

MARSHFIELD PLANNING BOARD

Meeting Minutes

March 26, 2018 7:00 P.M.

Town Hall – Hearing Room 2

PRESENT: Mike Baird, Chair  
Mike Biviano, Vice Chair  
Fred Monaco  
Nik Pappastratis  
Tony Pina  
Katie O'Donnell, Associate Member

ALSO PRESENT Greg Guimond, Town Planner  
Kay Ramsey, Executive Assistant

Mr. Baird opened the meeting at 7:00 PM.

PUBLIC HEARING – (Cont.) - CHRISTMAS COVE – OPEN SPACE RESIDENTIAL  
DEVELOPMENT SPECIAL PERMIT – ANTHONY OLIVA

Mr. Baird moved to open the continued public hearing. Mr. Biviano seconded. The vote was unanimous. Mr. Baird moved to waive the reading of the public notice. Mr. Biviano seconded. The vote was unanimous. NOTE (The hearing had been continued numerous times at the applicant's request but no testimony had been taken.) Atty. Matt Watsky, Jack O'Leary, Engineer and the applicant, Anthony Oliva were present. Mr. O'Leary presented the plan. He said the property is off Highland Street, east of Union Street, and has a little less than 18 acres total. He said there are a number of constraints on the property. It is very narrow in the front and requires a 500' road just to get to the developable area. The entire area is box turtle habitat except for the narrow neck leading to Summer Street. They have been to the Conservation Commission and have an Order of Conditions which protects isolated wetlands and creates new. An earlier submittal had 12 lots and they have now reduced it to 8. The road is now approximately 1,000'. There is an emergency access road and underground utilities. There is a shared septic system which avoids the mounded systems on each lot. Mr. O'Leary said they have to go through the Board of Health for approval of the shared system. He said the topography is quite flat but drops off sharply at Cove Creek. Mr. O'Leary said there is an easement in place that benefits the Cases.

Mr. Brennan said that there were issues in 2006 and some of these same issues still need to be resolved. His letter of November 13, 2017 identified seven waivers which were requested. He also had comments concerning zoning, roadway, drainage/erosion control, and water. His report is attached to these minutes.

Mr. Guimond said the waiver list doesn't match with the list on the plan. He said there are four main zoning issues.

- 1) Yield Plan – You could only get four lots with a typical subdivision.
- 2) Plan as mentioned: 30' buffer from property line to property line. (The back decks are close to the restricted area) and with very little back yard which has proved problematic in the past. There is supposed to be a buffer between two properties.
- 3) The drainage needs to be on a separate lot.
- 4) 50' buffer from wetlands. .

Mr. Biviano suggested paving the whole area of the cul-de-sac because several recently built cul-de-sacs are less than 20' and have upright curbs. He'd also suggest allowing Cape Cod berm. He said the preliminary Home Owner's Documents should have already been submitted. Mr. Biviano said he doesn't think the emergency access way is needed and he's okay with the longer road. Mr. Biviano said he's okay with having the one sidewalk and he explained that Mr. Brennan will get a cost for construction of the sidewalk and that money will be put into the sidewalk fund. He is okay with the yield plan. Mr. Guimond explained the reason why he drainage was required to be on a separate lot.

Mr. Watsky said that if the Board prefers a 30' strip rather than a deed restriction, he's okay with that. Mr. Pina asked what the reason was for requesting waivers to not show the location of the houses. Mr. O'Leary said many times the clients prefer to have the houses built differently. Mr. Guimond said he would like to have a conceptual house siting plan.

Mr. O'Leary said there are tight turns which require crossings of the sewer and the water lines. If they added more manholes, that would make the pipe too far down for Title 5. Mr. Brennan said that might be alleviated if the road is moved.

