

MARSHFIELD PLANNING BOARD
Meeting Minutes
June 27, 2022– 7:00 PM
Remote Meeting

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

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

At 7:03 PM, Mr. Biviano moved to open the meeting. Mr. Cantwell seconded. The vote was Mr. Cantwell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye and Mr. Biviano, Aye.

Public Hearing – Street Improvement Plan – Birch Rd

Mr. Biviano moved to open the public hearing for the Street Improvement Plan for Birch Rd. Mr. Cantwell seconded. The vote was Mr. Cantwell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; and Mr. Biviano, Aye.

Darren Grady from Grady Consulting is presenting for the applicant, 87 Jenny Street Trust. Upland Rd is on the left and Buttonwood Rd on the right. Birch Rd is an existing way that is not improved. The proposed road is 19 feet wide with a 1-foot berm for a total of 20 feet. The proposed road is super-elevated to direct stormwater to a crushed stone trench. The drainage will collect and infiltrate in a galley system that connects to a catch basin near Upland Rd. Post development rates will be less than pre development rates. They are proposing a 6-inch water service. The project will be doing a raise and rebuild at 83 Upland Rd, replacing the septic system at 54 Upland Rd to create three new lots. Mr. Grady said they have received comments from Pat Brennan but have not had a chance to address all of Mr. Brennan's comments.

Mr. Guimond stated that he has a few concerns. First, they are showing stone boulders for the retaining wall in the right-of-way. Mr. Guimond recommends that the boulders be replaced with a precast retaining wall. In addition, the trench should have rock inlets to insure that stormwater is intercepted especially in the winter. Only two of the five lots should be released at one time and the two lots should not be adjacent to minimize erosion. The applicant is proposing a hammerhead turn on Wildwood Rd. We have not received any comments from other town departments on this application.

Mr. Brennan has recommended that the catch basin they are proposing to replace near Upland Rd should be relocated along the gutter line and the existing catch basin be converted into a drain manhole for water quality issues. The applicant should consult with DPW regarding the 6" water line. The applicant should consider adding a natural gas line. Mr. Brennan also agreed with Mr. Guimond's recommendation require drop inlets.

Mr. Biviano made a motion to continue the hearing to July 11, 2022. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye and Mr. Biviano, Aye.

Public Hearing – Street Improvement Plan Modification – California Street

Mr. Biviano moved to open the public hearing for the Street Improvement Plan for Birch Rd. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; and Mr. Biviano, Aye.

Darren Grady presenting on behalf of the applicant, 87 Jenny Street Trust for the street improvement modification for California St. The applicant wanted to regrade the road to super elevate it, which would no longer require the previously approved drainage system. The proposed system involves a swale and infiltration galleys below. This system will be easier to maintain. They have added a silt sock to control construction sediment and they have added a crushed stone entrance for the construction house. They will connect to an existing 2" water service. The street improvement is still for one house lot.

Mr. Guimond stated that we have no received any comments from any other town department yet. Mr. Guimond also stated that we were looking for a guardrail, gate or boulder at the end of the street where it abuts town land. The boulders were discussed at the last hearing but were not included in the original decision but should be added this time.

Pat Brennan stated that he submitted a letter on May 21, 2022 with some editorial corrections that need to be made to the plan. The calculations show the drainage will work. If approved, Mr. Brennan stated that the approval should be conditioned to include his comments.

Mr. Guimond said that a resident had called concerned about the number of trees being cut down. Mr. Guimond explained that the current road is on private property and the trees need to be removed within the right of way.

Don Benner, 12 California Street, has a list of seven questions. His two main issues are the leaching pit and proposed road. The current leaching pit is much smaller in the current plan. Mr. Brennan explained that the original plan included a much larger area for analysis that was not necessary. However, the current plan just addresses that change in the wooded area and new pavement. There is an existing depression where stormwater collects. The new design provides a series of concrete chambers with crushed stone and the design will allow the area to drain much better than it does now.

Mr. Benner also questioned the reduction in pavement compared to the original approved plan. Mr. Grady said the pavement will not cause any issues with plowing and will address any runoff.

Dave Carriere, Board of Public Works, stated that he would like to talk to Public Works staff to make sure that the use of the 2" water line is acceptable.

Mr. Biviano made a motion to July 11, 2022. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye and Mr. Biviano, Aye.

Continued Public Hearing for Jedediah's Path Subdivision Extension

Mr. Biviano made a motion to continue the public hearing for Jedediah's Path Extension. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Monaco and Mr. Biviano, Aye.

Kevin Grady, Grady Consulting is present on behalf of the applicant. Jeff De Lisi, the applicant's attorney is also present. Mr. De Lisi updated the board since the last meeting. Grady Consulting has updated that plan set, provided the waiver public benefit, and answered questions regarding the drainage at the existing driveways. Mr. De Lisi has also researched the existing drainage easement and talked to Town Counsel. He stated that the easement itself is shown on the original subdivision plans. The Town accepted Jedediah's Path in 2000 and Mr. Bristol transferred the drainage lot to the Town in 2002. All deeds that transferred title of 156 Jedediah's Path makes the conveyance subject to the drainage easement shown on the original plan.

Mr. Grady presented the current plan revision showing the existing cul-de-sac to be removed and a 26-foot wide roadway, 2 granite curbs on each side and 5 foot sidewalks on each side. This plan version is the most compliant option. They have addressed the minor comments from Pat Brennan. One item that came up was the grading of the existing driveways. The lafrato's driveway flows from their house to Jedediah's Path with 5 feet of slope. Mr. Grady stated that they will saw cut and match the pavement in the right of way. Instead of going to the existing catch basin, it will flow to the new proposed catch basin.

