

## **MINUTES – SELECT BOARD MEETING**

**Monday, February 13, 2023**

**Select Board Hearing Room**

Participants: Stephen R. Darcy, Chair; James J. Kilcoyne; Lynne E. Fidler; Michael A. Maresco, Town Administrator

Stephen Darcy moved, seconded by James Kilcoyne, to open the meeting at 6:30 p.m. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye. Mr. Darcy announced that the meeting is being recorded by Marshfield Community Media.

Town Administrator Report – Michael Maresco provided the Board with his brief as follows:

- Met with Cyndee Marcoux regarding re-opening of the library following the improvements that include a new rug. A grand re-opening is scheduled for Saturday February 18 at 10:00 a.m.
- Meeting with Cindy Castro to discuss some Historical Commission issues including demolition delay policy
- Meeting with Fred Russell regarding GAR Hall renovation and maintenance by the NRAS. Also discussed renovations and maintenance of the Blacksmith shop
- Met with Fred Russell to discuss Fire Headquarters bathroom replacement plan, timeframe and potential costs
- Lunch meeting with Select Person Kilcoyne to review a number of issues
- Meeting with resident/potential homeowner Zach Nigro regarding 22 Adelaide Way and the requirement to build a retaining wall to protect wetlands
- Bi-monthly meeting with Fire Chief Simpson and Anne Bastille to review Fire Department overtime
- Participated in DPWs weekly construction meeting at 965 Plain Street
- Participated in MMA Municipal Finance Management Resource Seminar
- Weekly meeting with Fred Russell for update on ongoing projects
- Attended Chamber of Commerce Annual Meeting at the Green Harbor Golf Course
- Interview with Marshfield Community Media regarding Dog Park
- Attended retirement party for Beverly Wiedemann
- Weekly FY24 budget meeting with Anne Bastille and Lisa Clark
- Meeting with Bill Finn, Conservation Commission Consultant, regarding South River projects, including Veterans Park dam, fish ladder etc.
- Met with Susan Tiskwicz, Advisory Board, to answer questions on some accounts
- Led tour of Senior Center for Leader Bank and Lisa Clark and discussed potential ATM location
- Meeting with Greg Guimond regarding Eastwind Road issues
- Meeting with Andrew Stewart on Eastwind Road issues
- Meeting with Danielle Kerrigan to review a number of personnel issues
- Meeting with Craig Jameson to review his plans and coverage while he is on vacation
- Attended funeral for Norma Haskins' husband at Cedar Grove Cemetery
- Meeting with Todd Goodwin, Jay McGillis and Jonathan Grabowski to review MCM needs for new chamber
- Participated in PSA for MCM regarding aggregate electricity
- Meeting with Bill Finn and Craig Hannafin regarding the review of some conservation issues
- Meeting with Ned Bangs for an update on Trails Committee projects
- Meeting with DPW to review FY24 Capital needs
- Meeting at EOC with Lt. Shaw to plan for the severe cold snap and the need to have a warming center open on Saturday February 4, 2023
- Participated in first meeting of the Conservation Administrator Search Committee
- Worked at the emergency warming center at the Senior Center on Saturday
- Spent early morning and most of Sunday February 5 at the Senior Center due to a sprinkler head break and some flooding on the first floor
- Met with Susan Caron on some potential land purchases
- Meeting with Chief Simpson regarding update on Mobile Integrated Health (MIH)
- Met with Sherry Costello, Advisory Board, to review a number of department budgets
- Met with Greg Guimond regarding the State's MBTA requirements for zoning changes

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- WATD interview regarding the MBTA's requirement to rezone an area of Town for dense development
- Meeting with Andrew Stewart, Anne Bastille, Lisa Clark and I/T to review Munis permitting software and Open Gov permitting software
- Organized Marshfield's Community Electricity Information Session at EOC, and Senior Center via Zoom. Over 200 people participated
- Participated in Northeastern University/Chamber of Commerce discussion regarding a potential project in Marshfield
- Participated in the first Levitate Concert planning meeting for this year's 10<sup>th</sup> anniversary concert in July
- Participated in Mayflower Municipal Health Steering Committee meeting to review plans, costs and benefit expansion
- Meeting with Ned Bangs regarding status of trails, signage and volunteers
- Meeting with Police, Human Resources and Town Accountant regarding injured on duty insurance
- Conference call with Steve Callahan from Duxbury regarding seawalls, funding timeframes etc.
- Working on second public information session on Aggregate Electricity, scheduled for February 22 at 6:00 p.m. at Marshfield High School auditorium

Michael Maresco gave an update on the Vaccination Clinic and said that as of today, 3928 covid vaccinations and 896 flu vaccinations have been administered at the clinic. The last day for the drive thru clinic will be this Saturday February 18, 2023.

