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MARSHFIELD PLANNING BOARD  
Meeting Minutes  
September 13, 2021 – 7:00 PM  
Remote Meeting

PRESENT: Katie O'Donnell  
Fred Monaco  
Nik Pappastratis

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

At 7:05 PM, Mr. Monaco moved to open the meeting. Mr. Pappastratis seconded. The vote was, Mr. Pappastratis, Aye; Mr. Monaco, Aye; Ms. O'Donnell, Aye.

**DJ Sullivan 612 Plain Street Deliberation –**

Mr. Guimond explained that since DJ Sullivan is a special permit four members must vote in the affirmative to grant the permit. Since Mike Biviano and Keven Cantwell are absent, the deliberation and decision vote will be tabled until the next meeting on September 27.

**Public Hearing – Planning Board Zoning Articles for Fall Town Meeting**

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

Mr. Guimond started his presentation on the Planning Board 18 Zoning Articles. (See attached PowerPoint presentation) The most important articles are the creation of affordable village and residential in the downtown area. He explained that the full text of the articles are available in the Special Town Meeting warrant.

Dennis Kelleher asked what the density would be in the area near Highland Green in the affordable village. Mr. Guimond said it is 26 – 32 units depending on if the drainage basin is moved. Mr. Kelleher also asked to clarify where the front setback is measured. Mr. Guimond explained that the setback does not include the right of way.

Chris Valente asked for clarification on the number of units in the affordable village. Mr. Guimond said again that it is 26 – 32 units.

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

**147 Clay Pit Road – Request to Building Commission**

Mr. Guimond said that he is requesting that the Board send a request to the Building Commissioner to initiate enforcement action for 147 Clay Pit Rd for zoning violations. Ms. O'Donnell moved to make a

request for the Building Commissioner to initiate enforcement for 147 Clay Pit Rd. Mr. Monaco seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis

#### **Board/Staff report**

Mr. Guimond updated the Board that staff will be doing a lot of fieldwork over the next few weeks for the MVP Action Grant.

#### **Request for Advice (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 (8/23/2021)**

Ms. O'Donnell moved to approve minutes of 8/23/2021. Mr. Monaco seconded. The vote was Ms. O'Donnell, Aye; Mr. Monaco, Aye; Mr. Pappastratis.

#### **ADJOURNMENT (ROLL CALL VOTE)**

Ms. O'Donnell moved to close the meeting at 8:00 PM. Mr. Monaco seconded. The vote was Ms. O'Donnell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye.

# Fall Special Town Meeting Planning Board Zoning Articles

## Upcoming Dates

Planning Board will be holding an additional public hearing on September 27, 2021 on an article submitted by the Building Commissioner

Planning Board will probably vote on it's recommendation on all articles on September 27, 2021

Town Meeting October 18, 2021

### Articles 11 and 12



These two articles deal with minor clarification/corrections to standing sign requirements Section 305-7.05.B covering the Industrial District and section 305-7.04.D covering the Business Districts.

The first change in both sections is to clarify that the language of the bylaw matches how it has been interpreted. That pole signs have a front and a back (two sided) and the size of the sign on each side is limited to 40 square feet.

The second change in the Industrial District section is to add the same language regarding the limitation on standing signs per lot (1) same as the Business Districts.

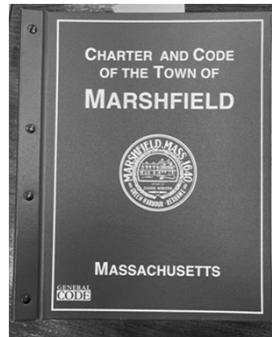
### Article 13



Currently the Table of Use (305-5.04) under the Wholesale and, Transportation and Industrial uses does not have a designation (Use Permitted, Special Permit or Prohibited Use) for #21 large scale ground mounted photovoltaic installations.

This article clarifies if a large scale solar farm could be built in the Planned Mixed Use Development by a special permit and would allow a solar farm by a special permit in the Water Resource Protection Overlay only in the I-1, A, and the PMUD districts.

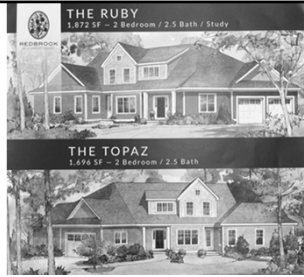
### Article 14



This article would move Article 305-11.05 Planned Mixed Use Development from 305-11 to 305-13.06 and renumber all references to current 305-11.05 Planned Mixed Use Development in the Zoning Bylaws to 305-13.06.

The Planned Mixed Use Development (PMUD) is an overlay district that allows a number of additional uses to the Industrial district by means of a special permit process. This article would move the PMUD special permit language to Section 13 Superimposed districts where the special permit language for all the other overlay districts are located. There is no changes other than numbering in the PMUD language as part of this article.

## Articles 15 and 16



These two articles would create a new use category called Affordable Village that would be allowed only in a designated portion of the PMUD. The Affordable Village would allow duplex/triplex and fourplex units by a special permit at a density of 3 units per acre (That is the density of the recently completed Highland Green age restricted units).

