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MARSHFIELD PLANNING BOARD
Meeting Minutes
August 23, 2021 – 7:00 PM
Remote Meeting

PRESENT: Mike Biviano, Chair
Katie O'Donnell – at 7:15
Fred Monaco
Nik Papastratis
Kevin Cantwell
Peg Davis, Associate Member

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

At 7:05 PM, Mr. Biviano moved to open the meeting. Mr. Monaco seconded. The vote was, Mr. Papastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye, Ms. Davis, Aye.

DJ Sullivan 612 Plain Street Deliberation –

Mr. Guimond explained the public hearing has been closed and we were told that we would receive the remaining items but we are still waiting for several items. Mr. Guimond recommended that we table the deliberation until the next meeting on and vote on the decision on September 27.

Mr. Biviano moved to continue deliberation until the September 13 meeting. Mr. Monaco seconded. The vote was, Mr. Papastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye, Ms. Davis, Aye.

The Board was instructed that they should close the written record on August 31.

Mr. Biviano moved to close the written record on August 31 at 4pm. Mr. Monaco seconded. The vote was, Mr. Papastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye, Ms. Davis, Aye.

White Oak/John Sherman Discussion

John Clifford, a resident of White Oak is speaking on behalf of the White Oak neighborhood. Mr. Clifford feels that there has been a disregard of the permit conditions by John Sherman Estates such as erosion control, street maintenance, and construction hours after hours. They are looking for the Planning Board to ensure that the John Sherman portion of Wright's Way be constructed appropriately. Mr. Guimond explained that he, Ms. Horne, and the Building Commissioner met Paul Driscoll on site and explained Mr. Driscoll's responsibilities.

Mr. Driscoll explained that he has not received any complaints from White Oak. Mr. Driscoll has asked one of the homeowners, Lot 11 on Wrights Way to clean up their lot and has swept the road. He has installed the needed silt fence in certain areas. Mr. Driscoll has contacted the owner of Lot 12 and 13 on the emergency gate. He has received information from Lot 12 that they are not responsible for the gate.

He has not heard back from Lot 13. Lot 13 has the easement on the property. He has asked the owner of Lot 6 to install a silt fence.

Mr. Driscoll has worked out the final language for the Conservation Restriction with Bob Barrett and has submitted it to Bob Galvin.

Mr. Driscoll has also responded to Bill Grafton regarding concerns from the Conservation Commission.

Mr. Driscoll has told all developers to use the emergency access through Abner Way.

Bill Grafton is speaking on behalf of the Commission. Mr. Grafton has spoken to the owner of Lot 6 in February and in July. Conservation and Planning have similar issues regarding stormwater and erosion controls. Mr. Grafton believes the Planning and Conservation should put a punch list together with the construction schedule. Mr. Grafton said the Commission needs the open space CR recorded.

Mr. Driscoll said there is only one lot that has not sold. Five or six houses have not been built and they may not be completed until next spring.

Mr. Clifford stated that they have not formed the HOA yet at White Oak.

Mr. Guimond reminded the Board that violations of the special permit condition could result in a \$300/day violation to be enforced by the Building Commissioner. The resident at 2 Abner Way is blocking the easement at Abner Way. There are jersey barriers at Wrights Way. The Board had discussed having an unlocked gate for construction vehicles. Mr. Guimond recommended that the Board vote to request enforcement by the Building Commissioner of the blocking the emergency access easement. Mr. Driscoll will contact someone to install the crash gate. Mr. Guimond stated the Board is holding \$247, 098 in surety. Mr. Guimond stated that Mr. Clifford would like the Board to hold all the surety until construction has been completed to ensure that truck traffic does not damage the road.

Mr. Clifford said that it is nice that Mr. Driscoll has stepped up in the last week. However, the problem has been a lack of oversight of the individual contractors by the developers. Mr. Driscoll needs to provide constant oversight. Contractors are not aware of the conditions of the Special Permit.

Lynne Fidler is the developer of Wrights Way. She stated that what she has heard from Mr. Driscoll is a step in the right direction. Ms. Fidler would like to know how she could enforce the construction truck travel.

Eric Kuhn, 77 Wrights Way, echoes the previous concern about construction travel on Wrights Way. He is looking for assurance that they can direct traffic up Abners Way.

Jeff Simeone, 66 Wrights Way, also reaffirmed the concerns about the construction traffic and has concerns with the stormwater system maintenance.

Mr. Biviano clarified the two main violation issues are: (1) hours of operation, cannot work after 6pm or on Sunday and (2) Construction traffic access and blockage of the emergency access.

Mr. Biviano moved to instruct the planner to draft a memo to the Building Commissioner to requesting he issue a violation notice for all violations of the special permit, specifically the hours of operation and construction access. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Release of Escrow Funds for 66 Springfield Ave

Mr. Biviano moved to release the escrow funds of \$7500 for 66 Springfield Ave. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.

Board/Staff report

Mr. Guimond has emailed the Board draft Rules and Regulations for Mixed Use Residential. We are looking to combine and consolidate some of the regulations for special permits.

The board members need to comeback in to sign the last page of Resource Way plans again.

At the next meeting, Mr. Guimond is going to ask the Board to request that the Building Commissioner send and enforcement to a property owner on Clay Pit Rd.

Comments to Zoning Board of Appeals

We have not received the next agenda for the ZBA meeting but when do we will submit it to the Board. The ZBA has asked the Planning Board to submit comments on all ZBA applications on their agenda including a "no comment" if appropriate. The Board received proposed comments this afternoon for staff to send to the ZBA for their Tuesday hearing.

APPROVAL OF MINUTES (8/9/2021)

Mr. Biviano moved to approve minutes of 8/9/2021. 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 8:00 PM. Ms. O'Donnell seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Cantwell, Aye; Mr. Biviano, Aye.