

MARSHFIELD PLANNING BOARD  
Meeting Minutes  
August 13, 2018 - 7:00 PM  
Hearing Room 2

PRESENT: Mike Baird, Chair  
Mike Biviano, Jr. Vice Chair  
Fred Monaco  
Katie O'Donnell  
Nik Pappastratis  
Peg Davis, Vice Chair

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

Mr. Baird called the meeting to order at 7:00 P.M.

PUBLIC HEARING: SUBDIVISION RULES AND REGULATIONS – FEES

Mr. Baird moved to open the public hearing and to waive the reading of the public hearing. Mr. Biviano seconded and the vote was unanimous.

Mr. Guimond explained that we are adding an Engineering Review Fee for Modifications for Special Permits and Subdivisions. In the past modifications received were mostly minor in nature but many that have been received recently require an engineer to review. We are proposing \$1,000 for that fee. Mr. Guimond explained that any money not used will be returned to the applicant upon written request. There were no comments from the audience. Mr. Baird moved to approve the proposed fee. Mr. Biviano seconded. The vote was unanimous. Mr. Baird moved to close the public hearing. Mr. Biviano seconded and the vote was unanimous.

BOARD/STAFF REPORTS

Recreational Marijuana: Mr. Guimond asked if the Board was interested in allowing recreational marijuana in districts other than the I-1 or by adding a sentence describing a broader definition to the previously approved article. This sentence would read: This includes the following uses: marijuana cultivator, craft marijuana cultivator cooperative, retailer, product manufacturer, independent testing laboratory, micro business and third party transporter. He said the Selectmen did not appear to want it allowed in other districts and the Planning Board agreed. They asked questions about some of the uses described in that sentence. Mr. Guimond said he took the language from the state. Mr. Baird moved to approve the proposed language subject to any changes the Board of Selectmen might recommend. Mr. Biviano seconded. The vote was unanimous.

PUBLIC HEARING – PROGRESS WAY – DEFINITIVE SUBDIVISION – BILL LAST, JR.

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August 13, 2018 Minute

Mr. Baird moved to open the public hearing. Mr. Biviano seconded. The vote was unanimous. Mr. Baird moved to waive the reading of the public hearing notice. The vote was unanimous.

Mr. Terry McGovern was representing the applicant, VRT. He said that Progress Way was originally included in the Enterprise Park Definitive Subdivision which was approved in 2004 and was proposed as a road connecting Rockwood Road and Commerce Way. The road was eliminated in 2005. Mr. McGovern said they are providing a building block with the point of access off Rockwood Road. They are proposing that the roadway provide access to a new lot on the west side of the road, shown as Lot 26M. The existing lots on the east side are to be combined into a single lot (25M) and will be the subject of a future PMUD application. Mr. McGovern said the basin will handle all of the drainage for Enterprise Park. The roadway will provide access to the new lot on the west side of the road, Lot 26M. There is 30% open space and 70% impervious. There is a 52' right of way with pavement in the center.

Mr. Pat Brennan said that they adjusted the plans to show roof drainage going into the basin. They are requesting waivers for the super-elevation of the road, the location of the forebay and the length of dead-end road.

Mr. Last called this an independent filing. He said they are looking at the PMUD in its entirety. This submission may not stay as presented. Progress Road will always connect to Rockwood Road but possibly not the way it's presented tonight. He said he is going to get the whole area cleaned up and he said this is a unique situation. Mr. Last said that there won't be any other projects until this is all done. The drainage will be designed for all lots. The ballfields need overflow and they are working out designs. It's part VRT and part Town owned land. Mr. Baird asked if there are places along Rockwood Road where they could park. Mr. Last said yes, that the grading has not changed. The ballfields' forebay is the natural low area. It might change some. Mr. Guimond said they could see where the road was going to be. It allows Industrial Use. Mr. Last said the waivers are based on multiple possible changes. They may need to extend the road through for frontage. The road has been adjusted to a 52' wide layout.

Mr. Brennan said there are two issues that have not been addressed. The high density polyethylene pipes are proposed across the roadway layout between the proposed forebay and the existing detention basin. Although they are allowed in the subdivision rules and regulations, DPW requires reinforced concrete pipes within a right-of-way. He suggested that the applicant should consult with DPW to see if they would accept plastic pipes. Mr. Brennan said that the other issue is that the watermain is going to be looped through to Commerce Way as part of the future development of Lot 25M. He suggested a condition of approval requiring that the looping of the watermain be built when Lot 25M is developed.