Twenty percent of the units must be built as affordable under DHCD guidelines and have resale restrictions to protect long term affordability. The affordable units would count towards the Town's 10% requirement under Ch.40B. It would also serve as a buffer between the Modera I and the potential Modera II developments and the townhomes (Seasons and Highland Green) and single family homes on Seth Sprague Drive and Old Woodlot Lane.



## Articles 15 and 16

Article 15 adds a new #9 to the Residential use category

Use	Residential				Business					Industrial		Overlay		
Residential	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD	BRVO
9. Affordable Village attached dwellings (see 305-11.05 PMUD) *Affordable Village only in the WRPD within the PMUD.	-	-	-	-	-	-	-	-	-	-	-	S	S*	-

Article 16 makes changes in several sections of the existing PMUD section of the Zoning By-law to allow attached units in a portion of the PMUD district as identified E09-01-13, E09-01-14, E09-01-55, E09-01-56, E09-01-57, E09-01-58, E09-01-59, E09-01-60 and E09-01-61.

The design of the Affordable Village shall have a lower density of townhomes to the eastern side (Duplex) increasing to Triplex and then Fourplex as you head west. The attached duplex structures should be designed to appear as a larger single family home versus a straight side by side attached building.

(Changes are shown from the existing text in ~~strikeout~~ for what is proposed to be removed and **bold** for new language)

## Articles 17 and 18



These two articles deal with revising existing definitions mixed use and are tied to the Brant Rock Village overlay changes proposed in Article L.

Article 17: Mixed-Use Building – A building that includes both commercial and residential **(on the second and third floors)** uses within a single building. **Mixed-Use Buildings are allowed as specified in the 305 – 5.04 Table of Use.**

Article 18: Mixed-Use District - A zoning district where the location of more than one permitted principal use in one building may be allowed by special permit. Mixed Use districts include the B-1 ~~Business-mixed Use Zoning District~~, Planned Mixed Use Development **and Brant Rock Village Overlay districts.**

## Article 19

This article is a stand alone corrective article to clarify that mixed use buildings are only allowed in the Portion of the Water Resource Protection District (WRPD) that is within the Planned Mix Use Development (PMUD) overlay.

Use	Residential				Business					Industrial		Overlay		
Residential	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD	BRVO
7. Mixed - Use Building in the PMUD (see 305-11.05) * also requires a WRPD special permit (see 305-13.03) when located inside the WRPD overlay.	-	-	-	-	-	-	-	-	-	-	-	S	S *	-

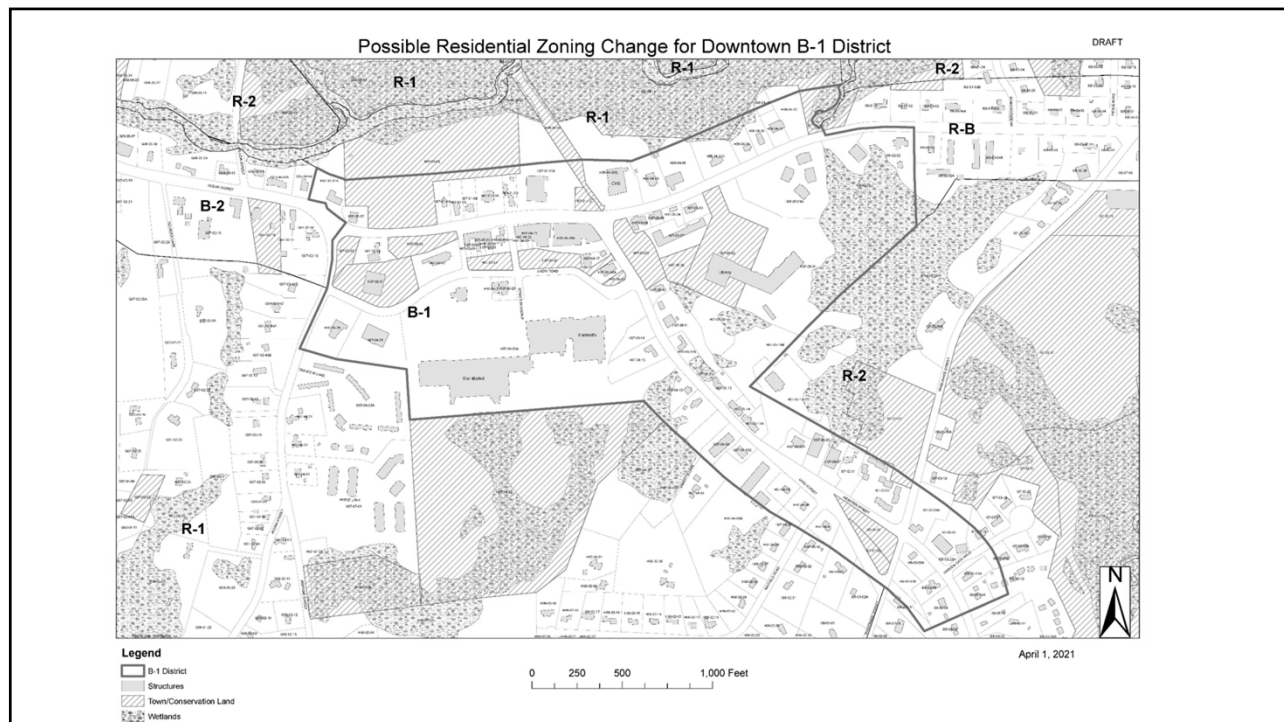
## Articles 20 and 21

Articles 20 and 21 are covering the change to allow residential above Commercial in the downtown B-1 District.