Mr. Charlie Case, 540 Highland Street, said this project was started in 1985. He said there was a field in the back but not anymore; there's 20 years of tree growth there now. He is concerned about the buffer. He said this land abuts 250 acres of Conservation land on the east side of Union Street and the effect on the conservation land will be dramatic. Ms. Kathleen Carr said she was concerned with the lots and who would have control over the shared septic system. Although the Homeowners Association would handle it, she said it would be problematic. Mr. Case asked about trash removal and Mr. Guimond said typically the Town will have the trash picked up but to check with DPW to be sure. Mr. Don Lonergan said there were too many outstanding issues. The site is being over developed and he is very concerned about the crossings of the water and sewer.

Mr. Jack O'Leary asked about moving the right of way to get a 30' buffer and eliminating the emergency access road. He asked if the length of dead end road was an issue?

Mr. Watsky said it is not in the Planning Board's authority to protect wetlands. Mr. Baird asked what the setback is - and it is 10' from grading. Mr. Guimond said there are several stone walls and he'd like to see them on the plan and where the stones would be reused. Mr. Watsky said that the Conservation Commission had approved the 46' right of way and they don't want to

narrow it. It would be too narrow for the utilities and they would have to go back to the Conservation Commission.

Mr. Baird moved to continue the hearing until April 9<sup>th</sup> at 7 PM. Mr. Pina seconded. The vote was unanimous. Mr. Baird moved to accept the applicant's request to extend the decision to May 30<sup>th</sup>. Mr. Biviano seconded. The vote was unanimous.

#### PUBLIC HEARING (Cont.) DIRECT GRANITE – 600 PLAIN STREET

Mr. Baird moved to open the continued public hearing. Mr. Pina seconded. The vote was unanimous. Mr. Crowell (Engineer for the applicant) said that the plantings (shown on Sheet #5) will be 6' on center. The trees in back will be White Pines. He said that the nitrogen loading had been 6.8 but was now down to 5 mpl. The dumpster is sloped so that runoff will go to a storm-ceptor. The parking lot is recycled asphalt. Mr. Guimond thought that they might want to consider a monitoring well. The applicant is okay with that. Mr. Guimond said they need four sets of the revised big plans. They should also show a split rail fence set off 4'. A detail of the septic system is also needed.

Mr. Biviano moved to close the public hearing but to leave the record open. Mr. Pina seconded. The vote was unanimous.

#### PUBLIC HEARING (CONT) – ZONING AMENDMENT – BILLBOARD SIGNS

Mr. Last gave a summary of the changes he made and submitted a "clean copy" along with a marked up copy so the changes could be easily seen. He said he thought the only open ended items were to #9, 15, and 16 – He struck them out. He said he added a more detailed list of the rules and regs requirements. Mr. Baird said the so-called "hosting fee" sounds like contract zoning and he told Mr. Last that this could be an issue. Mr. Pina asked if we hadn't gone through all this before – that it was like what we thought was spot zoning but which the AG said wasn't. Mr. Guimond said the AG hadn't specifically said it wasn't spot zoning. Mr. Guimond asked who that hosting fee would go to? He also asked Mr. Last who the towns that have approved billboards are? Mr. Last said he would send a list. Mr. Guimond said that Mr. Last kept mentioning Bridgewater and Raynham but neither of those towns passed it. Mr. Baird asked about the line of sight. Mr. Last said it is a state requirement that the sign can't be visible to a residential site. Mr. Guimond said if it standing alone it would be is a principle use but Mr. Last said the Kirwin Building that the Board just signed a Form A for (which is a 70 x 30' building) will be the principle use. The sign will be an accessory use as required by the State.

Mr. Baird asked if there are any comments or concerns about the article as written? He said the Board should not get behind something that is going to be amended. He asked if they wanted to support it or not. Mr. Biviano said he doesn't like going to Town Meeting with a whole new article. He has no problem with the "clean copy" that Mr. Last submitted. He told Mr. Last that it doesn't mean he can't present whatever changes he wants. Mr. Last said there are only three changes in the final revised copy. Mr. Baird said it is not what was advertised. Mr. Last said he struck #15, 16 and 18. Mr. Biviano said the scope is about the same. He suggested taking two votes; one to recommend support of the article as written and another to recommend the new

submittal. Ms. O'Donnell said the public needs more time to review the changes. Mr. Last said the only changes made were the ones requested by the Planning Board. Mr. Baird asked if the Board wanted to vote on the new submittal or on the article in the warrant.

