

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,  
MARSHFIELD TOWN HALL FEBRUARY 21, 2017 7:30 p.m.  
MEETING MINUTES**

*Members Present:*

*Joseph Kelleher  
Mark Ford  
Lynne Fidler  
Francis Hubbard  
Heidi Conway  
Brian Murphy*

*Also Present:*

*Jerry O'Neill, Bldg. Commissioner  
& Code Enforcement Officer  
Edward Pesce, Consulting Engineer  
Robert Galvin, Town Counsel*

Mr. Kelleher called the meeting to order and stated that this was a Continued hearing for Marshfield Mews (Modera Marshfield) that was opened in January but no testimony had been given at that time. He advised that the meeting was being recorded by Marshfield Community Television (MCTV). Mr. Kelleher stated that the applicant would give their presentation and additional meetings would be scheduled at the end of the presentation.

Carolyn Mendel from Mill Creek Residential began the presentation by explaining that Mill Creek is a national apartment developer; they are in fourteen (14) active markets and are operating 16,800 homes. She stated that they currently have three (3) completed or almost completed projects, three (3) projects under construction and three (3) in various stages of planning. The projects similar to Marshfield are Concord Mews with 350 homes; Modera Natick Center is smaller with a mix of 150 townhouses and garden style flats and was recently completed; Modera Hopkinton is similar in size with 280 units. She stated that the team includes Developer: Mill Creek Residential, Legal: Goulston and Storrs, Architect: The Architectural Team, Civil Engineer: H.W. Moore Associates, Traffic Engineer: Vanasse and Associates, Environmental Consultant: LEC Environmental. Ms. Mendel said that Commerce Way will have 270 homes with 68 of them affordable (25%); there will be a mix of townhomes and garden style; townhomes will be in the front and the larger buildings will be in the back. The project is situated on 22 acres on the Marshfield/Pembroke line. There will be 210 Flat style units and 60 townhomes; a full fitness center, media room, resort style pool, grilling area. She stated that this was a new site plan, the first time it has been viewed is tonight. From the Peer Review it was determined there was a need for a secondary form of egress; there will be another entry off Commerce which will be the main entry; this allows them to stay out of Endeavor Circle. For the affordable units, there will be 22 one bedroom (31%), 37 two bedroom (55%) and 9 three bedroom (14%). There will be the same finishes in all units, both market rate and affordable. The income limits for a one person unit will be \$51,150; two person \$58,450; three person \$65,750 and four people \$74,050. The projected affordable rents will be \$1287 for a one bedroom, \$1541 for a two bedroom and \$1777 for a three bedroom.

Andrew Stebbins from The Architectural Team (TAT) spoke next and stated that he has worked with Mill Creek on several projects. He stated there will be a mix of eleven (11) townhome buildings and 210 flat styles in three (3) buildings and a community amenity building. The first impression for the public will be welcoming. The community building creates a buffer with the pool and terrace behind that, like a town square. There will be three (3) types of buildings facing the common area. Smaller town houses line Commerce Way; there will be a buffer, then townhomes then a buffer and the flat style buildings. The townhomes will be arranged in four (4)



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or six (6) unit clusters; they didn't want big duplexes throughout the site. Mr. Stebbins stated that the plans were not updated but the components were the same. There will be gable style with a mix of shingle and flat board siding.

Robert Carter, an engineer from H.W. Moore spoke next and said that there had been a design change at the entrance. He stated that it was a 21 acre site with 600 feet (600') of frontage and 800 feet (800') deep. Mr. Carter said that there will be two (2) means of access to the site. The topography slopes from the east side to the north side; there's a fifty foot (50') drop off and it is 1500 feet (1500') across. The drainage today and after will be the same; it will continue to drain in the same direction as the new Storm Draining System; it will feed; it will feed into the pre-treatment system; there is no sewer in this part of town. They did preliminary exploration and it is very sandy with little water; there will be onsite treatment; the system is similar to the one at the Proprietors Drive Senior area. Mr. Carter stated that the site does have an easement and they do not want to build on the other side of the easement. The area is served with Town water with two (2) connections, Endeavor Circle exists, and there are all sorts of ways to shut off valves. There will be a fire hydrant every 300 feet (300') feet or so or whatever the Fire Department wants. The only thing that Mr. Carter wanted to point out was that there are no bodies of water, no streams, not wetlands; it's separated by several hundred feet. The Storm Water management System will be centralized, will be across the street from Endeavor Circle; there is very little development around it.

