

MARSHFIELD PLANNING BOARD
Meeting Minutes
January 9, 2023– 7:00 PM
Remote Meeting

PRESENT: Mike Biviano, Chair
Katie O'Donnell
Kevin Cantwell (late – arrived 7:08)
Nik Pappastratis
Scott DeCastro, Associate Member

ALSO PRESENT: Karen Horne, Asst. Planner

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

Continued Public Hearing on Street Improvement Plan for Juniper Road (Boles Rd End)

Mr. Biviano made a motion to continue the public hearing for Juniper Road Street Improvement with no testimony taken tonight to January 23, 2023. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; and Mr. Biviano, Aye.

Discussion and Vote on Possible Zoning Articles to Submit for ATM 2023 Warrant

Mr. Biviano made a motion to place the proposed zoning articles as discussed on the ATM 2023 Warrant. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; and Mr. Biviano, Aye.

Release of Road Surety for Old Summer Street/Flower Hill Lane

Ms. Horne explained that we are holding \$34,236 of surety for the street improvement of Old Summer/Flower Hill Lane. Mr. Biviano made a motion to release the street improvement surety for Old Summer Street/Flower Hill Lane. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; and Mr. Biviano, Aye.

Minutes

Mr. Biviano made a motion to approve the minutes of November 21, 2022. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; and Mr. Biviano, Aye.

Jedediah's Path Extension Public Hearing on Remand for Modification to the Approved Subdivision

Mr. Biviano made a motion to open the public hearing on remand from Land Court for the modification to the Jedediah's Path Subdivision and waive the reading of the public notice. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye and Mr. Biviano, Aye.

Karen Horne explained that the subdivision was previously approved in July 2022 and was appealed by an abutter, Maureen Vezina. The Vezinas and the applicant have come to an agreement on a possible

modification. The judge has sent the appeal back to the Board on remand for the Board to review. The Board could accept the modification or send it back to the judge if the Board does not approve the modification.

Attorney Jeff De Lisi, representing the applicant, Brendan Paras, explained the background of this application. Blueberry Hill Estates subdivision was approved in 1993 and the road Jedediah's Path was accepted by the town in 2000. The road is a dead end that serves eight homes. There is a 40 ft. wide access parcel at the end of the cul-de-sac. The applicant has a purchase and sale for the access parcel and a 3.5-acre parcel, which received an approval for 2-lot subdivision with two waivers. The previous approval calls for the removal of the existing cul-de-sac and the installation of a new cul-de-sac. As part of the abutter's appeal, the court cited judicial economy and requested that the parties engage in settlement discussions. Mr. De Lisi believes that the priority of the abutter is the least amount of disruption.

Mr. De Lisi stated that the Fire Chief was asked to review the proposed modification and submitted the Board a letter last week indicated that the current proposal with the hammerhead turn around meets the technical needs of the fire department.

Kevin Grady, Grady Consulting, presented the proposed modifications to the plans. The applicant is proposing to retain the existing cul-de-sac and access it with a 20-foot roadway for about 100 +/- ft. Then the road is widened to 24 foot for the fire equipment. There will be 4-foot wide sidewalk. The applicant is proposing a cul-de-sac right of way but will only build the hammerhead. They are not proposing any street trees along the roadway access parcel.

Mr. De Lisi said they have tried to create a circumstance that maintains the status quo as much as possible.

Mr. Grady said he spoke with Pat Brennan. Mr. Brennan sent an email the Mr. Guimond and said he had no issue with drainage because what they are reducing pavement. He commented on the connections of sidewalks and could look at it further if necessary.

Mr. Pappastratis noted that the proposed sidewalk on the hammerhead does not connect to the existing sidewalks. The existing sidewalks terminate before the existing cul-de-sac. The proposed sidewalk will only be along the roadway access parcel.

Attorney Shawn McCormack, representing the Vezinas, stated that they are trying to come up with a compromise. The applicant and the abutter has made concessions. He is hoping the Board will make a concession and allow the big waiver for the hammerhead.

Christ White, Jedediah's Path, supports the plan modification.

Ms. Horne said the applicant listed of 12 waivers on the plan. Mr. Guimond identified an additional 2 waivers.

Mr. Biviano asked about the issue of frontage. Ms. Horne explained that it is the staff's opinion that the hammerhead as proposed does not provide frontage for both lots. The layout of the cul-de-sac does not provide frontage. Frontage is required on a constructed way.

Mr. De Lisi stated that there is a zoning definition of frontage and a Planning Board definition of frontage. Mr. De Lisi believes that zoning only requires frontage laid out on a recorded plan. Mr. De Lisi states that

the Planning Board definition only requires safe, physical access. He believes that the hammerhead requires safe physical access.

Ms. Horne stated that the Planning Board requires safe, physical access through the entire length of frontage. In this case, 125 feet of frontage on a constructed way is required. Ms. Horne also stated that she discussed this issue with the Building Commissioner and he agrees.

Mr. Grady said they could extend the hammerhead around the curve to provide frontage of 125 feet.

Mr. Biviano said he would like to poll the Board before we move any further. He is in favor of the hammerhead proposal. Mr. Cantwell said he supports the hammerhead. Ms. O'Donnell stated that she wants the approval that most closely matches the regulations and is not in favor of the hammerhead. Mr. Pappastratis is also not in favor of the hammerhead. The straw poll indicated a 2-2 vote.

Mr. McCormack said the Planning Board is empowered to grant waivers. He does not believe the Board's objections are well founded.

Mr. Biviano asked the Board about the second choice of having two cul-de-sacs. Ms. O'Donnell and Mr. Pappastratis said they would not support two cul-de-sacs either. Mr. Pappastratis also cited the sidewalk discontinuance.

Anthony Reilly, Town Counsel, said there are two options for the modification tonight. The Board could vote not to approve the modification with a 2-2 vote or the applicant could withdraw. Both options would send the case back to Land Court.

Mr. De Lisi asked if the Board could continue the hearing to the next hearing to allow Mr. Monaco to weigh in on the proposal. Mr. Biviano said the Board could continue the hearing until the next meeting when Mr. Monaco would be back and could vote.

Mr. Biviano made a motion to continue the public hearing to January 23, 2023 at 7:05pm. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; and Mr. Biviano, Aye.

Board/Staff Report

Ms. Horne said there would be more economic development meetings. The Brant Rock meeting is on January 18, 2023. We are hoping to develop more specific action items to follow up with the MAPC economic development workshops.

Adjournment (Roll Call Vote)

Mr. Biviano made a motion to close the meeting at 7:51 pm. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye, and Mr. Biviano, Aye.