

MARSHFIELD PLANNING BOARD
Meeting Minutes
April 12, 2021 – 7:00 PM
Remote/Zoom Meeting

MARSHFIELD TOWN CLERK
RECEIVED
2021 MAY 11 AM 9:19

PRESENT: Mike Biviano, Chair
Katie O'Donnell
Fred Monaco
Nik Pappastratis
Kevin Cantwell

ALSO PRESENT: Greg Guimond, Town Planner
Karen Horne, Asst. Town Planner

At 7:02 PM, Mr. Biviano moved to open the meeting. Mr. Monaco seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye.

Mr. Cantwell arrived right after the meeting was opened.

PUBLIC HEARING ON MODIFICATION OF CHESTNUT HILL SUBDIVISION

Mr. Guimond explained that the applicant has withdrawn his application.

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

PUBLIC HEARING- SELECTMEN'S ZONING ARTICLE ON OUTDOOR SEATING

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

Greg explained the Selectmen's proposed this zoning article to allow outdoor restaurant seating through December due to the pandemic.

Mr. Biviano moved to recommend support of the article at town meeting. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

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

DISCUSSION ON STREET ACCEPTANCE

Mr. Guimond explained that the DPW is holding off on the street acceptance article until fall town meeting. Mr. Guimond stated his concern with DPW only accepting pavement to gutter line and only as an easement. Mr. Guimond explained that he believes it is better to accept the whole road and drainage basins. Historically the planning board has required drainage basins to be part of the roadway and not in an easement. .

DPW would like feedback from the Board on the street acceptance policy. DPW is considering not taking the sidewalks because they are in poor condition. Need to also consider previous streets that were accepted at town meeting in 2002 but not recorded as well as other streets approved to be accepted prior to 2006. Any developments approved after 2006 were approved with a condition that they would not become public ways and have a homeowners association.

DISCUSSION ON POSSIBLE FALL TOWN MEETING ARTICLES

Mr. Guimond explained that staff have drafted 10 possible zoning articles for fall Town Meeting. The first two major possible changes are adding attached residential housing in the PMUD on the south side of Commerce Way and allowing residential above in the downtown, both by special permit. Also proposed are corrections to BRVO residential above as well as a number of improvements and corrections.

- Articles A – D are related to the PMUD District;
- Articles, E, F, and G are lean up articles related to definitions on mixed use buildings and combining mixed use in the PMUD and WRPD;
- Articles H and I are tied to the Mixed Use (Residential over Business) in the B-1;
- Article J is modifications to the Brant Rock District Overlay (BRVO)

Article A would move the PMUD special permit language from Article 11 Special Permit conditions to Article 13 Superimposed District that require special permit.

Article B would ass a new use category to the Table of Use called Affordable Village which would allow for attached dwellings in the PMUD and in the WRPD within the PMUD overlay by special permit.

Article C would modify the PMUD test to provide details on the affordable village attached housing special permits and cleaning up other components of the PMUD section.

Article D is a map change and would remove parcel D08-01-09A (the 248 unit 40B called Modera) from the PMUD Overlay District. It was Town Counsel's opinion that Modera maxed out the number of residential units within the PMUD. Removing this parcel would remove the restriction. The proposed change would increase the existing cap of 75 units to a total of 115 units. There are 34 existing units at Highland Green and Marketplace. This would allow a maximum of 81 units in the future in the PMUD.

Articles E and F would clean up the definitions by removing Dwelling Mixed Use and modifying the definition of Mixed Use Building and Mixed Use District. It would also clarify that Mixed Use Above Residential would be in the B-1, PMUD, and BRVO.

Article G would modify the existing Residential #7 in the Table of Use to clarify that Mixed Use Building instead of Dwelling-Mixed Use is allowed in the PMUD and in the WRPD when located in the PMUD by special permit and refer applicant to proper section.

Article H would add a new Residential #8 in the Table of Use to provide direction for an applicant seeking to file a special permit for mixed use building in the B-1 district.

Article I would create the language that would govern special permit applications for mixed use buildings in the B-1 district. It would allow a maximum density on 10 units per acre and require 20% of the units to be affordable. It would allow pre-existing non-conforming lots in the district to have the ability to get up to 2 units by special permit. It allows two full floors of residential above the first floor commercial. It allows a portion of the first floor to be used for residential access, storage and a garage. It would require 1.25 parking spaces per bedroom. All residential parking spaces be provided onsite. This is a first draft on the B-1 change. The Board is asked to drive up and down the Webster Street section of the B-1 district. The area has different look and feel than the Ocean Street side. Should the Webster Street area be included in the district? The B-1 district does south of Parsonage Street to 726 and 727 Webster Street. The B-1 district in that area is 275 feet from the center line of Webster St.

Article J would modify the existing BRVO by allowing residential access, storage and parking on the first floor similar to the B-1 and PMUD language. It would require a minimum of 40% of the first floor to be commercial. The proposed article specifically states that residential is allowed on the second and third floor versus the existing language allows 1 ½ stories of residential. It changes the special permit granting authority (SPGA) to the Planning Board, thereby having the Planning Board be the SPGA for all three mixed use building special permits. It modifies the language for the boardwalk/sidewalk, no longer requiring one continuous boardwalk. Applicants would be required to make connects where possible. It increased the parking requirement from 1 space/bedroom to 1.25 spaces/bedroom to match the parking requirement in the other mixed use buildings. It is already hard to park in this district in the summer. If we add residential units to the area, they will have guests. The draft does not change the current density which allows 3 units/10,000 sq.ft. or 13 units per acre which is the highest density allowed in Town. Should the Board consider requiring all residential parking to be above the highest recorded flood level of 10 ½ feet of BFE? Brant Rock Esplanade is subject to flooding and the likelihood of more frequent flooding events in the future should be considered prior to adding more people to this area. Requiring parking for residential units above the BFE would be possible but expensive, it may also reduce the actual density in a possible development due to design constraints such as height restrictions.

Base Flood requirements for the BRVO were changed shortly after the original zoning language was passed. The 2016 flood elevation was 16 feet plus one foot so the first floor elevation would be at elevation 17. Currently a large portion of the BRVO is at elevation 6. The new LOMR lowered the BFE to 12 plus one so the first floor has to be at elevation 13. The first floor would need to be 7 feet above the sidewalk for the areas at elevation 6.

Mr. Guimond suggested that the Board may want to consider writing something to address temporary uses such as food trucks or container businesses only allowed in the summer. If temporary uses do not need to be elevated it would help increase business in the summer.

Mr. Guimond stated that staff need board's feedback to move forward. Ms. O'Donnell stated that she has concerns about BRVO. She worries about an area that is regularly flooded why we would be considering year-round residents. She likes the idea of temporary business. Mr. Biviano stated that he is surprised that food trucks are regulated under zoning. Mr. Guimond explained that it would be clearer if we come up with a category in zoning.

DISCUSSION ON POSSIBLE CHANGES TO SPECIAL PERMIT RULES AND REGULATIONS

Currently staff are drafting revisions to rules and regulations

APPROVAL OF MINUTES (2/22/21 & 3/08/21)

Mr. Biviano moved to approve minutes of 2/22/21 and 3/8/21. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

BOARD/STAFF REPORTS:

We have noticed several violations with special permits in WPRD and activities that aren't allowed. Working with the Building Commissioner to resolve.

ADJOURNMENT (ROLL CALL VOTE)

Mr. Biviano moved to close the meeting at 7:45 PM. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye,, Aye; Mr. Biviano, Aye.