

MARSHFIELD PLANNING BOARD
Meeting Minutes
June 3, 2019 – 7:00 PM
Hearing Room 2 – Town Hall

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

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

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

Ms. Peg Davis apologized for making an inappropriate remark at a previous meeting.

PUBLIC HEARING – REQUEST FOR MODIFICATION TO SPECIAL PERMIT – JOHN SHERMAN ESTATES

Mr. Biviano moved to open the public hearing and to waive the reading of the public hearing notice. Mr. Pappastratis seconded. The vote was unanimous.

Mr. John Clifford, a resident of the White Oak Farm Subdivision, submitted a petition to the Board signed by the residents of White Oak Farm, many of whom who could not attend tonight's meeting. The petition requested that the Board not modify their original decision.

Mr. Paul Driscoll explained that Condition #25 of the original John Sherman Estates subdivision required that construction vehicles go through the Main Street entrance. He said he believes that the Planning Board meant construction of the road, not the construction of the houses. He said the Planning Board did not want a through road. Lots 12 and 13 on Abner Way were sold. Lot 12 has been conveyed. Mr. Driscoll said the emergency access is steep and narrow and dangerous. He believes it is a safety issue. He has called the Safety Officer and the Chief and left many messages but neither has returned his calls. Mr. Driscoll said there was an incident where the Safety Officer was called previously so he knows about the issues. He said they paid the Nergers for the right to use Wright's Way. Mr. Driscoll said when Wright's Way was being constructed, the construction trucks all used the cul-de-sac rather than trying to make a turn on that hill. Mr. Driscoll said they paid the Nergers (Developers of White Oak Farm) for the use of the road and that language was on the easement. Mr. Driscoll said that Bob Barrett had a history

with the project. Mr. Barrett said that the restriction was for the construction of the road. He said the agreement reflects that.

Mr. Guimond said that it was clear that the construction vehicles were to use the entrance at 3A. He said that the emergency access was also for pedestrian access (Refer to Waiver (#4)). Mr. Driscoll said they had no problem with pedestrian access. Mr. Guimond said the access road is 12' wide within the 20' easement. He said at one point the road was blocked by a truck and that was when the Safety Officer was called. Bob Gosselin said it was his truck, that he had just arrived, and that the Safety Office told him to move the truck. He told him to come in via Wright's Way. Mr. Gosselin said he owned two lots on Abner Way, one of which was conveyed. He said he will not be building any of the other lots. Mr. Gosselin said cars zoom down the hill, cutting through from the Nerger subdivision.

Mr. Guimond had slides which showed the access point and the emergency access, the places where the gates would go and the road going up the hill. He said the retaining wall of the house with the easement appears to be in the right of way. Mr. Guimond said the sawhorses that have been put up to block the entrance are pretty near where the gate would go. The houses get the frontage off of the imaginary cul-de-sac.

Mr. John Clifford of 87 Wright's Way said that the Nerger subdivision is 75% done. The builder is ready to put the final coat on the road. He said there is no trust yet but the road will become the responsibility of the home owners. Mr. Clifford said that if the road in the John Sherman development was not constructed in a safe manner, that is not the problem of the home owners in the Nerger development. He said the requirement of Condition #25 of the original decision was very clear. He asks that the Board reject the modification request.

Mr. Biviano said that the condition does not define construction but as he remembers it, it was for all construction so that construction vehicles would not ruin the new road. Mr. Driscoll read a portion of the easement he has with the Nergers but Mr. Biviano said that is between the two parties and is not a concern of the Planning Board.

Mr. Rob Nerger said the construction of the John Sherman portion of the road didn't matter because the same contractor built both roads. Mr. Biviano said that if the final road is put in and the cement trucks put grooves in the road, whose benefit is it to being constructed? How detrimental is it to bring the trucks in from Main Street? Mr. Biviano said that Hugh France had control over the entire subdivision at one point. He said that one homeowner is affected by having an easement on his property; others are not affected.

Mr. Clifford said that if the road is not safe for construction vehicles, how then is it safe for emergency vehicles?

Mr. Biviano asked Mr. Gosselin if he has a problem with the construction vehicles or is his main problem with the residential cars cutting through. Mr. Gosselin said both. He said the Nergers were paid so they could use Wright's Way and the easement should not be used for all the personal cars. Mr. Driscoll said they should reconsider enforcement of that issue. Mr. Gosselin said it is in writing that it is not for cut-through traffic.

Mr. Clifford said that the sawhorse blocking the road prevents use by people such as food delivery people, Uber Drivers etc Mr. Gosselin said they used an elaborate wooden barrier but it was taken down. Mr. Guimond said the Town never blocked the road. Ms. O'Donnell said it reminds her of a mopping situation she once had where she mopped herself into a corner and couldn't get out. She said opening and closing a gate is a pain but she lives on a farm and opens and shuts her gate every time.

Mr. Biviano moved to deny the modification request. Ms. O'Donnell seconded. The vote was unanimous, 5-0.

Mr. Gosselin said the Board did not use common sense and he will go to Court.

Mr. Biviano moved to close the public hearing. Mr. Monaco seconded.. The vote was unanimous.

HIGHLAND GREEN – There is a request from Kevin Sealund to allow Building Permits on Units #4-7 (Building B) immediately and without the Certificate of Occupancy of same (Units 4-7) until the Fee In Lieu is paid for at least one unit of the two affordable units required. Mr. Guimond said he spoke to the Building Commissioner and he has no problem with it.

Mr. Biviano moved to adjourn the meeting at 7:45 PM. Mr. Monaco seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board