

## MARSHFIELD PLANNING BOARD

### Meeting Minutes

April 29, 2019 – 7:00 PM

Town Hall – Hearing Room 2

PRESENT: Mike Biviano, Vice Chair  
Kevin Cantwell  
Fred Monaco  
Katie O'Donnell  
Nik Pappastratis  
Peg Davis, Associate Member

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

Mr. Biviano opened the meeting at 7:00 PM.

#### BOARD REORGANIZATION:

Mr. Biviano volunteered to be Chair unless someone else was interested in volunteering for that position. Mr. Monaco moved to nominate Mr. Biviano as Chair. Ms. Davis seconded. The vote was unanimous. Ms. O'Donnell volunteered to be Vice Chair. Mr. Biviano moved to nominate Ms. O'Donnell as Vice Chair. Mr. Monaco seconded. The vote was unanimous. After some discussion, Mr. Pappastratis volunteered to be Treasurer. Mr. Biviano moved to nominate Mr. Pappastratis as Treasurer. Mr. Monaco seconded. The vote was unanimous. Mr. Biviano moved to nominate Mr. Monaco as Clerk. Mr. Monaco seconded. The vote was unanimous.

Mr. Biviano moved to recommend that Kevin Cantwell be the Board's representative on CPC. Mr. Monaco seconded. The vote was unanimous. Mr. Biviano moved to have Mr. Monaco continue to be the Board's representative on the Housing Partnership. Ms. O'Donnell seconded. The vote was unanimous. The Board did not vote to have a member be their representative on the Open Space Committee.

To be concise, the slate of officers of the Board is as follows:

Chair	Mike Biviano, Jr.
Vice. Chair	Katie O'Donnell
Treasurer	Nik Pappastratis
Clerk	Fred Monaco
Member	Kevin Cantwell
Associate Member	Peg Davis

PUBLIC HEARING (Cont.) D. J. SULLIVAN – 612 PLAIN STREET – WATER RESOURCE PROTECTION DISTRICT SPECIAL PERMIT

Mr. Biviano moved to open the continued Public Hearing for D. J. Sullivan. Mr. Monaco seconded. The vote was unanimous. Adam Brodsky, Attorney for the applicant introduced John Keefe, Surveyor and Mike Snow, Landscape Architect. Dan Sullivan, the applicant, was also present. Mr. Brodsky said that, in response to Mr. Brennan's comments, they will add the oil water traps to the plans. They have provided a fence to keep the rear parking lot closed and they will replace the crushed stone with mulch and loam. Mr. Brodsky said they have submitted the required Emergency Response Plan. The Board asked for a guestimate of the number of people employed. Mr. Sullivan will employ a maximum of 15 for his site. Mr. Brodsky said they would like to lease out the seven bays. They will mostly be leased for storage operations and Mr. Brodsky said they estimate about 1 ½ people per bay bringing a total number to a maximum of 26. That would still bring the total gallons of water to 390 which is below the 440 designed capacity. Mr. Guimond said they still do not meet the 60% impervious surface requirement for the WRPD.

Mr. Brodsky said there is a new issue of multiple principle uses in the B2 zone which is not allowed. He said the Planning Board doesn't need to address that issue at this time. Mr. Brodsky said that all uses will need to come before a Board. He is aware of the concern but it is not part of this application. He said that the ZBA issued a decision allowing multiple uses even after the WRPD was zoned and there is a long history of that building having multiple uses. Mr. Brodsky said that will be for another discussion at another time. Mr. Guimond said that the boat company in the front will have to come before the Board. Mr. Biviano asked if the tenants in the 7 bays have leases but Mr. Sullivan said they are all tenants at will. Mr. Brodsky said they are willing to have a condition saying that the tenants will have to come before the Board for a permit in the WRPD but Mr. Guimond said the owner of the property is the one who would come before the Board if that is a condition that the Board puts in the decision. Mr. Brodsky said that the only use for the Planning Board to consider is D.J. Sullivan's Miscellaneous Business Use. Ms. Davis asked if the uses were grandfathered but Mr. Guimond said they were originally not legally permitted for use in the WRPD. Mr. Guimond said that Town Counsel has said that multiple principle uses are not allowed.

