

MARSHFIELD PLANNING BOARD
Meeting Minutes
June 14, 2021 – 7:00 PM
Remote/Hybrid Meeting

2021 JUL 13 AM 8:59

PRESENT: Mike Biviano, Chair (remote)
Katie O'Donnell
Fred Monaco
Nik Pappastratis (remote)
Kevin Cantwell

ALSO PRESENT: Greg Guimond, Town Planner
Karen Horne, Asst. Town Planner

At 7:06 PM, Mr. Biviano moved to open the meeting. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye; Mr. Cantwell, Aye.

Public Hearing – DJ Sullivan WRPD Special Permit Modification (cont'd)

At the applicant's request, Mr. Biviano made a motion to continue the public hearing without testimony to July 12, 2021 at 7:05 PM. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye; Mr. Cantwell, Aye.

Public Hearing - ACE Hardware PMUD/WRPD Special Permit Public Hearing (cont'd)

Mr. Biviano moved to open the public hearing. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Kevin Grady, Grady Consulting, presented on behalf of the applicant, Mike Verrochi, VRT. Also present is Shaun Kelly from Vanasse & Associates, Inc. Mr. Grady explained that since the last meeting they have incorporated peer review comments into the plans and submitted modified plans to the Board on Friday, June 11, 2021. Since the last meeting, they have corrected the angle to Rte. 139 and it is now perpendicular. Also moved the driveway access down to allow for the 50 ft. buffer, which also increased the green space along Rte. 139. They would like to break the project into phases. The first phase is Ace Hardware and associated retail. Ace Hardware is the only know use. They do not know what will be on the other three lots. They are projecting the other uses to be office and additional retail. The applicant would like the board to approve Ace Hardware as phase 1 and they would come back to the board for the later uses.

Other modifications include the additional of a raised triangle island at the driveway to prevent left turns at the driveway, requiring right in/right out only. The applicant is a green area adjacent to the Ace Hardware along Rte. 139. They will be adding walking paths and benches to the area and want it to be naturalized, not lawn that they would be maintaining. They need the area to be naturalized to assist with nitrogen loading. The applicant has also changed the proposed daycare to an office to reduce the nitrogen loading. To meet the nitrogen loading, the applicant is proposing a nitrogen aggregate plan with three aggregate lots to be used as credit land in the same Zone II. The lots proposed are off Proprietors Drive.

Nitrogen aggregate plans are approved through MassDEP and the Board of Health. The intent is to donate the credit land to the town or place a conservation restriction on the land.

Shaun Kelly, from Vanaase Associates, presented a summary on the Traffic Impact Assessment report. The site access is designed with MUTCD design. Landscape and signage will be located to ensure sight lines. They have agreed to monitor and optimize traffic operations for the future. They will implement a Transportation Demand Management Plan for employees.

Mr. Guimond asked for clarification on whether the traffic study just addressed phase I (Ace Hardware). Mr. Kelly said they did look at phase II when it included a day care but the report mainly addressed just phase I. Mr. Guimond explained that the Board would need to determine if the site as a whole can manage the traffic impacts, not just phase I. Mr. Guimond emphasized that the area is expect a second Modera 40B development of 250-300 residential units.

Capeway Eye Care has a question about the tree clearing near their property. Some pine trees near their property have remained and Capeway Eye Care is concerned about the potential of the trees falling down now that most of the trees on the lot have been removed. The abutter asked if there would be a fence to prevent people from cutting through the abutter's property. Mr. Grady said he would contact Capeway Eye Care to address the concern with the trees. Also, concerned with the drainage. Mr. Grady said they have designed the drainage to manage water running off Capeway Eye Care property and they will not cause flooding the abutter's property.

Mr. Grady also said he is asking the Board to approve the project prior to the aggregation plan being approved by MassDEP.

Patrick Brennan, Amory Engineers, had a few comments. Mr. Brennan has only had a chance to review the applicant's latest submittal quickly. Mr. Brennan stated he is concerned about the driveways through the property. Mr. Brennan believes that the shared driveways/roadways should be within easements across the four lots. Mr. Guimond pointed out the Proprietors Drive has four different owners and it has been difficult getting maintenance on sidewalks, etc. to occur. Mr. Guimond is also concerned with how the roadways and drainage are laid out. Mr. Grady said they would prepare the easements for the development.

Mr. Guimond said that there are a couple of main issues for the Board that relate to the hardware store and zoning. One item is the access to Plain St. Staff feel that it is clear that access to Rte. 139/Plain St. should be through a signalized intersection, which would be Enterprise Drive. Other businesses such as Roche Bros. and Harbor One bank were told they could not have individual driveways onto Rte. 139. Staff believes the Bylaw is clear and the applicant may need to go to the ZBA for a variance from this requirement. Second, the hardware store itself has hazardous materials such as fertilizers and paint are definitely going to be in excess of typical household quantities. This is one more thing being placed in the aquifer that could cause contamination to the well that has already had to have remediation due to contamination. The Furnace Street Well is the town's main drinking water source. Most of the other issues with the project can be worked out but Mr. Guimond stated that he believes these two items are the most important for the Board to address.