Lynne Fidler asked for more details on the Aggregate Electric information session on February 22. Michael Maresco said that Direct Energy has the Marshfield contract, Good Energy is our consultant helping us with the process. Mr. Maresco said that 200 people attended the information session on February 8, 2023, either in person or remotely, and all of their questions regarding the program were answered. Mr. Maresco said that the next session will be on Wednesday February 22, 2023 at 6:00 p.m. at the Marshfield High School Auditorium. James Kilcoyne noted that this program is only for residential customers, not businesses.

Application for Earth Removal Permit – Stephen Darcy read the public notice regarding this hearing into the record. Michael Maresco gave some details on this application and the engineering report from Pesce Engineering & Associates, Inc. Mr. Maresco noted that Chapter 70 requires that the Planning Board, Board of Health and DPW have the opportunity to review and comment on Earth Removal Permit applications and gave an overview of some of their comments. Mike McDougall of McDougall Bros. Excavation and Roy Catignani of ConServ Group Inc. appeared before the Board to answer any questions about the application. Roy Catignani gave some details on the third party analysis that was done by Edward Pesce. Michael McDougall said that they understand the importance of the Earth Removal Permit and they are willing to work with the Town to limit impact to abutters. Mr. McDougall noted that they will sweep the streets as they always do. Stephen Darcy asked how many truckloads are expected. Michael McDougall said there would be about 180 trucks over the next two months. Stephen Darcy asked if the site is secured to keep people out. Michael McDougall said there is a 6' safety fence and cameras. Stephen Darcy asked how big the trucks are. Michael McDougall said they have two sizes, one holds 22 cubic yards and the other holds 26 cubic yards. Stephen Darcy asked about the hours of operation. Michael McDougall said that they typically operate between 7:30 a.m. and 4:00 p.m. Stephen Darcy asked where the fill is going. Michael McDougall said that the top soil has to stay in Marshfield. Stephen Darcy asked if there is a plan to abate spillage from the trucks. Michael McDougall said any spillage will be cleaned up immediately. James Kilcoyne noted that this is an after the fact permit, since some of the fill has already been removed, and added that the removal of fill without a permit seems like a simple oversight. James Kilcoyne read through the comments from the Town Planner, which state that no cut and fill plans were submitted. Michael McDougall said that the Earth Removal permit is to construct and build a daycare center, the bylaw says they can do it without the permit up to 1000 cubic yards. Andrew Stewart said that a

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request for enforcement was submitted to his office for violation of site plan approval. General calculations at the beginning of the project looked like an earth removal permit would not be required, but once they started working there was more removal than expected. Mr. Stewart gave some details on the cut and fill analysis. Lynne Fidler asked about the route the trucks would be taking. Michael McDougall said the route with the least impact to traffic and safety would be Commerce Way to the traffic light at Enterprise Drive and they would be happy to do that. Lynne Fidler asked Andrew Stewart about that traffic route. Andrew Stewart said that a route was not decided on by the ZBA and he will ask that they address this in the future, but agrees that keeping trucks away from the signalized intersection at Proprietors Drive would be best. Stephen Darcy noted that there would be sixteen orders of condition if this permit is granted, including the truck route.

Bernie Dupuis asked why it is necessary to remove all of this earth, where is it going, if it is being sold, and if there is any benefit to the Town. Mr. Dupuis said that he is very concerned about them using Proprietors Drive. Stephen Darcy said using Commerce Way and Enterprise Drive will be one of the conditions of the permit. Michael McDougall said that the site is on a hill and in order to meet the requirements of the Town, some earth has to be removed. Bernie Dupuis said that there are some low areas by the Boys & Girls Club and pool that flood and asked if some of the fill could be used there. Michael McDougall agreed that there are some low areas in the park and said that some fill will stay in the park. Mr. McDougall said that a drainage plan for the section of the park near the Boys & Girls Club has been submitted and approved, that is a separate project from this one but some of this fill may be used there.