Mr. Baird says he thinks there has been a lot of growth in the park. He said the Town and the Planning Board have been supportive of the growth.

Mr. Robin Mitchell said he moved here years ago and he wanted to get away from billboards and too much development. He said now the Town is being changed. He said the billboard in the Hanover Mall is an eyesore and that it lights up the whole countryside in the middle of the night. He said if you allow one, it will open the door for more. Zoning changes have already happened allowing the town to be more and more developed. He asked who will take care of maintenance and who decides what gets advertised. He said the Town Officials need to think more of what's good for the Town rather than dollars.

Mr. Baird moved to close the public hearing. Mr. Biviano seconded. The vote was unanimous.

Mr. Biviano moved to approve the article as put in the Town Warrant. Mr. Pina seconded. The vote was 0-5; all against. Mr. Biviano moved to approve the "clean copy as presented tonight" but if that copy was changed in any way, they would not support it. Mr. Pina seconded. The vote was 3-2 with Mr. Baird and Mr. Monaco voting against.

Mr. Biviano moved to adjourn the meeting at 9:46. Mr. Baird seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant  
Marshfield Planning Board

# AMORY ENGINEERS, P.C.

WATER WORKS • WATER RESOURCES • CIVIL WORKS

25 DEPOT STREET, P.O. BOX 1768 TEL.: 781-934-0178 • FAX: 781-934-6499 DUXBURY, MASSACHUSETTS 02331-1768 WWW.AMORYENGINEERS.COM

November 13, 2017  
Marshfield Planning Board  
870 Moraine Street  
Marshfield, MA 02050

**Subject: Christmas Cove – Open Space Residential Development**

Dear Board Members:

This letter is in response to your request for comments regarding documents prepared by Sitec Environmental, Inc. for Christmas Cove Open Space Residential Development (OSRD) and Definitive Subdivision Plan. Documents include Plan Sheets 1 – 20, revised October 20, 2017; Stormwater Management Report, revised November 6, 2017; Updated Waiver Request Letter and transmittal letter, dated November 6, 2017 (with applications attached). These documents represent a resubmittal of an application that was submitted to the Board, and subsequently withdrawn, in 2015. The revised submittal reduces the proposed number of residential lots from twelve to eight, which also reduces the length of the proposed road.

Seven waivers have been requested from the Planning Board Rules and Regulations (R&R). Waivers seek relief from the following:

- 1 R&R Section 3.4.2.u, which requires the proposed siting of dwellings and grading for each lot to be shown. The Applicant is requesting to eliminate the requirement of showing proposed dwellings and lot grading.
- 2 R&R Section 4.1.5.a, which limits the length of dead-end streets to 600 feet. The proposed street would be approximately 990 feet long. To provide for secondary emergency access, a 20-foot wide gravel access road is proposed from about Sta. 5+10, around Lots 5-8 to the cul-de-sac turnaround.
- 3 R&R Section 4.2.2.d (ii)<sup>1</sup>, which requires a 30 foot buffer of existing vegetation between all point source discharges of stormwater and surface waters or wetland. *We note that this waiver has been requested but we do not believe it is necessary since there will be a minimum of 30 feet of existing vegetation between the end of the riprap channel and surface waters, wetlands and the property line.*

<sup>1</sup>R&R Section 4.2.2.f also requires 30-feet of vegetation between the riprap apron and property line.

1 R&R Section 4.2.5.a and “Typical Roadway Cross Section, Residential Street Type C” which require all utilities to be given a definite location as per the Typical Cross Sections. The waiver request is to allow for sewer and drain lines to cross at about Sta. 7+60 and Sta. 8+45. *We recommend against granting this waiver. Sewer and drain lines should not be crossing each other multiple times. Additional manholes would solve this issue.*

2 R&R Section 4.2.5.b, which require a minimum of 2.5 feet of cover over drain pipes. The proposal calls for Class 5 reinforced concrete pipe where less than 2.5 feet of cover will be provided. *This is standard practice with limited cover over drain pipes.*

3 R&R Section 4.4.1 and “Typical Roadway Cross Section, Residential Street Type C” require sidewalks on both sides of the street. The waiver request is to allow a sidewalk on only one side of the street.