Jeffrey Dirk, Vanasse and Associates discussed traffic and said that a full impact traffic assessment was conducted in November 2016; they have some supplements from the beginning of February. They look at projected future conditions (seven year lookback), the traffic infrastructure (five years beyond) and where the impacts are. The Department of Transportation states that they need to look at all major intersections with an increase of 5% or more or during peak time with an increase of 100 vehicles or more. They looked from School Street to the west to Forest Street in the east and they looked at all modes of transportation including cars, bikes, pedestrians, GATRA. They looked at motor vehicle crashes – what kind are occurring? They measured peak hour volumes as well as daily volumes and they looked over a period of two (2) days. They consider peak to be 7:00 to 8:00 in the morning and 4:30 to 5:30 in the afternoon; the volumes are lower on the off peak. Mr. Dirk stated that Enterprise Drive handles 600 cars per day, Proprietors Drive 300 cars per day and Commerce Way 300 cars per day. Enterprise, Proprietors and Commerce do not have posted speed limits so you would go by what is reasonable and proper, usually 30 M.P.H. They are also looking at pedestrian connectivity; they want access to the playing fields, the Boys and Girls Club. Mr. Dirk said that Route 139 has connectivity with sidewalks on both sides. As you travel into Enterprise drive there are sidewalks on the west side, Proprietors has sidewalks on both sides and there is no current connectivity on the proposed site; there are sidewalks but no linkage. Mr. Dirk said that they look at traffic growth and other projects planned for the area. They work with the Town to identify any projects such as the Kirwan expansion, the senior housing project and mixed use development next to The Tavern; they have also asked to include the expansion of the Boys and Girls Club. Traffic volumes will increase .4% whereas 1% is considered a growth rate. There are two (2) distinct components – there are 270 units but condos generate higher traffic than



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apartments. There will be 1,808 two-way trips in a 24 hour period – 904 entering and 904 exiting. In the morning, they are projected to add 141 trips between 7:00 and 8:00 A.M. and 173 additional trips between 4:30 and 5:30 P.M. Trip distribution will be how many will go to Route 3, how many to downtown. They use census information and look at existing traffic – how do they get to those other communities? They have seen 70% of traffic go west toward Route 3/Route 53, 30% east which is broken down further with 10% going up Furnace Street and 20% to downtown. Mr. Dirk said that they look at and measure motorist delays and vehicle queuing which are graded “A” to “F”. “A” means a delay of 10 seconds while “F” means a delay of a minute or more at the intersection with some queue. The intersection should be at a “D” or better, which is a delay of 30-35 seconds. You could look at an “E” rating as the glass is full but one more drop will push it to an “F”. They have looked at the intersections and all are a “D” or better which means that there will be minimal impact. It is difficult now to make a left turn from School Street during peak times; there is a four (4) vehicle backup now and there will still be a four (4) vehicle back up in 2023. Forest Street is similar with a backup of 3-4 vehicles. The signalized intersections are all a “D” or better. If a left turn was at an “E”, the project will drop it to an “F”.

Ms. Lynne Fidler said that she would think that intersection #3 at Roche Brothers would be a concern. Mr. Dirk said that 30% are making a right turn so there is not as much delay; the left turn is more impacted. Mark Ford asked if their testing had accounted for seasonal traffic. Mr. Dirk said that they did the study in September/October and that summer months vary with vacations in the industrial areas. Their timeframe allowed for a mitigation of impacts and that as traffic patterns changed, they would need to reorient. Mr. Dirk said that Route 139 was a state road so they would need state approval. With their safety analysis, they establish a crash rate by looked at the crash information – the number of crashes in relation to the volume of traffic and then they compare it to the state average. Mr. Dirk stated that all intersections crash rates were below the average. The highest was the Furnace Street intersection; it had a high number of crashes in relation to other areas of Marshfield. The Town would be eligible for state funds and would need an independent analysis conducted. The Police Chief, the DPW, the Town administrators would gather and talk about the problems, possible resolutions and put all the information in a document. Mr. Dirk agreed to facilitate the audit but could not conduct the audit. Mr. Kelleher asked when the audit would be conducted and Mr. Dirk said that he expected it to be done in March. He provided the Town contacts and then it was out of his hands. He said that an independent traffic consultant would do the study but they would pay for the study. Ms. Fidler asked what the timeframe would be to hear back on the audit and Mr. Dirk said that a draft report should be issued in March and then a final report three (3) weeks after that. Mr. Dirk said that it should be the Police Chief, DPW, Administrators and Planning; the Police should be asked what they see as the reason for the crash when to go out to a crash site.

