

MARSHFIELD PLANNING BOARD
Meeting Minutes
January 10, 2022– 7:00 PM
Remote Meeting

MARSHFIELD TOWN CLERK
RECEIVED
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PRESENT: Mike Biviano, Chair
Katie O'Donnell
Fred Monaco
Nik Papastratis
Kevin Cantwell

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

At 7:01 PM, Mr. Biviano moved to open the meeting. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Papastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Public Hearing WRPD Special Permit and Definitive Subdivision – Red Gold Farm

Mr. Biviano moved to open the public hearing and waive the reading of the public notice. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Papastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Mr. Guimond explained the rules for the public hearing. The hearing is for the definite subdivision and Water Resource Protection District Special Permit for Red Gold Farm off Moraine Street. The nearest town well is Webster Well #1 which it is 1,936 feet to the east and Webster Well #2 is 3,790 feet away. The hearing will not be closed tonight and will be continued. The hearing tonight will include a short presentation, questions from the Planning Board and then questions from the public. The application is for 23 single-family homes.

Gabriel Padilla from Grady Associates presented for the applicant. The applicant is proposing a 23-lot subdivision. The applicant is requesting several waivers. One of the proposed 23 lots is currently developed with an existing house. A 1,700-foot long driveway with a cul-de-sac is proposed. They are asking for a waiver from the dead end length and the number of houses served. They are requesting a drainage easement for a created pocket wetland. Existing conditions include a barn with historic cranberry sorting equipment. The applicant has been in discussions with the Town and Historical commission to relocate the barn to a location that will connect to the trail system proposed onsite. There are a series of wetlands on the site. The applicant is not proposing any work in the wetlands. The applicant is trying to keep a 20-foot natural buffer between the development and the abutters to the south of the new houses. They are proposing a Residential "C" road, 46 foot ROW with sidewalks on both sides. They will work closely to Ed Eichner to resolve the nitrogen loading calculations. Currently the proposed subdivision is slightly over the 5 ppm nitrogen loading limit. The lots will be developed individually. The roadway with a 2 percent maximum grade. There will be significant grading in the area. They are working with DPW to address their comments.

Pat Brennan from Amory Engineers has reviewed the plans and submitted comments to the Board. For the roadway, most paving companies cannot install an 18-inch Cape Cod berm. The Board should require a 12-inch Cape Cod berm instead. They will get water from the Duxbury. They need to demonstrate that they have adequate water pressure for fire protection. Mr. Brennan will work with the applicant on his concerns regarding drainage as the project moves forward.

Mr. Guimond presented an overview of the property and the surrounding area. The Trails Committee is in discussions with the applicant of providing a trail system and decking over a wetland area to connect the old RR ROW to the Hall property. Mr. Guimond is recommending that the proposed 46' ROW be reduced to a 40' ROW with one or no sidewalks. This waiver could be granted by the Board with the public benefit being the trail network. Staff have identified three lots that have questionable frontage, lot 3, lot 4 and lot 23. There are some issues with the nitrogen loading which will need to be addressed. In the past, the Board has tried to limit the numbers of bedrooms or the lawn area but this has been difficult to enforce. The Board may have to limit the number of lots to comply with the nitrogen loading. The Conservation Commission is currently reviewing the project. We have received comments from the Board of Health. The Board of Health is okay with the current plan but said that homeowners may want to change the location of the septic systems and more perc tests may be necessary. The Historical Commission and Trails Committee support the project with the public benefit being discussed.

Ms. O'Donnell asked what was going to happen with the bogs and if they are going to continue to be harvested. Mr. Padilla said they do not have a final decision on the bogs. The applicant hopes to rent them out for use. Mr. Biviano suggested that the Board conduct a site visit. Ms. O'Donnell said the lots with a common drive would be a major issue for her.