4 R&R Section 5.2, which requires vertical granite curbing on all curves with a radius of 60 feet or less and at all curb inlets. The waiver seeks to allow for Cape Cod berm everywhere except at curb inlets which would be vertical granite.

*Please note that the waivers listed on the cover sheet of the plan set do not match the waiver requests included in the November 6, 2017 letter.*

We submitted comments on the previous iteration of the proposal to the Board via letters dated March 2 and November 18, 2015. Below are our comments on this most recent submittal, with many comments carried over from our 2015 letters.

### **Comments**

#### **Zoning -OSRD**

1. ZBL Section 11.04.5 requires a thirty-foot perimeter buffer to be maintained in a naturally vegetated state. It does not appear that this buffer will be provided at lots 1 through 4.
2. ZBL Section 11.04.5 does not allow drainage within the open space. R&R Section 4.2.2.f also requires drainage basins to be located on separate parcels exclusively for drainage purposes. The drainage basin should be within a dedicated drainage lot, and in accordance with R&R Section 4.2.1, the boundaries of drainage parcels shall be defined by concrete bounds at all corners. Upon delineation of a drainage lot, the Applicant should submit calculations showing that the open space meets the fifty percent (50%) requirement of ZBL Section 11.04.5. We note that the wetland area, although small (1,870 s.f.), does not count toward the required open space.
3. ZBL Section 11.04.7.5 allows the Planning Board to require bounds to delineate open space lots where they are not readily observable in the field. The Board has required bounds and other types of markers on other OSRD projects. We note that the 2015 plans showed a post & rail fence along the open space side of the emergency gravel access

road. A note specifying the post & rail fence is included on Sheet 11 of the current plan set but the limits of the fence are not shown graphically.

4. ZBL Section 11.04.8.d requires a fifty-foot buffer from wetlands. The proposed road would be within about 25 feet of the wetland. We understand that the Applicant, after appealing a denial by the Conservation Commission, has secured an Order of Conditions to allow the work within the buffer to wetlands. However, this is a Zoning requirement which may require a variance from the Zoning Board of Appeals.

#### Roadway / General

1 R&R Section 4.1.5.b requires cul-de-sac turnarounds to conform to the configuration shown on the “Typical Cul-de-sac Detail” which shows an offset or tangent type configuration. The proposed turnaround is a bulb-type configuration.

2 R&R Section 4.4.1 requires “Portland Cement concrete driveway aprons from the sidewalk to the gutter line” to be “constructed to the same specs as the sidewalk where it crosses the driveway.” Driveways for Lots 1 through 4 would require concrete driveway aprons. This needs to be specified and should be detailed on the plans.

3 In accordance with R&R Section 4.4.3 shade trees, spaced at 40 feet, are shown on the plans. However, proposed trees on the east side of the road are shown outside of the right-of-way and each tree within 20-ft. x 20-ft. easements on Lots 1-4. Any proposed easements must be shown with geometry on the Lotting Plans. We suggest a continuous easement parallel to the right-of-way line rather than individual easements for each tree. Also, the number of shade trees, 61, listed on Sheet 12 is incorrect, it should be 48.

4 In accordance with R&R Section 5.1 bounds are shown to be set at all changes in direction along the right-of-way and at all front lot corners. However, the proposed bounds are only shown on the Utilities & Landscaping drawing Sheets 12 and 13, they should be shown on the Lotting Plan sheets 7 through 9.

5 We understand that the intent is to provide vertical granite curb inlets at the catch basins and a “Typical Vertical Granite Curb Inlet Installation” detail is shown on Sheet 19. However, the curb inlets should be shown graphically and specified on the plan sheets. Also, the “Concrete Curb Inlet” detail should be removed from Sheet 19.