Ms. Phyllis Burns said they have been waiting for Rockwood Road to go all the way through for years. She asked why it hadn't been connected. Mr. Last said the reason was for traffic mitigation for the entire park. There is too little development now and no reason to predesign a roadway when they are not sure it's really needed. At a certain point, the State will require it to be done. Mr. Baird asked about procedure. He asked if they are granting waivers now and they are.

SITE PLAN Mr. McGovern said that the proposed 58,220 SF lot (26M) is currently a portion of Parcel D09-01-35 and is the site of an existing sediment forebay. It had been constructed as part of the Enterprise Park Subdivision to serve as Progress Way. A new Subdivision Plan has been submitted. The proposal is to construct a 10,800 SF commercial building with associated driveways, walkways, parking spaces and landscaped areas. Storm water runoff will be in trench drains across the two driveway openings to Progress Way. Those drains would be connected to a manhole which would discharge via 12” reinforced concrete pipe to the forebay. Discharge from that forebay would go to the basin on Lot 27M. There is an on-site septic system. The utilities would be connected to those in Progress Way. Water would be by the 8” proposed watermain. The building which will be a roofing shop will be owner occupied.

Mr. Baird moved to approve all the waivers (2-13) for the Site Plan that were submitted except for #1 which was the waiving of the fees. Mr. Biviano seconded. The vote was unanimous.

A list of the waivers follows:

Waivers Requested

The applicant has requested the following temporary waivers:

1. Sec. 405-8.A.4. Administrative Expenses.
2. Sec. 405-Attachment 1.4 Typical Section of Proposed Streets
3. Sec. 405-8.B-1.o. Landscaping and Planting Plan
4. Sec. 405-8.B-1.v. Location and Draft Easement Language
5. Sec. 405-8.B-1.w. Draft Easement or Conservation Restriction Language
6. Sec. 405-9-E. Dead End Streets
7. Sec. 405-10-A. Drainage fore-bay not on a separate lot
8. Sec. 405-10-B.3. & B.4 Drainage
9. Sec. 405-12.A. Sidewalk
10. Sec. 405-12.D. Street Lighting
11. Sec. 405-12.E. Fire Alarm Systems
12. Sec. 405-12.F Parks and Open Space
13. Sec. 405-14 Curbs
14. Sec. 405-17 Street Acceptance

Mr. Baird moved to approve the subdivision application with the condition that the type of pipe be clarified, and the watermain be looped. Mr. Biviano seconded. The vote was unanimous.

Mr. Baird moved to approve the Site Plan. Mr. Baird seconded. The vote was unanimous.

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

PUBLIC HEARING (Cont.) HIGHLAND GREEN – MODIFICATION TO ARAV/PMUD  
SPECIAL PERMIT – VRT

Mr. Baird moved to open the public hearing and waive the reading of the public hearing notice. Mr. Biviano seconded. The vote was unanimous.

Mr. McGovern said there were mostly housekeeping items that had to be fixed. He said that they had dropped six units since starting the project. There were outstanding issues; earth removal permit, allowing two instead of three affordable houses, and lighting.

Liam O'Connell (Architect for the applicant) said that they had made changes at the entrance. He added elm trees all around the green and made various other improvements. Mr. Guimond said he liked the revised landscape plan.

Mr. Sealund said that one of the reasons for the modification was to balance the cut and fill. He had applied for and been granted an earth removal permit from the Selectmen. It provided him an opportunity to move the road away from the septic system of the abutting Season's development.

Mr. Guimond said that the applicant had originally been going to ask to use the fee-in-lieu clause of the affordable housing regulation but now was going to build the units. He said they had not even applied for the base density of the subdivision and that a comparison would be Proprietor's Marketplace which had been approved at a lower number of affordable units. The applicant has requested that he be allowed to build two affordable units. Mr. Biviano was against their dropping the number to two. Mr. Monaco felt that in this case, two should be allowed. Ms. O'Donnell liked the idea of having two units actually built rather than using the fee-in-lieu. Mr. Pappastratis and Mr. Baird were okay with two.

