

## MARSHFIELD PLANNING BOARD

### Meeting Minutes

August 8, 2016 - 7:30 PM

Hearing Room 2 – Town Hall

PRESENT: Karen Horne, Chair  
Mike Baird, Vice Chair  
Mike Biviano, Jr.  
Stephen Maher  
Tony Pina

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

Ms. Horne moved to open the meeting at 7:30 PM. Mr. Biviano seconded. The vote was unanimous.

#### APPROVAL NOT REQUIRED PLAN

Enterprise Drive – VRT Corp.

Mr. Guimond explained the plan. He said Kirwan Medical is purchasing Lot A. Both lots have frontage and area. He recommends endorsement. There is still subdivision sheets that need to be corrected on the Enterprise Park Subdivision Plans. Ms. Horne moved to endorse the plan entitled: Approval Not Required Plan, Marshfield, Assessor's Parcel D09-01-21A, Enterprise Drive, Marshfield, Plymouth County, Massachusetts, dated July 5, 2016 and drawn by Associated Engineers of Plymouth, Inc., 81 Samoset St., Plymouth, MA. Mr. Pina seconded and the vote was unanimous.

#### BOARD/STAFF REPORTS

Mr. Guimond said that the new aide to Senator Warren is coming this Friday, August 12<sup>th</sup> and he plans to talk to her about the concerns regarding the flood maps and the 2,000 homes that would need to be elevated among other things. He said if the Board had other things they would like him to discuss to let him know. He also said the Board is welcome to attend. The meeting is scheduled for 11 AM

MINUTES Mr. Biviano moved to approve the minutes of July 25, 2016. Mr. Baird seconded. The vote was unanimous.

#### DISCUSSION - VOTE - LIAISON TO HOUSING PARTNERSHIP AND OPEN SPACE COMMITTEE

Ms. Horne moved to recommend that Steve Maher be appointed to the Housing Partnership Committee. Mr. Pina seconded. The vote was unanimous.

Ms. Horne moved to recommend that Mike Biviano be reappointed to the Open Space Committee. Mr. Pina seconded. The vote was unanimous.

#### DISCUSSION – UPCOMING CHARTER REVIEW COMMITTEE MEETING

The Planning Board has been invited to attend the Charter Review Committee Meeting on August 25<sup>th</sup> at 6:30 PM in Hearing Room 3 of the Marshfield Town Hall. Ms. Ramsey has the meeting posted in case a quorum is intending to attend. Ms. Horne and Mr. Maher have expressed interest. Mr. Biviano will be away and cannot attend. Ms. Horne asked that this subject be placed on the August 22<sup>nd</sup> agenda for discussion about the questions.

#### PUBLIC HEARING – PINE OAK FARM MODIFICATION

Ms. Horne moved to open the public hearing. Mr. Biviano seconded. The vote was unanimous. Ms. Horne read the public hearing notice.

Ms. Horne said a letter requesting a modification to the Pine Oak Farm Special Permit Certificate of Action dated 10/31/06 to allow replacement of the required concrete apron between the sidewalk and roadway with asphalt. Mr. Greg Gibbs of Spectrum Home explained that the subdivision plans did not show concrete aprons and the driveways have already been installed using bituminous concrete. Mr. Gibbs said he could only find one other subdivision in Marshfield that has completed this per rules and regs and the results have not held up as well as others done in asphalt. Mr. Gibbs said he wants to get the subdivision completed. He said digging the driveways up will be disruptive to the residents and he doesn't think it will be beneficial. Mr. Guimond said Mr. Gibbs asked for subdivisions that had been completed using the concrete and Mr. Guimond said he found 20 streets that had been completed using concrete. Mr. Guimond asked if he will be correcting Lot 1 to meet ADA standards and Mr. Gibbs said he will. Mr. Baird asked how much it will cost to do the concrete and Mr. Gibbs estimated \$1,000 per lot. There are 19 lots. An absentee letter from Rebecca and Ryan Oag asked that the waiver be granted. Letters from Lewis and Jessica Jones of 15 Strawberry Farm Road and from Greg and Caroline Murphy requested that the waiver not be granted. There were abutters in the audience, some of whom were for and some against granting the waiver. Mr. Baird asked how long it would take to do the change but Mr. Gibbs was not sure. He said probably six weeks. Mr. Baird asked what is the reasoning for the concrete aprons and Mr. Brennan said it's to prevent fracturing. Concrete is not flexible. Mr. O'Brien said he had a copy of a September 30, 2015 Cost Estimate to Complete and asked if there is a more recent one. There is not. Mr. Trent Bachman of 8 Strawberry Farm Road said he bought Lot 1 and he said many cars mistakenly turn down Strawberry Farm Road and pull into his driveway to turn around. Because of all the extra cars, he is concerned about allowing the asphalt waiver. He also asked if not making the developer adhere to the requirements would prevent DPW from someday accepting the road. Mr. Guimond explained that the Planning Board only recommends to the DPW that roads be accepted and if the waiver were granted, the Board would not recommend against accepting the road for that reason. The DPW is the Board who makes the final decision. Some of the abutters said they ought to get what they paid for but Mr. Gibbs said they did according to the plans. Mr. Biviano asked if they were promised their driveways would be concrete but Mr. O'Brien said it's