Doug Wiley, 2 Weathervane Drive, asked who is responsible for repairing any damage to the roads from the number of heavy trucks travelling in and out of this site. Michael McDougall said that they would be responsible for any damage that they cause. Maureen O’Malley, Old Beach Walk Lane, asked if any of this fill could be used for beach nourishment. Michael Maresco said that it would not be suitable for that use.

Lynne Fidler asked about the 1:1 vs. 1:2 grades as part of the cut and fill analysis and also asked if Mr. McDougall is the sole responsible contractor for the site work. Mr. McDougall said that he and his brother David are responsible for all of the site work. Mr. Catignani said that all of the grades approved by the ZBA were met.

Stephen Darcy moved, seconded by James Kilcoyne, to close the public comment portion of this hearing. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Stephen Darcy moved that the Select Board grant an after the fact, Earth Removal Permit, pursuant to Chapter 70, §70-4 of the General Bylaws of the Town of Marshfield, to Starboard Academy, for the proposed Earth Removal shown on the Site Plan dated August 11, 2022 and Site Restoration Plan (N/A) based on the finding that the proposed operation, as conditioned, (1) will not be injurious or dangerous to the public health; (2) will not produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of the property; and (3) will not have a material adverse effect on the water supply, health or safety of persons living in the neighborhood or on the use of or amenities of adjacent land. Conditions are as follows:

1. Permit is limited to the work shown in the approved Plans and any deviation shall require further Select Board approval. Finished grades shall be substantially as indicated on the approved site plan.
2. The Applicant shall inform the Select Board, Building Commissioner, Planning Board Police (Traffic Safety) and DPW of the name and contact information for the (1) Project Manager; (2) Contact Person at Firm Performing the Site Work and Trucking and Hauling.
3. The Applicant shall provide the Building Commissioner with interim weekly documentary evidence of the quantities of material excavated, the date of removal of such material, the location of the disposed materials, and the owner of the vehicle used to transport the material.

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4. All auto and truck access ways to all active and inactive mining operations for sand and gravel must have controlled access by lockable gates.
5. All trees are to be cut, not bulldozed. Stumps may not be buried on the site except in accordance with a site assignment issued under G.L. c. 111, § 150A.
6. Excavation at or near the property line is permitted, as per the Approved Plans.
7. Earth must be removed to contours substantially as set forth in the Approved Site Plan.
8. The regrading, restoration and seeding of each grid or disturbed area shall be completed substantially in accordance with the Approved Restoration Plans and Landscape Plan, and any requirements set forth in the final Conservation and Management Permit issued by the Mass. Division of Fisheries and Wildlife (Natural Heritage and Endangered Species Program).
9. All access roads leading to public ways shall be treated to minimize dust and mud for a distance of not less than fifty (50) feet back from the public way. Any spillage on public ways shall be cleaned by the Applicant on a daily basis and any damage caused by any truck traffic shall be repaired at the cost and expense of the Applicant.
10. A final report, prepared and certified by a registered civil engineer, licensed to practice in the Commonwealth of Massachusetts, shall be forwarded to the Board, Building Commissioner, Planning Board and DPW at the completion of the earth removal project. The report shall state the amount of earth removed from the site and shall certify that such removal was in substantial compliance with the approved plans.
11. All truck traffic associated with the earth removal operation shall be routed to and from the site via Commerce Way to Enterprise Drive to Plain Street.
12. There shall be no trucking or hauling activities on Sundays or Holidays which shall include Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, New Years' Day, President's Day, Patriot's Day, Memorial Day, Juneteenth, Independence Day, and Labor Day.
13. There shall be no on-site rental of materials, and the site may not be used to stockpile materials for rental.
14. Measures shall be provided to control nuisance dust emissions during earth removal operations to minimize the impacts on any abutting property or streets and ways. Water spraying or other methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
15. There shall be no site work related to earth removal or trucking and hauling operations on weekdays before 7:30AM or after dusk or 6PM, whichever is earlier, or on Saturdays or Sundays.
16. The Applicant shall post a surety bond in the amount of \$100,000 with the Town's Treasurer Collector in a form acceptable to Town Counsel prior to the commencement of any work.