Mr. Bangs, Vice Chair of the Recreational Trails Committee (RTC) stated that one of the major goals of the RTC is to have connectivity from Scituate town line to Duxbury town line through the Bridle Path and the Rail Trail. RTC is looking for the causeway connector across the bog pond through the Red Gold Farm subdivision to allow the trail to avoid a large area of wetlands. The RTC is working with Eversource for a lease agreement off Webster across from the Green Harbor Golf course.

George and Dorothy Driscoll, 56 Whitford Circle, have several questions. They like the trail but where would people park if they were using the trail. On Lot 23, would the trail be near the transformer station? How far does a house have to be from a transformer? She also has a question about the drainage easements and whether it will have an effect on the bog and the river. Mr. Guimond explained that trails parking would be along Webster St and there will be a small parking lot in the subdivision where the barn is relocated. The house is already in existence next to the transformer, but there is not any regulations regarding the distance to the transformer. Mr. Padilla explained that they are not proposing to develop the bogs. The drainage easement will not affect anything outside the subdivision or the bog. The wetlands will not be touched. All work will be outside the wetlands.

Beth Casoni, 96 Meetinghouse Lane, says she has been here for 23 years and is concerned about the effects on the wildlife and river, which feeds the Cape Cod Bay. She would like to know more about nitrogen loading and has concerned about algae blooms. Will there be a 20-foot buffer around the pond? She asks who will maintain the dam. The applicant stated that no work could occur within 75 feet of the wetland. In the area, the edge of the pond is the wetland line.

Tricia Reilly, 170 Whitford Circle, asked what the process is for going through the Conservation Commission. Will the public have input in the project when it comes back from Conservation Commission? The next conservation commission meeting is January 18.

Darren Domingas, 14 Moraine St, asks how the additional traffic will be addressed. The line of sight along Moraine St will be reviewed for the stop distance requirements, but Mr. Guimond explained that the project is below the threshold that requires a traffic study.

Bruce Roberts, 154 King Phillips Pathe, has a question about Lot 3 and Lot 4 being accepted. He also asked if the town would encumber the property to prevent the bogs from being developed. Mr. Biviano explained that the Board does not allow common driveways as currently proposed for Lots 3 and 4 and this issue will be addressed with applicant. Mr. Guimond explained that the applicant has not offered to donate the bogs to the town and are currently looking to operate the bogs

Karen Shanley, 64 Meetinghouse Lane, asked if anyone has done any study on the effect of the water level on the pond. Will the subdivision cause an increase in the water level on the trails and make the trails not useable? Mr. Padilla stated that no water level change should be seen in that area. Michael Shanley asked if the property is in the flood zone. Mr. Padilla explained that the base flood elevation in the development is 9 feet. Mr. Guimond explained that the pond size has increased over time. The applicant has stated that they may be able to lower the pond level.

Beth Casone asked if they are not operating the bogs, where will the water go. Mr. Guimond explained he has not had a detailed conversation with the applicant regarding the bogs.

Mr. Biviano made a motion to continue the public hearing to February 7, 2022 at 7pm. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Associate Member Interview

Mr. Guimond explained that we have two people interested in the associate member position, Peg Davis and Scott DeCastro. Mr. DeCastro is on the meeting is available for questions. Mr. DeCastro said he is a long time resident of Marshfield and grew up on Union Street. He currently lives on Woodlawn Circle. He wants to help and enhance the town. He recently switch jobs back into real estate working for Coldwell Banker in Duxbury. He wants to do his best with the Board. He stated that he has the time to commit to the Planning Board. He said he would consider running for the Planning Board if an elected seat became available.

Presentation on MBTA Communities State Zoning Change

Mr. Guimond presented a slide show to update the Board on the status of the state zoning changes regarding MBTA communities. See attached slide show presentation.

Mr. Guimond said his next suggestion to the Board is to figure out how they want to move forward with this. Then contact the Select Board and have meeting with the Select Board and maybe the DPW to discuss this zoning change. Mr. Guimond's suggestion is not to move forward on this zoning change and not establish a 15 unit/acre multi-family district by right in town.