in the Subdivision Rules and Regulations. Mr. Baird said it would be in the P&S. Mr. Maher asked if this was an all or nothing call or if some could be left as is but Ms. Horne said the waiver would be granted or not for all the driveways. Mr. Baird voted to deny the waiver request. Ms. Horne seconded. The vote was 4-1 with Mr. Biviano voting against. Ms. Horne moved to close the public hearing. Mr. Baird seconded. The vote was unanimous.

PUBLIC HEARING –(Cont.) ZENAS BROOK WAY – INCLUSIONARY ZONING  
SPECIAL PERMIT – TARA CALABESE

Ms. Horne moved to open the continued public hearing.. Mr. Biviano seconded. The vote was unanimous. Rick and Darren Grady and the applicant were present. Rick Grady explained that they had revised plans. He said there were what he considered two big issues; the affordable lot size and the creation of the front lot setback with an abutter. He said they have reconfigured the other lots and made a separate smaller lot to solve the issue of the lot size for the affordable home. He also said Town Counsel has advised them to make the strip at least 1' wide, not 1". Mr. Grady said he's still working on that. Mr. Grady said the average lot is 9,000 SF. The proposed affordable lot is 11,000 SF. There is a proposed fence behind the affordable unit. There is no lawn and no back yard. Ms. Horne asked how a person would go out the back door but Mr. Grady said they may do a side door instead. Ms. Horne asked how practical it is to build a house without encroaching on the buffer to which Mr. Grady said they would probably have to encroach about 4' and then fill in the area once the house is built. He said they will delineate the boundaries of Lot 6 with cedar posts. Ms. Horne asked if the 1' strip would be part of Lot 6 and it will. Mr. Grady said that DPW wants concrete chambers but the applicant would still prefer the plastic. They will defer to the Board and accept it as a condition if necessary. They would like a waiver to eliminate granite for Cape Cod berm. This will be a private road. A letter was submitted from Charlie Swanson, DPW Project Manager on June 17, 2016 and on August 4, 2016. A summary of his comments follows:

- Move the infiltration system to the east to allow installation of the 8" DI water main on the west side of the road. Drain line can be shifted to the east
- Infiltration system to have concrete chambers under the roadway pavement.
- All curved roadway edges less than 60' radius and catch basin inlets shall be granite.
- The 30' radius curb on the east side is a non-tangent curb. A compound curve should be designed. The revised curb line shall provide space for grading between the curb and 101 So. River St. or a temporary construction and grading easement should be obtained from 101 So. River St.
- The Cul-de-sac should be moved away from Lot #3 to provide at least 3' to the property line.
- An auto turn or other design aide should be provided to show that fire trucks, rubbish trucks etc. can safely enter and exit Zenas Brook Way as well as turn in the cul-de-sac.
- If the Flow Dissipater shown on Sheet 9 is to be used for the 8" overflow pipe shown on Sheet #5, an 8" pipe should be added to the detail.
- What is the purpose of the 4" and 6" underdrains and shut-off valves in drain system #1? The elevations and details are in conflict.

Mr. Pat Brennan submitted a letter to the Board dated 8/1/16. Please refer to the Planning Board files for the complete details. A memo was also received from Tom Whalen, dated 7/29/16 who

was commenting on providing public access to the Arthur Holland Burial Ground. He said the burial ground is a major historical asset and that a CPC historical grant was awarded several years ago to restore the area. Currently access is only gained by crossing private property.