Mr. Stephan Friedel of 21 Old Woodlot Lane said that it was a good idea to lay out what the O&M consisted of and to add the actual site plan as well as showing where the underground utilities were to the Condo Documents. He said Mr. Sealund has addressed the abutters' concerns and he said the landscape plan looks like a nice improvement. He'd like to see this approved and ended.

Ms. Frances Neumann of 33 Old Woodlot Lane asked if the existing trees would be preserved. Mr. O'Connell said all the trees shown on the plan are new trees and will be arranged in the field. He said that obviously they won't be as tall but he looks for trees that will provide a reasonable quantity and quality.

Ms. Phyllis Burns of 11 Hayloft Lane said she commends Mr. Sealund for all he is doing and for contacting and talking with abutters. She said that there is nothing at the border of the leaching field and asked if he could put in a fence. Mr. Sealund said that was a good idea and agreed to install a split rail fence there.

Mr. Bernie Dupuis of Weathervane Lane said Mr. Sealund has done a marvelous job and he hopes the Board will approve the modification.

Mr. Baird moved to close the public hearing. Mr. Monaco seconded. The vote was unanimous. Mr. Baird moved to approve the modification with the conditions that the split rail fence be added and that a separate septic, utilities and O&M plan be included in the Condo documents. Mr. Monaco seconded. The vote was unanimous.

PUBLIC HEARING ( Cont.) CHISTMAS COVE OSRD/DEFINITIVE SUBDIVISION  
SPECIAL PERMIT – ANTHONY OLIVA

Mr. Baird moved to open the continued public hearing for Christmas Cove. Mr. Biviano seconded. The vote was unanimous. Mr. Baird said that the Board has not fully discussed the yield plan that was submitted. He said that although it was late in the project to be bringing it up, he thinks the Board needs to discuss it further. Atty. Watsky said the Board had come to a consensus much earlier in the process but Mr. Biviano said there are different Board members now.

Mr. O'Leary showed the submitted yield plan with the extended cul-de-sac. Mr. Guimond said the original yield plan showed a house lot in the middle of the cul-de-sac but that was changed to be a drainage lot. Ms. O'Donnell has concerns about that cul-de-sac. She said the yield plan is supposed to show what could be built by right as a regular subdivision and she believes the most lots that could be built that way would be 4. If the cul-de-sac were being built due to extreme topography or grading, that would perhaps not cause as much concern but the only reason she can see for this is to provide more frontage for more lots. She thinks it's setting a bad precedent. Mr. Biviano said he is still in favor of the plan. To him it's just a looped road. He said they don't even really need a cul-de-sac. He said he understands that it's farmland and it's sad to see it go. Ms. O'Donnell said that using the OSRD in this instance is really making a dense development. Mr. Biviano agreed that a lower density would be better but the OSRD preserves half of the land as open space. Ms. O'Donnell said that our Master Plan states that development should keep the character of the neighborhood and this neighborhood consists of large homes on large lots of land. Ms. O'Donnell said that the Board of Health hasn't issued any comments and she isn't sure the lots would meet their approval since they are so pushed together. Mr. Baird thinks that the preservation of the open space is better than having a regular subdivision where all that land would be lost. Ms. O'Donnell said that if we are going to accept the elongated cul-de-sac, we should change our Bylaw. She said the Town is losing out. We need to preserve the character.

Mr. Watsky said he's submitted the required legal documents. He used the Home Owner's Association docs that are pretty standard in other towns. Mr. Biviano said that is the problem. He said homeowners will have no idea what is involved. He said there should be a separate utility, maintenance and septic plan attached to the Association documents. He also said that they should show exactly where the owners can and cannot go.

Mr. Brennan said the applicant has addressed his concerns that were expressed in his 5/31/18 review except for the one about the storm water basin soils and to make certain that the Conservation Restriction was going to be owned by the Home Owners. Mr. Guimond said he could add a condition on the decision that says before any building permits can be issued, all the legal documents have to be completed and approved by Town Counsel and filed with the Registry of Deeds. Ms. O'Donnell asked if putting the CR on the drainage lot was a concern. She asked if an amount of money had been decided on in order for the Conservation Commission to take and monitor the CR. Mr. Watsky said that the CR is being placed as a condition of preserving the open space. The Town owns land that is landlocked and they will be providing access. He said the Conservation Agent has indicated that this is being considered.