Mr. Biviano made a motion to accept Mr. Guimond's recommendations and have a meeting with the Select Board. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Cranberry Cove Surety Partial Release

Jack Dawley from Northland Residential is representing the applicant. Kenneth Blay and Frank Nones are representing the Cranberry Cove Homeowners Association. Northland is looking for the release of \$5,870 for work they have completed. Approximately \$17,280 would remain in the surety account. Mr. Blay stated that he has concerns that the estimates for the trees are too low should they need to be replaced. He is concerned that money will be released to Northland than the HOA will have to spend money to bring the development up to code for what the Town is looking for. The estimates for the Cost to Complete are from MassDOT. The Planning Board uses the MassDOT estimates for all developments.

Mr. Guimond said we had a previous request for release of funds that the Board did not take action on. The applicant was going to file a modification request but he was told that he would need the homeowners to sign off on the modification. It is unlikely that applicant would receive sign off from the homeowners. The applicant does not plan to do the remaining work. The applicant would leave the remaining surety with the town. If the remaining work costs more than the surety remaining, the Board can choose to put the money in the Town's Sidewalk Fund. The remaining work to be completed are the five sidewalk aprons. The applicant sold the last lot five years ago. The HOA took over January 2017. The applicant believes installing the five aprons now would be disrupted for the homeowners. However, the HOA would like the subdivision completed as approved. Mr. Biviano said that since there may be other issues and Mr. Dawley wants to walk away from his responsibilities to finish the road he is not in favor of releasing any surety at this time. The Board agreed with Mr. Biviano not to release any surety.

Mr. Biviano made a motion not to release any surety at this time. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

67 Norwell Rd Street Improvement Surety Release

Mr. Guimond explained that the roadway is completed and the Board is holding \$39,804. Mr. Guimond recommends that the Board release the surety for 67 Norwell Rd.

Mr. Biviano made a motion to release the surety of \$39,804. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

California Street Lot release with Submittal of Full Surety

Mr. Guimond explained that typically we look for base coat and drainage to be installed prior to releasing lots. This is a single lot and the applicant would like to do all the work prior to putting any pavement down. They are willing to put up the full amount. Pat Brennan gave us two estimates, \$103,593 for the smaller water line. The full cost for the larger water line as approved by the Planning Board is \$154,653. Mr. Guimond recommends going with the higher amount.

Mr. Biviano made a motion to approve the lot release for California Street upon receipt of full surety of \$154,653 by the applicant. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Vote on Associate Member

Mr. Pappastratis asked the Board to continue discussion on the Associate Member. He wanted to add that he has known Mr. DeCastro for most of his life and he thinks Mr. DeCastro would be an excellent addition to the Board. He is asking the Board tonight. Mr. Biviano said he is not ready to vote tonight but Mr. Pappastratis was welcome to make a motion. Mr. Pappastratis made a motion to select Scott DeCastro as the associate member. Mr. Monaco seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Nay.

Board/Staff report

Mr. Guimond explained the Board that an ANR for Birch Street needs to be added to the agenda. It was already signed by the Planning Board but the formatting of the plan needed to be changed to file with Land Court. The Board just needs to re-endorse the plan; no lot lines have been changed.

Mr. Biviano made a motion to add the ANR for Birch St. to the agenda. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Mr. Biviano made a motion to endorse the ANR for Birch St. dated 11/17/2021. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

The site visit for Red Gold Farm Subdivision was scheduled Thursday, January 27, 2022 at 9:00 am.

Request for Advice Zoning Board of Appeals

No requests from the ZBA for the Board to discuss at this time.

APPROVAL OF MINUTES (12/13/2021)

Mr. Biviano made a motion to approve the minutes of 12/13/2021. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

ADJOURNMENT (ROLL CALL VOTE)

Mr. Biviano made a motion to close the meeting at 9:00 pm. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.