

MARSHFIELD PLANNING BOARD
Meeting Minutes
July 11, 2016 – 7:30 PM
Hearing Room I – (Planning Board Office)

PRESENT: Karen Horne, Chair
*Mike Baird
Mike Biviano, Jr.
Tony Pina

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

ABSENT: Stephen Maher

Ms. Horne moved to open the meeting at 7:30 PM. Mr. Pina seconded. The vote was unanimous. 3-0. Mr. Baird will not be attending until 8:30.

APPROVAL NOT REQUIRED - 10 South Street - John Haviland

Mr. Guimond explained that both houses were built before the subdivision control law became into effect and that this would be an 81L, separating the two houses into separate lots. Ms. Horne moved to endorse the plan entitled: Plan of Land, 10 South Street, Marshfield, MA, dated April 22, 2013 and drawn by Millbrook Survey, 401 Parsonage St., Marshfield, MA 02050. Mr. Pina seconded. The vote was unanimous.

DISCUSSION – WEBSTER POINT VILLAGE – FRANK GIOSIO

Mr. Guimond said his development was already approved as a 40B. He and the Duxbury Town Planner walked the site. He said the applicant is interested in doing a standard subdivision instead of the 40B but it would require 47 waivers from the Planning Board regulations. It also will require waivers from zoning. Ms. Horne asked what the reduction in units would be – it would be 10 units overall. Ms. Horne said there didn't seem to be a significant public benefit. Mr. Guimond said that if the Board is reluctant to pursue this further, he will advise the applicant. They could still submit a preliminary plan but he would let them know that without significant public benefit, the Board would be hard-pressed to grant waivers and they can't waive zoning anyway; that would have to go to the Zoning Board of Appeals.

MINUTES: Mr. Biviano moved to approve the minutes of 6/20/16. Ms. Horne seconded. The vote was unanimous.

DISCUSSION – 40B – Modera Marshfield – Commerce Way

Mr. Guimond said the Board of Selectmen will be hosting another meeting to discuss the 40B. Mr. Guimond said he submitted a revised site plan with fewer units and with parking about 100' from the units, and with smaller apartment style buildings. The time for the Selectmen to comment on the plan has passed now. He expects that the applicants will probably file this with the ZBA soon – and he expects that Peter Armstrong will file his 40B also.

DISCUSSION OF ARTICLES FOR FALL TOWN MEETING

Mr. Guimond said the zoning article concerning non-conforming lots will be submitted. It had been postponed from the last Town Meeting. Also, the Flood Plain language will be submitted. He asked if the Planning Board would cosponsor the flood plain article and they agreed that they would. Mr. Guimond said there will be an informational meeting before the Planning Board's public hearing which will be set for September 12.

PUBLIC HEARING – PREACHER'S HILL ESTATES (OFF FORGE LANE) – DEFINITIVE SUBDIVISION – RICHARD MURPHY, TRUSTEE

Ms. Horne moved to open the public hearing. Mr. Biviano seconded. The vote was unanimous. Ms. Horne read the public hearing notice into the record. There were many abutters in attendance. Mr. Dana Altobello from Merrill Engineering explained the plan. He said the property is located on the westerly side of Forge Lane, about 1,000' south of the intersection of Forge Lane and Summer St. It consists of 15.7 acres, 12.1 upland and 3.6 wetland. It currently has three buildings with access from Forge Lane by a variable width gravel drive. The plan is to develop a five lot single family subdivision with lots ranging in size from 1.3 acres to 3.9 acres. Access will be by an 18' wide, 600' long roadway terminating in a cul-de-sac. There will be subsurface sewage disposal for each lot. Runoff will be from paved surfaces to catch basins and then directed into a storm water basin located in the southwesterly side of the proposed subdivision.

Mr. Altobello said they are requesting three waivers:

- Section 4.1.4.g - Layout Radii. They request the Board grant this waiver since the existing property width at the intersection of Forge Lane is 40' and additional width at this location is unavailable.
- Section 4.1.5.b - Dead end streets. This waiver is requested to allow a concentric cul-de-sac layout as shown on the plan in order to provide a more uniform layout and more closely meet existing topography.
- Section 4.2.7.a - They request that utility pipe lines be placed in an easement as shown on the plan.