Mr. Guimond said that Mr. Sullivan originally stated that all storage would be inside. Now it appears to be otherwise. Mr. Guimond is concerned that they still do not meet the 60% impervious surface, as required in the WRPD. Mr. Sullivan said he could move the fence if the concern is the lot being used for storage or parking. He has no problem moving the fence but ripping up the asphalt would be very expensive. Mr. Brodsky said there wouldn't be any extra environmental gain by removing the asphalt. Ms. O'Donnell said she is hung up on the multiple use situation. She understands that they are permitting one single use now but she is concerned about the multiple uses in the same building. She said that the Board should try to clean up the past wrongs that were done for whatever reason. Mr. Brodsky said the decision could be conditioned to say that any other use will have to come to some Board in the Town. He'll talk with the Building Commissioner. Mr. Biviano said he's ok with conditions. The multiple use situation is out of our jurisdiction. Ms. O'Donnell wants to be up-front that this multiple use will be a concern. Mr. Biviano said any other use has to come back to us. He also said that he is okay

with not removing the asphalt. He said he'd like to close the public hearing. The Board could either vote tonight or they could wait until the decision is written and then vote. Ms. Davis said she'd like to wait and read the decision first. Other members concurred.

Mr. Guimond explained that Ms. Davis, the Board's Associate Member, would be voting on this special permit decision. Mr. Biviano moved to close the public hearing and to vote and endorse the decision at the next available meeting. Ms. O'Donnell seconded and the vote was unanimous.

#### REQUEST TO SWAP LOTS – ADELAIDE – GREG GIBBS

Mr. Gibbs said he would like to have Lots 3, 8 and 15 released. He had originally requested Lots 3, 6, and 8 and the Board released them but Mr. Gibbs had not recorded the Form E. He now has a buyer for Lot 15. Mr. Gibbs submitted a new form E. Mr. Biviano moved to approve the request to release Lots 3, 8 and 15 and to take back Lot 6. Mr. Cantwell seconded. The vote was unanimous.

#### REQUEST TO RELEASE FUNDS – 142 COHASSET AVE – JAMES MULLIGAN

Mr. Mulligan sent in a request for the Board to release any remaining funds. Ms. Ramsey said all consultant bills have been paid and the As Built plans have been submitted and reviewed. Mr. Monaco moved to return the funds totaling \$1,363.10. Mr. Pappastratis seconded. The vote was unanimous.

#### STREET DETERMINATION – HOLYOKE AVE

Mr. Guimond said he did measure the street and it is 20' wide and paved. Town Counsel, though, has not yet rendered it a Lot of Record. Mr. Guimond said he would like to hold the issuance of the street determination until he hears from Town Counsel. Mr. Biviano moved to approve the street determination pending approval from Town Counsel that the lot for which the street determination is being issued is a Lot of Record. Ms. O'Donnell seconded. The vote was unanimous.

MINUTES Mr. Biviano moved to approve the minutes of April 8th and April 22<sup>nd</sup>. Mr. Monaco seconded. The vote was unanimous.

#### BOARD/STAFF REPORTS

Mr. Guimond said that he has made the changes to Chapters 5 and 10 of the Master Plan but that Chapter 11 has to be re-written. He said that the Ocean Bluff Preservation Committee complained that their beach was not recognized in the plan but Mr. Guimond explained that their beach is not listed as a public beach. Woods Hole Group also noted that beach nourishment in that section would not last as long as in other sections of beaches. Ms. O'Donnell suggested including an explanation in the plan. Mr. Guimond said that CZM has been reluctant to invest in the WADS and they do not find groins to be helpful. Mr. Guimond said he is hoping to hold a public hearing in August for updating the Master Plan.

Since there were no scheduled items listed for the meeting on May 13<sup>th</sup>, Mr. Biviano said to call Mr. Brodsky and see if they are willing to wait until the meeting on the 20<sup>th</sup> when there are other items scheduled or if it is urgent for them to have it on the 13<sup>th</sup>. He said he'd be willing to have it on the 13th if they felt it was urgent.

Mr. Biviano moved to adjourn the meeting at 8:05 PM. Ms. O'Donnell seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant  
Marshfield Planning Board