Ms. O'Donnell said that there is a cost savings for doing an OSRD in that a shorter road is required amongst other things. She said they may still be asked by Conservation for some sort of monetary amount.

Mr. Craig Hannafin said North Marshfield is very unique. Large homes and large lots predominate the area. He said that the NSRWA submitted a letter but Mr. O'Leary said their concerns had been resolved. He said the plan shows that they far exceed the setback requirement. Mr. Pappastratis asked if the stormwater was being increased but Mr. O'Leary said it is overall being decreased.

Mr. Don Lonergan asked if there were any other elongated cul-de-sacs anywhere. Mr. Watsky said the Town approved the same configuration for Cranberry Cove and the applicant used that as a model. Mr. Guimond said years ago there were two enlarged cul-de-sacs proposed on Bridle Lane but that proposal was denied and then the property was proposed as a 40B. The Town eventually bought the land.

Ms. Karen Malloy said the New England Forestry had sent in a letter and she asked if it had even been read. Mr. Baird said the Board gets and reads all correspondence for specific projects. Ms. Ramsey said she didn't think any letter from NEF had been received. Mr. Guimond checked and there was no letter in the file. Ms. Ramsey said she had spoken with Chris Pryor of NEF and sent him the PDF of the stormwater report but had heard no more. Ms. Malloy said the issue of water runoff is a significant problem. There will be runoff to the river. Mr. O'Leary said they are proposing an interceptor drain. Runoff will not be increased.

Ms. Davis asked if the maintenance of the shared septic system issue had been resolved. Mr. Guimond said that he had thought that the Town was going to own the CR and then that would be an issue, but now he has learned from Mr. Watsky that the HOA is going to retain ownership of the land and the Conservation Commission would take the CR. Ms. Davis asked about the use of pesticide but the property is not in the WRPD and the Planning Board has no jurisdiction over this issue. There are, however, other boards and agencies that may have jurisdiction because that whole area is in the National Heritage Endangered Species area.

Mr. Baird moved to close the hearing but to leave the record open until Friday, August 17<sup>th</sup> at noon for any written comments. Mr. Biviano seconded. The vote was unanimous.

## BOARD/STAFF REPORTS

### SOLAR PANELS

Mr. Guimond explained that at present, the solar farms are only allowed in the I-1 District. He had drafted a bylaw which would allow them in different districts either by right or special permit depending on the district. Because some members expressed concern about allowing them in these districts due to environmental concerns, he had also written a bylaw which would allow them just over parking lots to see if that would allay the concerns. Mr. Biviano said he just read an article on how the solar farms are damaging the environment, being harmful to insects and

birds. Ms. O'Donnell asked how the solar farm that has already been built got permitted. They went through the ZBA.

Two people from Omni Navitat said that they already had approval by the Marshfield Horticulture and Agricultural Society to construct the canopy over the parking lot. He said these uses are secondary uses over something that has already been developed. Mr. Baird asked how they stand up and was told they are very solid. Some are being built over MBTA stations now. The panels are 15' above the lowest point and the columns are 2 – 30'. The power is sold back to N-Star. The lot at the Fair is a gravel lot. Rocks shouldn't impact them the panels. They retract the sun all day.

The ground mounted panels would have to have pesticide used, there would be drilling into the ground and large trees would have to be taken down.

Mr. Baird said they abut neighbors and he feels people should be allowed to vote at Town Meeting. Ms. O'Donnell said she is opposed to the ground mounted panels – she is worried about the use of farm land. Mr. Baird said they could make the R1 and R2 only allowable by special permit. He had been okay with it over the landfill (ground mounted) and was tending to support the broader version (dated 7/13). After listening to the discussion, however, he is now more supportive of going with the parking lots. Mr. Biviano moved to approve the 7/18 (parking lot) version for this Town Meeting. Mr. Monaco seconded. The vote was unanimous.

FEMA: Mr. Guimond said that Jack Sullivan would be taking over the Grant program.

Mr. Baird moved to close the hearing at 9:45. Mr. Biviano seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant  
Marshfield Planning Board