Mr. Biviano asked if the hazardous materials could be contained. Mr. Guimond stated that there are containment structures that can be used but some of the materials are outside and there is concern with

the quantities. Mr. Grady said they would work with Mr. Guimond on the quantities, locations, and containment of the hazardous materials. The applicant was instructed to work with Ed Eichner on the hazardous materials.

Ms. O'Donnell asked for more information on the right in/right out driveway. She is concerned that people may take the left in going west. Mr. Grady said there would be signage that would direct people to the light at Enterprise Drive.

Mr. Brennan said the applicant has addressed most of his comments. Mr. Brennan said he would contact Mr. Grady this week to resolve his remaining issues.

Mr. Pappastratis had concern with the intersection of Road A and Road B and he feels it is awkward for people going into the hardware store. Mr. Grady stated that it is a low speed driveway and he feels that it would be fine since both sides of the roadways have stop sign controls.

Mr. Biviano made a motion to continue the public hearing to June 28, 2021 at 7:05pm, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

ANR – Ace Hardware – Approval Not Required Plan

The applicant has requested the ANR be continued until June 28, 2021. Mr. Biviano moved to continue the ANR to June 28, 2021. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Frozen Four 985 Plain St. WRPD Special Permit and Site Plan Modification Public Hearing

Mr. Biviano made a motion to open the WRPD Special Permit and Site Plan Modification public hearing for 985 Plain Street and waiver the reading of the notice, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Attorney Steve Guard is present for the applicant Ben Virga as well as Deb Keller from Merrill Engineering.

Attorney Guard explained that this is a site plan approval originally approved by the ZBA. However, due to a zoning change, the Planning Board is a Special Permit Granting Authority for the site plan approval when in the WRPD. Mr. Guard explained that the applicant is planning to create a road connector from Lone St to School St through their property as part of a future subdivision. The applicant will be filing the subdivision in the near future. However, the purpose of this modification request is to modifying the proposed parking area and grading on the current approval in anticipation of the future road connector. The modification requests removing the parking in the rear of the lot and adjusting the drainage. For the WRPD, the applicant is not changing any materials handling or interior layout. Ed Eichner agrees with the nitrogen calculations. The east side entrance is one-way drive around the building to the exit.

Mr. Biviano made a motion to approve the WRPD Special Permit and Site Plan Modification for 985 Plain Street, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Mr. Biviano made a motion to close the public hearing, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Beaver Crossing Lot Release and Minor Modification Request

The applicant, Lara Brait, explained they have encountered a supply problem with receiving the rails for the split rail fence. She requested a minor modification to have the rails installed after lot release and including the rails in the surety. They are paving the binder course on Tuesday. The applicant is requesting all five lots be released. Pat Brennan has determined the cost to complete is \$262,578. Prior to lots being released, the applicant also needs to install conservation restriction area signs and concrete bounds along the edge of the lawn area.

Mr. Biviano made a motion to approve the minor modification request and lot release request for Beaver Crossing contingent on paving the binder course, installation of the concrete bounds, and installation of the posts and conservation restriction area signs, receipt of the surety check, and verification by Pat Brennan, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Horseshoe Farm Surety Release Request

Jack Spurr from AW Perry requested the release of the remaining \$10,000 surety being held for Horseshoe Farms. All work was completed last year. The Home Owners Association is satisfied with the work.

Mr. Biviano made a motion to approve the surety release request, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye

Birch Rd Approval Not Required

The applicant, Brian Murphy, is looking to merge two lots (one lot on Upland Rd and one lot on Buttonwood) and then cut the combined lot into five lots creating three new lots on Birch Rd. A street improvement plan for Birch Rd would be required to build on the new lots. The new lots would not be released until the road is improved.

Mr. Biviano made a motion to endorse the ANR, Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye

Board/Staff Reports

There is a non-compliance issue at Direct Granite. Mr. Guimond stated that the Building Commissioner is looking for the ok from the Board to start enforcement. The Board agreed that we should move forward with enforcement.

Tuesday night at 6pm is the Brant Rock Local Rapid Recovery Grant meeting at Haddad's to discuss Phase II of the project. The meeting will be held in person.

APPROVAL OF MINUTES 5/24/2021

Mr. Biviano moved to approve minutes of 5/24/2021. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

ADJOURNMENT (ROLL CALL VOTE)

Mr. Biviano moved to close the meeting at 8:30 PM. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