6 There is a 20-foot wide gravel emergency access road proposed from about Sta. 5+10, around Lots 5-8 to the cul-de-sac turnaround. The access road is shown stopping at the edge of the right-of-way and it should extend to the roadway pavement. The “Gravel Access Road Section” on Sheet 16 shows it to consist of 18-inches of gravel overlain with 4-inches of  $\frac{3}{4}$ ” crushed stone. We recommend reclaimed asphalt for the top four inches because it will compact better, not be pushed as easily with plows and better limit weed growth.

Drainage / Erosion Control

1. Calculations show that runoff volume will be increased to the northeast design point. The runoff will flow down to Cove Creek, which is a tidal creek so we do not believe that the increase in runoff volume will cause offsite flooding. However, R&R Section 4.2.2.c.xi does not allow for increase in runoff volume.

1 We have noted in previous letters that test pit data at the proposed drainage basin site show seasonal high groundwater to be above the proposed bottom of the basin. The Applicant's engineer has stated that there has been no water observed in a monitoring well<sup>2</sup> on site during a number of observations, with December 16, 2014 and April 15, 2015 being the most recent provided. The absence of water observed in the monitoring well has led to the assumption that the seasonal high groundwater observed in the test pits is a perched water table and the actual groundwater table is much lower. From a drainage standpoint, we believe this assumption/approach to be appropriate at this location since discharge is to a tidal creek and increase of runoff due to limited infiltration is not a concern. However, the Applicant will have to address the issue of a perched water table further with the Board of Health during the septic design.

2 Because of perched seasonal high groundwater, sub-drains may be required beneath the roadway (R&R Section 4.2.2.g). In a 2015 response, the Applicant's engineer indicated a willingness to work with the Board to determine if sub-drains would be required and asked for an example of where they have been required in other subdivisions. The Chestnut Hill and John Sherman Estates subdivisions were designed with sub-drains.

3 A note on the "Proposed Stormwater Basin Profile" on Sheet 17 specifies that the bottom of the sediment forebay and basin are to be lined with quarry washings. While it is appropriate to line the sediment forebay, the basin is modeled as an infiltration basin in the calculations and should not be lined.

4 The proposed discharge pipe from the stormwater basin is high-density polyethylene (HDPE) with an HDPE flared end at the discharge point. Our experience is that HDPE flared ends are not structurally sound and are easily deformed. We recommend either a concrete headwall or a reinforced concrete flared end section with the HDPE pipe mortared into the flared end.

5 Total flows reported in the Storm Sewer Tabulation are incorrect for all inlets (Lines 712). The tabulation should be corrected and a pipe diagram provided

6 The "Temporary Gravel Construction Entrance/Exit" detail on Sheet 18 should show the minimum length of the gravel entrance to be fifty feet.

<sup>2</sup>The bottom of the observation well is 17½ feet below the proposed bottom of the basin.



Water

1. Adequacy of water supply for fire protection should be documented.
2. The minimum cover over the watermain should be five feet in accordance with DPW standards.
3. R&R Section 4.2.4 requires water lines in excess of 800 feet to be looped. The proposed water main would be approximately 1,000 feet long with a looped main connected at about Sta. 4+62 (resulting in a 540-foot dead end). While this complies with the regulation we recommend against looping the main and suggest the Board entertain a waiver to allow the 1,000 foot long dead end watermain. Our reasons for not looping the main are 1) there are only eight houses and the demand would be too little to allow for adequate flow through both mains, potentially leading to water quality issues, and 2) the looped main will result in additional maintenance responsibilities for the Water Division.
4. We recommend that the hydrant proposed at about Sta. 6+80 be moved to about Sta. 5+00.

Should you have any question, please give us a call.

Very truly yours,

AMORY ENGINEERS, P.C.

By:



A handwritten signature in blue ink, appearing to read "Patrick G. Brennan", written over a horizontal line.

Patrick G. Brennan, P.E.

PGB