Article 20 is a new line in the Table of Use

Use	Residential				Business					Industrial		Overlay		
Residential	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD	BRVO
8. Mixed - Use Building in the B-1 District (see 305-11.16)	-	-	-	-	S	-	-	-	-	-	-	-	-	-

Article 21 is the details and requirements for the Mixed Use (residential above commercial) Development. This would be a special permit through the Planning Board at a maximum density of 10 units per acre and 20% of the units are required to meet the State's affordable housing requirement. A 6 foot setback for the third floor from the first two floors similar to the Brant Bock Village Overlay.



## Article 22

### Brant Rock Village Overlay



The changes that are being proposed are as follows:

- To allow some residential use on the first floor primarily (parking/storage and access) versus all commercial.
- That the mixed use buildings are allowed to be a full 3 stories or 35 feet and that the third floor needs to be set back 6 feet from the front and rear walls of the first two floors to reduce the visual height appearance.
- Commercial and Residential parking must be provided onsite and recommended residential parking above base floor elevation.
- Planning Board becomes the Special Permit Granting Authority (for all commercial with residential above developments).
- A straight 10% of the residential units must be Affordable versus 25% with a density bonus.



## Article 23

This article makes several changes to the Accessory Apartment Bylaw 11.09 including:

- Removes the 3 year waiting period for new construction or substantial alteration or additions.
- Limits an accessory apartment to one (1) bedroom
- Specifically states that the accessory apartment cannot be sold or transferred separately from the principal unit.

## Article 24



FEMA

This article is a corrective action to remove language in Section 15.19 Special Permits of the Floodplain Bylaw.

Several months ago FEMA conducted an official review of the updated Floodplain Bylaw and contacted the Board of Selectmen to have the language under clause "a) Nonresidential structures such as boathouses, boat yards, and structures designed for education and research, the nature of which requires their location within the floodplain district" to be removed from the Bylaw.

By approving this change the town will remain in the FEMA flood insurance program.

## Articles 25 and 26

This two articles are corrective actions base on a recent court case to clarify what is a yield plan and how density is determined when applying for an Open Space Residential Development (OSRD).

The first article is to add a definition for a Yield Plan.

The second article changes the language on density by removing the formula.

- (a) The number of dwelling units permitted shall not exceed that which would be permitted under a conventional subdivision that complies with the Marshfield Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board **without waivers** and other applicable laws and regulations of the Town or the state. ~~The total number of dwelling units shall be determined by the following formula:~~

$$\frac{[\text{Total area of land subject to the application}] - [\text{Area of wetlands/water bodies}]}{= \text{Applicable land area}}$$

$$\frac{[\text{Applicable land area}] \times [0.90]}{\text{divided by minimum lot area}} = \text{Total number of dwelling units}$$

- (b) ~~A preliminary subdivision plan may~~ **A yield plan shall** be submitted to assist in demonstrating the allowable number of units. If the parcel lies in more than one zoning district, the total for each district shall be calculated separately.

## Article 27

Would modify the existing table of use for Medical, Recreational and Combined Marijuana facilities by changing the word "Facility" to "Establishment". This change will match the titles for Marijuana uses found in the State Regulations and the Town's General Bylaws with the Zoning By-Law. There is no changes to the uses or the Zoning Districts where these uses are allowed as part of this article.

Use	Residential				Business					Industrial		Overlay		
Community Facilities	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD	BRVO
22. Recreational Marijuana Establishment (see 305-12.06) *only in the WRPD within the I-1 district excluding the PMUD.	-	-	-	-	-	-	-	-	-	S	-	-	S*	-
Use	Residential				Business					Industrial		Overlay		
Community Facilities	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD	BRVO
23. Combined Medical and Recreational Marijuana Establishment (shall meet the requirements of both 305-12.05 and 305-12.06) *only in the WRPD within the I-1 district excluding the PMUD.	-	-	-	-	-	-	-	-	-	S	-	-	S*	-

## Article 28

This article would make two changes to the existing section 12.06.

The first change is to replace the word “retailer” in the title and text with the word “establishment”. Retail is still an use allowed under the special permit. This would allow section 12.06 to match the Zoning By-Law’s Table of Use, the State Regulations and the Marshfield General Code.

The second change under D.3.(d) would allow a Recreational Marijuana Establishment to have cultivation as one of the related uses.