

MARSHFIELD PLANNING BOARD

Meeting Minutes

May 13, 2019 – 7:00 PM

Town Hall, Hearing Room 2

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

ALSO PRESENT: Kay Ramsey, Executive Assistant

ABSENT: Greg Guimond, Town Planner

Mr. Biviano called the meeting to order a 7:00 PM.

BOARD DISCUSSION AND POSSIBLE VOTE – 612 Plain Street – Water Resource Protection District Special Permit – D. J. Sullivan

Mr. Biviano called the meeting to order. He explained that Ms. Davis, the Board's Associate Member, would be voting on this item since Mr. Cantwell had not been on the Board when the hearing started.

Mr. Biviano asked the Board if they had any comments about the draft decision. Ms. O'Donnell said she still has concerns about the pavement in the back behind the fence. She said she'd prefer to see the pavement broken up. She said the Board has been very consistent in holding other properties to the 40% and she thinks breaking up the pavement would help in that regard. Mr. Biviano said if broken up, it should be removed. Mr. Dan Sullivan, Applicant, said that was why they had the fence to restrict that area from being used but Ms. O'Donnell said a fence on the pavement leading to nowhere seemed odd. Mr. Brodsky said he thought that was all agreed upon last time but Mr. Biviano said one member still has an issue with it. Ms. Davis said it still could be a storage area even with the fence. Ms. O'Donnell said if they are intending to come back with multiple uses, it's better to think about it now. Mr. Brodsky, Attorney for the Applicant, said he thought everyone was in agreement for two reasons: because it's a non-conforming lot and a pre-existing building and they put up the fence so that it would be restricted from use.

Ms. Davis is concerned with the multiples uses. She said if they are applying for only one use, the other uses would have to be similar and that would be competition. She said he kept referring to existing multiple uses and she is concerned that they will come back for a change to multiple

uses. Mr. Brodsky said he didn't want to mislead the Board. He said they would be looking for multiple uses but this application was for a single use only. Mr. Biviano said he thinks they all had that concern but the decision says they are permitting a single use only.

After looking at the submitted photo of the fence, Mr. Biviano said he doesn't like that rope style fence and doesn't see how it would prohibit use. He'd rather see a chain-link fence. Mr. Sullivan said he'd do whatever the Board wants for a fence. He said he'd rather remove the asphalt than do the roof coating that is a condition of the draft decision. Ms. O'Donnell said to be careful what he agrees to. Mr. Biviano said they would get to the roof coating condition but he wants to finish up with the gravel issue first. Mr. Sullivan said he doesn't plan on using that back yard.

Mr. Brodsky said if they get rid of the asphalt, can they get rid of the fence but Mr. Biviano said the rationale for the fence was so no storage could be put in the back area. Ms. O'Donnell suggested removing the asphalt and leaving the rope fence along with putting in some natural vegetation.

Mr. Pat Brennan said he doesn't know if the roof is coated or not. He said it's the same as the roof on the building next door and it could very well have been built with a coating. He said the roofs that are built today have that material built in but these roofs were built nearly 40 years ago and he isn't sure. Mr. Brodsky said it would cost \$40,000 to do this roof. He said there are no overwhelming environmental issues. If they were replacing the roof, it would be reasonable but not on an older building. Mr. Pappastratis said that if there are contaminants coming off the roof, the coating should be done but Mr. Biviano said he didn't think anyone was qualified to do the testing. Mr. Brodsky said they are willing to have a new condition stating that if and when the roof needs to be replaced, it will have to be coated with some kind of material that will not allow the leaching of contaminants.

Ms. Davis asked if, since there is only one permitted use, the boats will have to go but Mr. Sullivan said the dry dock has nothing to do with his business.

Mr. Biviano said any uses will have to go through the Building Department, Zoning and the Planning Board. Every business has to come before the Planning Board. Mr. Brodsky said that the multiple uses – previous uses – do not comply. Ms. Davis asked if there was a decision on the boats. Are they staying or going? Mr. Sullivan said they are tenants. Ms. Davis asked how that complied with the single use. Mr. Sullivan said he does not own the building yet and has no control. Mr. Biviano said that when he takes over, this special permit is for one use only. He said that Mr. Sullivan should have something worked out with the Building Department, the ZBA and the Planning Board before he buys the building.

Mr. Biviano moved to approve Findings 1-18. Mr. Pappastratis seconded. The vote was unanimous (5-0). (Mr. Cantwell is not voting on this application.) Please see the decision in the Planning Board files for an explanation of what the Findings are.

The Board discussed the fence line, the roof and the asphalt conditions.

Mr. Biviano moved to approve Conditions 1, 2, 3, 4, 5, 7, 8, 9, 10 And 11. Mr. Pappastratis seconded. The vote was unanimous. Mr. Biviano moved to change Condition #6 to read: If the roof is replaced, it should be replaced with a material that satisfies WRPD standards. Mr. Pappastratis seconded. The vote was unanimous.

Mr. Biviano moved to add a condition stating that the applicant shall remove the asphalt to comply with the fence-line as shown on the site plan and to show that they meet the 40% pervious surface. Mr. Pappastratis seconded. The vote was unanimous.

Mr. Biviano moved to add another condition stating that the applicant shall install a rope-style fence as shown on the photo. Mr. Monaco seconded. The vote was unanimous.

Mr. Biviano moved to approve the draft decision as amended. Mr. Pappastratis seconded. The vote was unanimous.

Mr. Biviano moved to approve the WRPD Special Permit for D.J. Sullivan with the conditions as stated. Mr. Monaco seconded. The vote was unanimous.

MINUTES: Mr. Biviano moved to approve the minutes of April 22, 2019. Mr. Pappastratis seconded. The vote was unanimous.

Mr. Biviano moved to adjourn the meeting at 7:55 PM. Ms. O'Donnell seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board