Mr. Guimond submitted a lengthy review, dated August 8<sup>th</sup>. Please refer to the Planning Board files for the complete memo. A summary of his comments follows:

- The applicant submitted a yield plan that shows three lots. However, that plan, if it were a subdivision plan, would require waivers and would create an issue of potential non-conformance with 101 So. River St. One of the waivers 4.1.4.b minimum centerline offset would have to be granted in order to keep the existing house on Lot 1.
- Concern has been raised about the size and shape of Lot 2 which is the proposed affordable lot. The applicant tried to address the concern about the size by reducing the size of the other lots and by turning the house so that the back yard becomes the side yard. The shape of Lot 2 is still the least desirable.
- The property contains a portion of Zenas Brook which has Coldwater fisheries status. The Planning Board will need to make the finding that the proposed 5 lot subdivision is a better design than what could be done by right.
- All buildings must be able to contain a circle of a minimum diameter of 75' from the front to the rear building line. Mr. Guimond requested on May 23<sup>rd</sup> that an enlargement showing several of the lots be submitted but to-date none has been received.
- The Planning Board is requesting an opinion from the Conservation Commission stating that such reduction will not affect natural resources, would result in better design and improved protection of the natural and scenic resources and still comply with the bylaw.
- The standard for the 30' buffer setback has proved difficult to meet with the reduced lot sizes.
- The Planning Board will need to find that the proposed affordable lot is not less desirable in location than the market rate lots. It is the odd shaped lot. The house is turned to face north in order to have the backyard shifted from being against #85 So. River St. to Lot #1 within the development. The revised plans reconfigure the lots and add a new Lot 6 thereby making Lot 2 no longer the smallest lot within the development.

#### Waivers Requested:

- The applicant requests a portion of the drainage system to be allowed within an easement.
- They request allowing a reduction of the minimum required 150' centerline offset with Hatch St. If this is not allowed, the roadway would have to be shifted west away from 101 So. River St and would require removal of the existing house.
- The applicant requests allowing a 12" berm versus the 18".
- They request allowing a reduction of the outside roadway diameter from 120' to 70'. The Planner and Engineering Dept are concerned with the ability of large trucks such as garbage, recycle and other large service trucks to turn around in the proposed reduced cul-de-sac. The reduced cul-de-sac may require these trucks to back into the subdivision from South River St.
- The applicant requested a reduction in the amount of cover over drainage pipes if they use a Class V reinforced concrete pipe.
- They have requested a waiver to not have to install street trees every 40'.

- Not requested but needed is a waiver from the width, alignment and grades of streets unless the ROW met the requirement for a minimum centerline offset.
- Reserve strips prohibiting access to the street or adjoining property (101 So. River St.).
- Granite Curbs. The plan shows a 12" Cape Cod berm around the cul-de-sac but no waiver was requested.

The submitted 3-lot yield plan is not an As of Right Plan and should not be used to determine the density bonus.

Mr. Guimond included a lot of background information on the River's Protection Act. Please refer to the Planning Board files for this more detailed information.

Ms. Calabrese said she believes this plan is much more beneficial than a straight subdivision with larger lots. She feels it protects resources and is less of an impact. She said she has an Email from Mr. Mather supporting the use of Lot 2 for the affordable lot but she didn't have it with her and Mr. Mather has not submitted a letter to-date. Mr. Maher said this is still the least desirable lot. Mr. Pina commented on the moving water line. Mr. Brennan said he wants it on the side where the houses are proposed. Ms. Calabrese said she is not sure what the buildout time is. She'd like to sell the existing house. She doesn't feel Lot 2 is any less desirable than the others. Mr. Guimond said the Board should consider the shape of lot 2.

Mr. James Marathas of 101 South River St said he strongly opposes this development. He said the entire hearing was improper. He said he never got notice of the hearings but was told about them. Ms. Calabrese, however, had the white slip showing she had sent notice to him. Mr. Marathas said a proper yield plan should have been submitted. He asked why the Board would even consider giving the applicant a waiver to move the street closer to him. There is a hill, a fire station and a school and he said you can't see when pulling out. He said it would be a hazard. There is no buffer between the road and his house. He asked if the wetland line was approved by the Conservation Commission and it was. He was told that the houses are going to be modular and asked how that could possibly be found to be in the architectural design of the neighborhood on South River Street. He asked how a sideways house could be found to be beneficial. Mr. Marathas said he agrees with all of the points in Mr. Guimond's memo.