Mr. Brennan had submitted a letter dated July 6, 2016 outlining his comments and concerns. (Please see the Planning Board file for a complete list). He said he had four major concerns and the rest were relatively minor in nature. The four major concerns were:

- Construction of the road would make the Lots at 81 and 91 Forge Lane corner lots with frontage both on Forge Lane and on the proposed road which would possibly make the two lots non-conforming since they wouldn't have the required front yard setback of 40'.
- Leveling area: Section 4.1.4.h requires a leveling area with a maximum slope of 2% for 50' at a residential street intersection. He said the geometry should be changed so the slope does not exceed the 2%.
- Section 4.4.1 requires concrete driveway aprons .Aprons would be required for Lots 1 – 4 and should be specified and detailed on the plans.
- The spruce and holly trees that are proposed to be planted along the ease side of the drain easement should be planted as close to the property line as possible.

Mr. Guimond said he spoke to Town Counsel about the issue of the two lots becoming non-conforming. Town Counsel said to have the applicant's attorney provide written authority that allows them to make the abutters' lots non-conforming.

Mr. Guimond noted that a memo had been received from Charlie Swanson, DPW Proj. Mgr., dated today that expresses concern about the installation and maintenance of the 17' deep drain line. Please refer to Mr. Swanson's letter in the Planning Board file for a complete list of comments and concerns.

Ms. Horne noted that there was also a memo from the Board of Health dated 6/9/16 with copies of where the perc test holes were dug.

Mr. Guimond said the catch basins are pitched uphill. Ms. Horne asked if the street were longer, could the flow be directed below. Mr. Altobello said it is a balancing act.

Mr. Guimond said there is an issue with the street name because there already is a Preacher's Path in Town. He asked the applicants to come up with another name.

Ms. Virginia Newcomb asked what impact to her property would occur if her lot and the other lot were made non-conforming. Mr. Guimond explained that any changes made to their property (such as an addition) could not be done without applying to the ZBA for a variance and variances by state law are not easily attained. If the properties were sold, future owners would have the same situation. Ms. Newcomb asked if that 17' drain is a pipe, which it is, and whether it will be open at the end. Mr. Altobello confirmed that the end is open.

Mr. Kevin Maguire said ice is a major problem and with all those trees removed that problem is going to get worse. Ms. Leslie Stone said she has a video of water rushing down and crossing Route 3A. She's had her yard dug up and even a large cherry tree was undermined and fell into the ground.

Many more abutters expressed concern with the water runoff and drainage.

Mr. Wilkinson of 91 Forge Lane asked what the financial impact of making his lot non-conforming would be but Mr. Guimond said that couldn't be discussed as we don't know for sure that there is legal authority for the applicants to make them non-conforming.

Mr. Brian Blair of 505 Summer St said his property abuts the back of the last three homes and abuts Heatherhill Drive. He said his sump pumps run all the time.

The resident of 101 Forge Lane said he's been very lucky as he has never had water but if that situation changes, what rights would he have. Who would be responsible? Mr. Guimond said the Engineer stamping the plans is stating that the system will work.

It was asked if the developer has prior experience. Mr. Murphy said they are planning on subdividing the lots and selling them off to builders. They will be filing an Notice of Intent with the Conservation Commission. A Home Owner's Association will be established and they will be responsible for maintaining the road. Mr. Guimond said that if a road is built to correct standards, it should last for quite some time. He also noted that the Planning Board typically requires a drainage lot, not an easement.

Ms. Horne said there are numerous issues that have to be resolved including getting their attorney to submit to Town Counsel in writing for him to review where they get the authority for making those two lots non-conforming.

Ms. Horne moved to continue the meeting to September 26, 2016. Mr. Biviano seconded. The vote was unanimous, 3-0.

PUBLIC HEARING (CONT.) WRPD SPECIAL PERMIT – ARGO RT, 853 PLAIN STREET

*Mr. Baird joined the meeting.

Ms. Horne moved to open the continued WRPD public hearing. Mr. Pina seconded. The vote was unanimous. Mr. Terry McGovern said that he was notified that Mr. Ed Eichner, the Board's Water Scientist, is now in agreement that the nitrogen loading requirement of 5 ppm has been met. The plan is dated 6/21/16. Mr. McGovern will bring in more copies. Ms. Horne moved to close the public hearing. Mr. Pina seconded. The vote was unanimous 4-0. Mr. Guimond will draft a decision for the Board's review.

COMMITTEE REPORTS: Mr. Biviano moved to appoint Mr. Pina to the CPC. Mr. Baird seconded. The vote was unanimous.

Ms. Horne moved to adjourn the meeting at 9 PM. Mr. Pina seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board