Mr. Dirk said that they want to fill the sidewalk gaps and include wheelchair ramps. There are two (2) crossings at section #6, Old Woodlot Lane, Commerce Way and Proprietors. They have talked to GATRA about potentially going down Enterprise Drive; GATRA has talked about breaking the bus route into two (2) routes to cut down on trip time. Mr. Dirk said that they are willing to put in a bus stop if GATRA comes through. Mr. Ford asked for more details on



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intersection #2; Mr. Dirk said that they are looking to increase the amount of green time, 5-10 seconds doesn't sound like much but it helps the flow. Ms. Heidi Conway asked about the new entrance and asked Mr. Dirk if he could review the access points. Mr. Dirk said that because of the number of units they needed two (2) means of access/egress; he also stated that there was an existing sidewalk on Commerce. Ms. Fidler asked if it only had a sidewalk on the site side and Mr. Dirk said that there were no current pedestrian destinations on that side.

Edward Pesce spoke next and he stated that during the technical session a few weeks ago, they discussed making a path on a triangular parcel owned by the Town; Mr. Pesce said that he wasn't sure if the applicants had any further discussion about that. Mr. Dirk said that they needed to have further discussions with the Town on how to do that; Mr. Pesce said they would go back to the DPW. Mr. Pesce asked Mr. Dirk what the applicant had heard from GATRA and Mr. Dirk said that there was no response as yet. Mr. Dirk said that they are fully committed to constructing a bus stop or whatever accommodation GATRA wants. Mr. Pesce asked about signal optimization and Mr. Dirk said that they will always include safety. Mr. Pesce advised Mr. Dirk to have the applicant provide cost estimates to the Board so that they know what the applicant is expending. Mr. Pesce said that he reviewed the amendment sent a few weeks ago and found it to be adequate, a representation of what has been done so far. He mentioned that there were a few internal sidewalks but that he wasn't sure if they were everywhere the Board would deem necessary because the current site plan was not 100% correct; he said that it wasn't a bad start but the Board needs to see crosswalks inside. Mr. Pesce asked if there was an at grade divided intersection there, an at grade median at the westerly entrance. Mr. Dirk said that it was an option when they were talking about secondary access. Their advice to the client was that they had to either build a second driveway or construct a flush boulevard. Mr. Pesce replied that it would look the same. Mr. Dirk said that in the traffic study you will see two (2) concepts for emergency access. One is the boulevard that was just mentioned or they could go with two (2) separate access points. Mr. Pesce referred to the parking area on the south side and said that there should be some pedestrian friendly means to funnel them through the area. Ms. Fidler asked if the parking on the south side would be all the parking. Mr. Pesce said that it would be a combination of visitors and residents; it's maybe 300' away but not 100'. Attorney Galvin asked if they had permission to park on the easement. He said that they had talked about drainage and their approach is good collecting and treating, but that they just need to see some numbers. They have the old plan and it's not 100% yet.

Ms. Conway asked to go back to intersection #2 and asked if it were turning lanes that Mr. Dirk was talking about. Mr. Dirk replied that there was no need to add travel lanes that they would need signal re-timing. Mr. Galvin asked about a center turning lane, that there are accidents with people slowing down to turn left into Wendy's. Mr. Dirk said that turn is prohibitive and illegal movement; they may need a sign that says "No left turn". Ms. Conway asked about a snow removal concept and Mr. Dirk said that it says not to pile it up. Mr. Carter said that they will have snow storage areas, the green parts in between the lots. Ms. Fidler asked if they were going to pile the snow on grass.