Mr. Kevin Ponton of 127 South River Street asked if the applicant had addressed the issue of the cemetery. Mr. Baird said the Board has the letter requesting some sort of access. Mr. Ponton said this is the oldest private cemetery in Marshfield and said it is actually larger than shown. There are at least 20 people buried there but they are not sure where the graves all are. Ms. Cynthia Combs of 127 South River St. said there is technology available, Ground Penetrating Radar, to find graves but it is expensive. She said they stretched the grant money as far as they possibly could.

Ms. Hatten of 102 South River St said the intersection is dangerous at present. You have to inch out from Hatch Street into South River St. With the sun and the hill, it's really dangerous.

Ms. Horne said the hearing is going to have to be continued. This is a Special Permit application and requires a 4 out of 5 positive vote to approve. One of the Board members will not be able to

attend the next meeting and the one after that is going to be devoted to the Flood Map article. Because of the deadline for the decision which was October 3<sup>rd</sup>, the applicant said she'll extend the deadline until October 11, 2116 which will give time for a continuation of this meeting to October 3<sup>rd</sup>. This will also allow time for feedback from the Conservation Commission.

Ms. Horne moved to accept the applicant's request for an extension of the decision deadline until October 11, 2016. Mr. Biviano seconded and the vote was unanimous.

Ms. Horne moved to continue the public hearing to October 3<sup>rd</sup> at 7:45 PM. Mr. Baird seconded and the vote was unanimous.

#### PUBLIC HEARING – WRPD SPECIAL PERMIT – LONE STREET

Ms. Horne moved to open the public hearing. Mr. Baird seconded. The vote was unanimous. Ms. Horne moved to waive the reading of the public hearing notice. Mr. Baird seconded and the vote was unanimous.

Ms. Deb Keller from Merrill Engineering presented the plan but she also noted that revised plans have been submitted just today. She realizes the hearing will have to be continued. She said the site consists of two properties, 40 Lone Street which has about 4.6 acres and 20 Lone Street which has about 0.9 acres. There is an existing office/warehouse building on 40 Lone and an existing single family home on 20 Lone St. This building is proposed to be demolished and a 14,316 SF warehouse building is proposed to be built.

Mr. Guimond said the plans were submitted to the Board's Water Scientist, Ed Eichner, who reviewed the Special Permit Application for compliance with the Town's WRPD requirements. Mr. Eichner said the analysis, based on materials submitted on July 8<sup>th</sup>, show the current and proposed nitrogen loading on the site is less than the 5 PPM limit provided existing water use is used as a proxy for wastewater generation. The revised plans that were submitted today will be sent to Mr. Eichner for his confirmation that the application is still below the 5 PPM.

Please refer to the Planning Board files for the complete report and comments submitted by both Amory Engineers and Ed Eichner.

Mr. Peter Cook, an abutter, submitted a letter in support of the project and read the letter into the record. The letter was dated August 5, 2016. No abutters spoke against the project.

Because the revised plans were just submitted, the public hearing will be continued. Ms. Horne moved to continue the hearing to August 22<sup>nd</sup> at 8:00 PM. Mr. Baird seconded. The vote was unanimous. An ANR will be submitted prior to the next public hearing.

#### DISCUSSION/VOTE – REPETITIVE MOTION –RANCH HOUSE, 222 CANAL STREET

Mr. Jack Clancy is requesting that the Planning Board agree that the new submittal shows a significant change which would allow him to submit an application to the Zoning Board of Appeals within two years from his first application. Mr. Guimond said the reduction in the

footprint now includes one building (a duplex) instead of two. The reduction in building mass and the increase in buffer space and open space are substantial changes. The revised architectural design as presented was significantly changed from the previous submittal. The Board agreed that this was a significant change. Ms. Horne moved to recommend to the Zoning Board of Appeals that the new submittal be considered a substantial change. Mr. Baird seconded. The vote was unanimous.

Ms. Horne moved to adjourn the meeting at 10:20 PM. Mr. Biviano seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant  
Marshfield Planning Board