The Vezzina's driveway currently flows from the garage door down then off the driveway and flows to the cul-de-sac. There will not be any ponding or drainage issues with the driveways.

Mr. Grady explained that the applicant looked at the possibility of relocating the pear tree in the existing cul-de-sac but it has a less than 50 percent survival rate if relocated because of the size and age.

They have submitted a letter of waiver requests and associated public benefits. Requested waivers include waiver from area of single access for 9 houses, waiver from width alignment and width of streets, and waiver from typical cross section. Public benefit includes \$8,000 cash payment to town for sidewalk or tree fund, adding 6 feet to roadway width, and additional landscaping.

Mr. Brennan stated the applicant has addressed his concerns.

Courtney Simmons, attorney representing the Vezzinas at 156 Jedediah's Path had several questions for the Board. She questioned where it is stated that the Town is the holder of the easement and the right to expand rights to the new developer. If the town can establish right to use the easement, it does not give the Town the right to expand it to the acquired land. Town Counsel has stated that the town believes it is in the town's rights to expand the use of the easement. Ms. Simmons does not believe the Town has rights to the easement, to traverse the easement or expand the easement to the acquired property. In addition, she does not believe that there has not been an analysis to determine if the additional drainage will overburden the easement. Ms. Simmons stated that there is a potential adverse procession claim over the reserve strip. Mr. Biviano stated that the Board does not address adverse procession claims.

Ms. Simmons asked the Board to consider conditions should the subdivision be approved to prevent any damage to her clients property. She asks that the existing cul-de-sac be maintaining to minimize any impact to the abutters. Mr. Biviano stated that the Board could only review the plan before them, which

removes the cul-de-sac. Ms. Simmons requested that several conditions be required if the project is approved. She requested a bond be required to relocate the landscaping and proposed landscaping be subject to the review and approval of the abutters.

Ms. Simmons asked if the town will maintain the land in front of the abutters or if the abutters were going to be given a fee to maintain the property themselves. Mr. Grady believes that common practice is for the homeowners to maintain to the roadway.

Ms. Simmons asked that her client's driveway be a smooth seamless transition to the new extension. Mr. Biviano stated that there would be cut and new pavement would match but a seamless match with no cut line would be impossible.

Ms. Simmons asked if construction to the drainage basin occur over Lot 1 instead of the easement. She also wanted to insure that adequate erosion control measure be implemented to prevent any erosion on her client's property.

Ms. Simmons requested reasonable construction requirement such as notice and limitation on construction hours.

Anna Iafato, Jedediah's Path, stated she had a list of compensatory requirements. On behalf of the abutters, Ms. Iafato feels it is disappointing that maintaining the cul-de-sac is no longer under consideration. She also does not feel the public benefit is appropriate and does not benefit the residents. She hopes that the Board will not approve the project. She said the residents are still concerned about the perc tests. Mr. Biviano stated that the Board is not involved with the Board of Health process. She wants to know why the results and signatures are different on the perc test.

Mr. Brennan stated that Test Pit #1 was noted as unacceptable but it is located in the cul-de-sac. Lot 1 and Lot 2 have two passing test pits and perc tests on each lot, which is the Title 5 requirement for each lot for new construction. Title 5 requirements for four additional deep holes which may not have been done yet. The applicant has completed what is needed for new construction right now. The additional tests are required prior to the building permit being issued.

Carol West, 76 Oakman Way, wanted to emphasize that the Board did not express a preference of plan at the last meeting and the Board should still be considering two plans. She also does not believe providing a 26-foot wide road should be considered a public benefit since it was requested by the Fire Chief. She also questioned why the town did not have to consider a community wide nitrogen aggregation plan. Mr. Brennan explained that it is not required.

Ms. West asked what Parcel A listed on the plan was. Mr. Guimond explained Parcel A was the remaining land of the parcel that the applicant is not purchasing from the original owner.

Chris White, 108 Jedediah's Path, stated that approval of the plan will be an injustice to the abutters it will devalue their properties.

Dave Carriere, Board of Public Works, states that the Town Charter puts maintenance of accepted ways are Public Works responsibility.

Mr. De Lisi explained under the existing Rules and Regulations, a street of this type only requires 20 feet of pavement, and building a 26-foot wide road should be considered a public benefit due to the request of the Fire Chief. 26 feet of pavement is the width of Route 3A.

Mr. Biviano made a motion to close the public hearing. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye, Mr. Monaco, Aye and Mr. Biviano, Aye.

Mr. Biviano made a motion to approve the Jedediah's Path Extension Subdivision plan as presented tonight. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye and Mr. Biviano, Aye. The vote passed 5-0.

Mr. Guimond said he would have a decision ready for the next meeting.

Board Reorganization

Mr. Guimond explained that no one requested reorganization. However, we need updated signatures because of the addition of Scott DeCastro to the Board as the associate member.

The Board decided not to reorganize so no vote was taken.

Board/Staff Reports

Mr. Biviano told the Board he will be absent from the August 8, 2022 meeting.

Mr. Guimond explained that we are wrapping up on the CZM Beach Nourishment Grant. We received another one-year grant to try to get the Fieldston area to sign the beach easements. We are also wrapping up on the MVP Action Grant. Woods Hole will be present the MVP report to the Select Board tomorrow night.

Minutes

Mr. Biviano made a motion to approve the minutes of 5/6/2022, 5/23/2022, and 6/6/2022. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye, Mr. Monaco, Aye and Mr. Biviano, Aye.

Adjournment (Roll Call Vote)

Mr. Biviano made a motion to close the meeting at 8:52 pm. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye, Mr. Monaco and Mr. Biviano, Aye.