Ms. Mendel reviewed the benefits of the project. She said that the affordable housing component



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now was 5.6%; the 270 units will bring it to 8.1%. Ms. Mendel also stated that approximately 15.5% of housing in Marshfield is rental so this will increase the rental options. The Real Estate tax is estimated to be \$400,000 plus there will be Excise tax from the residents. The residents will also patronize local businesses. They will provide some local jobs such as maintenance.

Mr. Hubbard asked if all of the Mill Creek projects were rental and Ms. Mendel replied, Yes. Mr. Hubbard asked the reason why and Ms. Mendel said that they previously did condominiums but then the recession hit and the condominium market fell apart. Ms. Fidler asked if the Concord project was at 100% capacity and Ms. Mendel replied that it was 96-98% at capacity and that it has been stable since it has been up and running. Ms. Fidler asked if they were to do a site visit, get in the car and drive up there, what would they see? Ms. Mendel said 96-98% capacity. Ms. Fidler then asked about Natick and Ms. Mendel said that it was 90% and that Watertown was 96-99%. Ms. Conway asked how long it takes to lease; Ms. Mendel said that April to September is the busy time but it can take a year to a year and a half. Ms. Conway asked about leasing staff; Ms. Mendel said that during the busy time they may add two (2) leasing agents and when the peak is over, have two (2) full time agents. Ms. Conway asked about maintenance and Ms. Mendel said that there is a maintenance shed but it could not be seen on the plan. Ms. Conway said that this was a good area for families and asked if there were anything planned for outside. Ms. Mendel said that they will have a playground but she is not sure where it would be located; there will be a game room and they anticipate young families.

Mr. Kelleher stated that they have asked for waivers for a fourth story and asked if Concord and the other areas had four stories. Ms. Mendel said that she wasn't sure about Concord but Natick and Watertown had four stories. Mr. Hubbard asked why they needed four stories and Ms. Mendel replied that it was for density, to get as many units in place as possible. Mr. Kelleher asked if the topography would be higher where the four story buildings would be and Mr. Carter replied that it would actually be lower. Mr. Kelleher said that if you were on Commerce Way it would be higher and Mr. Carter replied, Yes it would be higher. Mr. Ford asked if Buildings B, C and D would be four stories and Ms. Fidler asked if Building D would be up high. Mr. Carter said that it won't be as high. Mr. Pesce said that the roof of Building D would be much higher than the other buildings. Ms. Fidler said that they might be getting ahead of themselves but the Board has a lot of questions. Mr. Pesce talked about earth removal, stated that there would be some cuts and fills and asked if there would be a need to remove earth. Mr. Carter replied, No there would just be cuts and fills. Mr. Pesce said that he would put that in a letter and the construction management plan would include something. Mr. Kelleher stated that they did have earth removal included in the waivers; Ms. Mendel replied, Yes.

Mr. Hubbard stated that it was mentioned that it could be rented out for functions; Ms. Mendel stated that the residents could rent it for functions. Mr. Hubbard asked about parking for functions; Ms. Mendel replied that they did have Visitor spaces. She said that the townhouses would have one (1) garage spot and one (1) behind the garage.

Mr. Hubbard asked if there would be restricted access to the pool and Ms. Mendel replied that it would be restricted and that the residents would need a fob to get it; it will also be fenced in. Mr. Hubbard confirmed that it would not be open to the public and Ms. Mendel replied that it would



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not. Ms. Conway asked if there would be an onsite property manager living there. Ms. Mendel replied that they could eventually but they have not planned for that; there will be a maintenance person living there.

Mr. Kelleher asked Mr. Pesce about the review. Mr. Pesce said that the technical review had generated some things and Mr. Dirk has worked on them the last couple of weeks. He said that they immediately had a discussion of a secondary means of egress. They made the Applicant aware of it and she immediately gave Bob the go-ahead to start changing the plans. Mr. Pesce said that a lot of time at the technical review was spent on traffic.