Lynne Fidler said that condition number 2 should include the ZBA and recommended that the conditions also include a limit per day. Michael Maresco said that the Board can put a limit on the number of trucks per day. Stephen Darcy asked Michael McDougall how much would be removed per day. Michael McDougall said no more than 500 cubic yards. James Kilcoyne mentioned the notes from Attorney Galvin regarding the Site Restoration Plan and asked if additional conditions could be added to reflect the emails received from the Town Planner and Town Counsel today. The Chair said that he would not add these conditions. Stephen Darcy asked Mr. McDougall how many trucks per day. Mr. McDougall said there would be a maximum of 22 trucks per day. Stephen Darcy asked for a second on the original motion before he makes the additions recommended by Ms. Fidler. Lynne Fidler seconded the motion. The vote was 2:1. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – nay; Ms. Fidler – aye.

Stephen Darcy moved, seconded by Lynne Fidler, to add the ZBA to the second condition and to add a condition #17 to limit the cubic yards per day to 500. The vote was 2:1. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – nay; Ms. Fidler – aye.

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Pole Hearing – Carolyn Circle – Stephen Darcy read the public notice regarding this hearing into the record. James Murphy appeared before the Board to represent Verizon at this hearing. Stephen Darcy moved, seconded by James Kilcoyne, to approve the request of Verizon New England and NSTAR Electric dba Eversource Energy to place one jointly owned pole on Carolyn Circle, necessary due to request to attach facilities. Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Pole Hearing – Ocean Street – Stephen Darcy read the public notice regarding this hearing into the record. James Murphy appeared before the Board to represent Verizon at this hearing and gave some details on the reason for this request. Stephen Darcy moved, seconded by James Kilcoyne, to approve the request of Verizon New England and NSTAR Electric Company dba Eversource Energy for the installation of one pole on the southerly side of Ocean Street. New location being approximately 880 feet east of the centerline of Old Colony Lane, 40 feet easterly of existing pole 7/79, and 95 feet easterly of existing pole 7/80. And to install one pole, on the southerly side of Ocean Street. New location being approximately 745 feet west of the centerline of Musket Road and 60 feet westerly of existing pole 7/80 and 75 feet easterly of existing pole T7/79. This installation is being requested by Eversource to upgrade services to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage, electric current. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

South Shore Regional Vocational School District ATM Article – Jeff Granatino and Tom Miller appeared before the Board and gave some details on the process to move forward with joining the South Shore Regional Vocational Technical High School (SSRVT). Jeff Granatino said that the funding for enrollment will not change a lot, currently Marshfield has 8 students in the SSRVT but the past few years we have been unable to enroll any new students because the member Towns took all of the available openings. This will give Marshfield a guaranteed number of spots for future enrollment. Mr. Granatino reviewed the costs associated with sending students to the SSRVT and how the funding would work. James Kilcoyne said that this is a great project and asked if the additional costs to send a student to the SSRVT would be offset in the School Department budget since theoretically there will be less students attending Marshfield High School. Tom Miller said that it is a complicated funding system, but agreed that there will be savings in the budget related to the decrease in number of students at the high school. Lynne Fidler said that this is great for the Town and said that she is glad that there is a clear process for withdrawal if it does not work out for any reason. After further discussion about the funding process, Stephen Darcy moved, seconded by James Kilcoyne, to support the request of the Superintendent of Schools for the Town of Marshfield to join the South Shore Regional Vocational School District by placing the question on the STM Warrant to be taken up at the Annual Town Meeting on April 24, 2023. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Request to Place Signs – Michael Maresco gave some details on this request from the School Department to place signs regarding kindergarten registration at Town buildings and schools and said that the Building Commissioner has recommended approval. Stephen Darcy moved, seconded by James Kilcoyne, to approve the request of the Marshfield Public School Department to place signs to advertise kindergarten registration at Town buildings and schools from February 1, 2023 through March 17, 2023. Signs must be 10 feet away from the street. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Ethics Disclosure – Karen Horne – Stephen Darcy said that this Disclosure is necessary because Ms. Horne is a paid employee of the Town who was appointed as the Town's Housing Coordinator. Stephen Darcy moved, seconded by James Kilcoyne, to accept the ethics disclosure submitted by Karen Horne. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

