Jr., Chair
Katie O'Donnell, Vice Chair
Kevin Cantwell
Fred Monaco
Peg Davis, Associate Member

ALSO PRESENT: Greg Guimond, Town Planner
Kay Ramsey, Executive Assistant

Mr. Biviano moved to open the remote meeting. Mr. Pappastratis seconded. The vote was: Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Pappastratis; Aye; Ms. Davis, Aye; Mr. Biviano, Aye.

ADELAIDE -REQUEST FOR MODIFICATION

Mr. Biviano moved to open the continued public hearing for Adelaide which had been opened without testimony on July 13th and continued to tonight. Mr. Biviano moved also to waive the reading of the public hearing notice. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye, Mr. Biviano, Aye.

Mr. Greg Gibbs explained what he was requesting to be modified. There were three things he was asking for: Extension of the Subdivision, Release of Lot 12 and a reduction in the amount required for the sidewalk fund. Mr. Brennan said that his estimate includes things like prevailing wages, etc. which the developer would not have to do. Mr. Gibbs said he could probably complete the sidewalk for about \$16,000. Mr. Gibbs said he had to move the road out of the Conservation's way which is why he cannot physically build the sidewalk. Mr. Guimond said actually it was a Planning Board condition that forced the relocation of the road due to several different issues. Discussion ensued. Mr. Biviano asked if they wanted to split the difference which would be \$26,250. Ms. O'Donnell said she thought it should be consistent with other subdivisions. Ms. Davis said she was in favor of the compromise but as this is a subdivision waiver request and not a special permit, she will not be voting. Mr. Monaco said that in order to keep things going, he'd favor a compromise and Mr. Pappastratis would too.

Mr. Mike Eagan of Adelaide Way said that he would prefer that the Town get the full price – doesn't feel that a compromise is warranted here. Many of the abutters spoke. Ms. Haviland of Jefferson Avenue does not see that a compromise as did Mr. Bob Bowles and Mr. Dan Riley. Mr. Shawn Amar said he sympathizes with his neighbors on Jefferson Ave but he lives in the actual subdivision and he would just like to see the construction done. He's in favor of the compromise if it will help push things along. Mr. Dan Thornton also spoke in favor of the compromise; saying that it would ease one more financial obstacle for the developer to finish the job.

Mr. Biviano moved to reduce the sum to \$26,250. Mr. Pappastratis seconded. The vote was: Ms. O'Donnell, Nay; Mr. Pappastratis, Aye; Mr. Monaco, Nay; Mr. Cantwell, Nay; Mr. Biviano, Aye. The motion failed. The sidewalk fund fee will remain at \$34,500 as per Mr. Brennan's estimate.

Mr. Biviano moved to extend the deadline for completion to 7/29/2022. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

The request for the release of Lot 12 was considered next. Mr. Guimond said Mr. Gibbs has had Lots 2,7,3,5,6 and 8 released. He swapped 6 for Lot 25. He has done considerable work on the trail but it still requires bounds and fences. If Lot 12 is released, Mr. Gibbs would have to pay surety before any more lots would be released. He and Mr. Guimond had spoken and they thought it would be good to develop a lot on the hill so that perspective buyers could see what those houses were going to look like.

Mr. Guimond said Mr. Gibbs needs to get the hill covered, and needs to put in a small retaining wall. He has a lot of equipment that is alongside the right of way. There are two dead trees at the top. The silt fence needs to be repaired. Catch basins need to be cleaned. Mr. Guimond is also concerned about the sidewalk in front of Lot 4 and whether it meets ADA requirements. The entrance needs to be cleaned up. Ms. Davis said she's worried about the erosion of that hill. Mr. Gibbs said the issue with the telephone pole is that he's not allowed on the property owner's land. Mr. Eagan said that is not the case but Mr. Biviano said that's not the issue for tonight. Mr. Eagan said he hopes the Board will not release the lot.

Ms. Rosemary Haviland of Jefferson Ave said she doesn't see how working on Lot 12 will work towards moving the subdivision along. She said the excavation is right along the boundary line of Jefferson Ave. She would like the Board not to release the lot. She said the reason for the silt fence at the top of the hill was that they cut too close to the property line.

Linda Disabatino said many of the decorative trees and maples have died or toppled over due to the intense wind at the top of this hill. She said there's no space for construction vehicles. She would like the lot to remain natural. The road is very narrow and cars park in the cul-de-sac making it very difficult to get by.

Mr. Bowles said that the hill is very unstable.

Mr. Dan Riley said he highly recommends that the Board release Lot 12. It would get construction moving. Mr. Dan Thornton said he also is definitely in favor of getting the lot released. He thinks it will expedite getting the subdivision done. He hasn't had the dust problem but he said that anything the Board could do to help Jefferson Ave would be appreciated.

Ms. Haviland said it's naïve to think that opening more lots won't cause more problems. Ms Disabatino asked if they could at least have a water truck to control the dust.

After more discussion, Mr. Biviano moved to release Lot 12 with conditions as listed below. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye. The conditions are:

- Clean out Catch basins & reinstall erosion control for each basin

- Silt fencing needs to be repaired or replaced.
- Erosion control/highway mix put on all exposed slopes that are not in Con/Com jurisdiction.
- Clean up entranceway/mow along right of way.

*Note: Mr. Monaco had a family emergency and had to leave the meeting.

Mr. Biviano moved to close the public hearing for the Adelaide Modification. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

PUBLIC HEARING (Cont.) – BEAVER CROSSING DEFINITIVE SUBDIVISION/WRPD SPECIAL PERMIT/SCENIC ROAD - Laura Brait

Mr. Terry McGovern of Stenbeck and Taylor said that they will be using a collector type septic system. He said the lawns are not to exceed 20,000' and they will use 4x4 pressure treated posts with a Conservation marker on each.

Mr. Biviano asked if a split rail fence would be possible. Mr. McGovern said he will check with the applicant and he'll send in an alternative plan showing the fence.

Ms. O'Donnell reiterated her statement that she is not in favor of the five lots. Mr. Pappastratis he'd like to see some kind of a physical barrier.

Mr. Biviano moved to continue the public hearing to August 10, 2020 at 7:05 PM. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

BOARD/STAFF REPORTS

Mr. Guimond said he had the Progress Way decisions ready to be signed. Ms. Ramsey said she will be retiring on August 21st.

Mr. Biviano moved to adjourn the meeting at 8:40 PM. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board