Mr. Pesce said they received a letter today from LEC, the environmental consultants regarding the Massachusetts Endangered Natural Heritage Program, the Endangered Species Act Program, which says that the project was part of the overall master plan for the entire site in the industrial park area. They issued a conservation management plan for the phase 2 portion of the project. In March 2006...the LEC folks engaged Natural Heritage in early 2016 to reactivate the Enterprise Park master plan permitting on this and have been in discussion with Natural Heritage for the past year to structure the master plan details. Mr. Pesce said that they need to make sure that storm water can be handled — pipes, retention. He said that he looked at the plans to refresh and said that the floor plans may not change but the elevation might. He also said that they may want to break up the color schemes. Mr. Kelleher said that he would like to see a rendering of the buildings. Mr. Pesce said perhaps in 3D to get a better perspective. Mr. Pesce asked Mr. Carter if he had any landscaping plans and Mr. Carter replied, No. Mr. Pesce advised that landscaping was big with the Board so they need to get a plan together.

Mr. Pesce said that they will continue to use the cul-de-sac which is fine but some residents will be looking at an old development that never went there. He stated that he needs to put some things together and that traffic was 90% complete. Mr. Kelleher stated that he knows that Mr. Pesce is leaving and Mr. Pesce said that he was leaving Saturday and coming back Saturday; he will be back for almost the first two (2) weeks in March but would be in Korea from mid to the end of March. Mr. Pesce said that he can give the Applicant the plans that he thinks that they need and that one month would put us at March 20<sup>th</sup>. Mr. Kelleher said that he was looking at April and Mr. Pesce said that he needs the first two (2) weeks of April. Both Mr. Kelleher and Mr. Ford said that Town Meeting is in April. Mr. Pesce asked the Applicant if they could prepare updated plans within the next two (2) weeks and Mr. Carter said that they could be done in a week or so but the calcs would take longer. Mr. Pesce said that he was not available on April 4<sup>th</sup> but could be ready for April 11<sup>th</sup>; Mr. Kelleher said that April 11<sup>th</sup> would be a regular meeting. Mr. Pesce asked when the next meeting for the other 40B would be and was advised March 8<sup>th</sup>. Mr. Galvin said that Town Meeting is April 24<sup>th</sup> and that the Election was April 29<sup>th</sup>.

Mr. Kelleher advised that the next meeting for Modera would be on April 12<sup>th</sup> at 7:30 and they will schedule the meeting for public comments after that. Mr. Kelleher spoke to the audience and explained that the Applicant would come back on April 12<sup>th</sup> for a technical review with Mr. Pesce and that a third meeting will be scheduled at that time. Mr. Hubbard had a question for Mr. Pesce or Ms. Porreca and asked if the Town Boards had submitted comments. Mr. Pesce said that he was not aware of written comments; Mr. Hubbard

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asked if we had requested them. Ms. Conway asked who was at the technical review meeting. Mr. Pesce replied Greg Guimond (Planning), Charlie Swanson (Engineering), Paul Duross (Water), Jerry O'Neill (Building Commissioner). He said that we should ask DPW and Planning for comments and that there were no Board of Health issues. Mr. Hubbard asked when the revised plans would be submitted and Mr. Carter replied, in a couple of weeks. Mr. Hubbard said that the people at the review meeting should look at the revised plans. He then asked if the Applicant had studied any other complexes in town as far as types of amenities, types of buildings. Ms. Mendel said that they would not compare themselves to the other complexes so they have not looked at them closely. She said that they would compare with Avalon in Cohasset and Pine Hills and that they will have different amenities.

Mr. Greg Guimond stated that the Board should not meet until we have the new plans and that he thought they would get them at this meeting.

Mr. Kelleher made a motion to continue the Hearing to April 12<sup>th</sup> at 7:30 which was seconded by Mr. Hubbard; all were in favor. Mr. Ford made a motion to adjourn the meeting which was seconded by Mr. Kelleher; all were in favor.

Meeting adjourned at 9:20 P.M.

Respectfully submitted,

Nanci M. Porreca  
Zoning Administrator

I attest the foregoing minutes were approved by the Zoning Board of Appeals at their

March 27, 2018 meeting by a 3-0 vote.

Signed:  Date: 3/27/2018