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New Appointment to Open Space Committee – James Kilcoyne thanked Pamela Hargett for volunteering to serve on this committee and said that she seems well qualified. Stephen Darcy moved, seconded by James Kilcoyne, to appoint Pamela Hargett to an at large seat on the Open Space Committee for the remainder of a three year term that expires on June 30, 2024. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

ALS Polar Plunge – After a brief discussion, Stephen Darcy moved, seconded by James Kilcoyne, to approve the request of ALS One to hold their 8<sup>th</sup> Annual Polar Plunge on Saturday, April 1, 2023 at Rexhame Beach from 12:00 p.m. until 2:00 p.m. Surf chairs will be available for handicapped attendees if needed. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

North River Arts Society – Temporary All Alcohol License – After a brief discussion, Stephen Darcy moved, seconded by James Kilcoyne, to approve an application for a one day all alcohol license for the North River Art Society’s Festival Poster Competition on March 10, 2023 from 7:00 p.m. until 9:00 p.m. at 157 Old Main Street. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Marshfield Police – Permission to Accept Donation – Stephen Darcy moved, seconded by James Kilcoyne, to approve the request from the Marshfield Police Department for permission to accept a gift of \$526.47 from Cheryl Mezzetti and Steve Tobias to be used specifically for the DARE Education Program. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Veterans Services – Permission to Accept Donation – Stephen Darcy moved, seconded by James Kilcoyne, to approve the request from the Veterans Services Department for permission to accept a donation of \$1,000 from the Marshfield DAV. The donation will be used to assist our veterans and their families in time of need. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Acceptance of Minutes – Stephen Darcy moved, seconded by James Kilcoyne, to accept the minutes of January 23, 2023 as written. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Response to Questions from Brant Rock Village Association – Stephen Darcy noted that this is not a public hearing but a Select Board discussion to come to a consensus on answers to questions brought forward by the Brant Rock Village Association at the Select Board meeting on December 5, 2022. Stephen Darcy noted that the Town Administrator has drafted written responses to these questions. Lynne Fidler said that the first question is a difficult one to answer, and noted that the referenced permit file # should be SE42-2929. Ms. Fidler read from the conditions on the Notice of Intent approved by the Conservation Commission. After a brief discussion, Stephen Darcy moved, seconded by James Kilcoyne, to request that the Town Administrator draft a response to the Brant Rock Village Association based on the discussion this evening by the Board on the answers to questions raised at their December 5, 2022 meeting. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Executive Session – At 8:30 p.m. Mr. Darcy moved, seconded by Mr. Kilcoyne, to go into Executive Session to discuss pending litigation that if discussed in open session may have a negative impact on the litigating position of the Town, not to return to open session. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye, Mr. Kilcoyne – aye, Ms. Fidler - aye.

Mr. Darcy moved, seconded by Mr. Kilcoyne, to close the executive session at 9:00 p.m. and adjourn the meeting. The vote was unanimous. Roll Call Vote: Mr. Darcy – aye; Mr. Kilcoyne – aye; Ms. Fidler – aye.

Respectfully submitted,

Catherine Burke

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*The following documents and exhibits were presented at the meeting: Application for Earth Removal Permit from Mariners Lane LLC, including public notice, memorandum from Town Counsel, response from Town Planner, Board of Health and DPW, engineering report from Pesce Engineering, site plans and grant of site plan approval from the ZBA; public notice and petition for pole hearing on Carolyn Circle; public notice and petition for pole hearing on Ocean Street; Agreement for Establishment of a Vocational Regional High School District; request from School Department for permission to place signs; ethics disclosure from Karen Horne; application for appointment to Open Space Committee from Pamela Hargett and recommendation from Open Space Committee; request to hold 8<sup>th</sup> Annual ALS Polar Plunge and recommendations from Police, Fire and Beach Departments; application for one day all alcohol license from NRAS including liquor liability and recommendations from Police and Fire Departments; request from Police Department for permission to accept donation; request from Veterans Services for permission to accept donation; draft answers to questions submitted to the Board by the Brant Rock Village Association.*