

MARSHFIELD PLANNING BOARD

Meeting Minutes

October 22, 2018 7:00 PM

Hearing Room 2

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

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

ABSENT: Peg Davis, Associate Member

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

DISCUSSION/VOTE – CHRISTMAS COVE OSRD

Mr. Baird moved to open the meeting for a Board Discussion and possible vote on Christmas Cove.

Mr. Watsky, Attorney for the Applicant, said that the Board wanted the Conservation and NHESP issues resolved. He had submitted a letter from NHESP. He said that the Conservation Commission was waiting for the Planning Board to make their decision before committing to holding the CR.

Mr. Guimond said he changed the dates on the draft decision and made a change on Page 2 to reflect the fact that information from NHESP had been received.

Ms. O'Donnell asked if the CR was conditioned on the landscaping of each lot. She asked if NHESP approved of the change. Mr. Watsky said they had not yet submitted the revision to NHESP but he said he doesn't anticipate any problem due to all the back land being saved. Ms. O'Donnell asked if that amount of land would be excluded from the CR. Would that require a modification? Ms. Kathleen Carr asked for clarification.

Mr. Guimond explained that we conditioned our approval on the Conservation Restriction holding the CR and on approval by the NHESP. The Conservation Commission was reluctant to take the CR with the drainage and septic system in the open space. Mr. Watsky said that even after the Conservation Commission and the NHESP approve, the proposal still has to be reviewed and approved by E0EEA. Mr. Guimond explained that our Inspector noted that there were layers of silt and clay in the area of the storm water drainage and the clay might have to be

excavated. This might cause the applicant to apply for a minor modification. Mr. Guimond asked if the best course of action for changes to the CR would be by submitting a modification once the Conservation Commission is finished. Mr. Watsky agreed that a modification would probably be the best way to handle that.

Ms. O'Donnell said she has many concerns. She was concerned that after all this time, the CR still had so many moving parts. She feels this should be resolved. She also said the yield plan does not comply with regulations and there is no evidence that NHESP would approve an eight lot subdivision. She can see no public benefit in the Board allowing the applicant to proceed with his elongated cul-de-sac and said she thinks it sets a very bad precedent. Ms. O'Donnell had other concerns – please refer to her memo to the Board in the Planning Board files.

Mr. Watsky believes that the yield plan complies. He said he doesn't have to show that NHESP would approve the yield plan. He said they submitted the OSRD in order to preserve land. He also said the assessed value is for one lot. Ms. O'Donnell said the OSRD benefits developers and in this instance, she doesn't feel it benefits the town.

SPECIAL PERMIT FINDINGS

The Board voted 3-2 to find that the Christmas Cove Open Space Residential Plan submitted showing 8 house lots complied with Section 11.04.4 of the Zoning Bylaw. The finding was denied. Mr. Pappastratis and Ms. O'Donnell voted negatively.

The Board voted 2-3 that the plan submitted provides greater protection of the natural features than a conventional subdivision. The finding was denied. Mr. Monaco, Mr. Pappastratis and Ms. O'Donnell voted against this finding.

The Board voted 2-2-1 that the plan provided upland open space as required. Mr. Pappastratis and Ms. O'Donnell voted against this finding and Mr. Monaco abstained. The finding was denied.

The Board voted 2 – 3 that the plan provided adequate access, proper street alignment and that the lots were located to minimize adverse impacts on the open space areas. Mr. Monaco, Mr. Pappastratis and Ms. O'Donnell voted negatively.

The Board voted 2-3 that the OSRD plan met the dimensional requirements. Mr. Monaco, Mr. Pappastratis and Ms. O'Donnell voted against this finding.

The Board voted 3-2 that the modified OSRD plan provides the required 30' buffer between the proposed building lots and the outside property line. Mr. Pappastratis and Ms. O'Donnell voted against this finding.

WAIVERS

The Board voted 2-2-1 against the waiver allowing a dead-end street longer than 600' Mr. Pappastratis and Ms. O'Donnell voted against allowing this waiver. Mr. Monaco abstained.

The Board voted 2-3 against a waiver allowing a modified cul-de-sac geometry. Mr. Monaco, Mr. Pappastratis and Ms. O'Donnell voted against the waiver.

The Board voted 3-2 against a waiver eliminating one of the sidewalks. Mr. Pappastratis and Ms. O'Donnell voted against the waiver.

The Board voted 5-0 not to grant a waiver allowing Storm Water discharge closer than 50 feet to a property line.

The Board voted 3-2 against a waiver from installing vertical granite curbing for all curves with a radius of 60' or less. Mr. Pappastratis and Ms. O'Donnell voted against granting the waiver.

The Board voted 3-2 against granting a waiver allowing the placement of utility lines differing from that shown on a typical roadway cross-section. Mr. Pappastratis and Ms. O'Donnell voted against the waiver.

The Board voted 3-2 against a waiver allowing a water line to be in excess of 800' without looping. Mr. Pappastratis and Ms. O'Donnell voted against the waiver.

The vote on the OSRD Special Permit was 3-2 with Mr. Pappastratis and Ms. O'Donnell voting negatively. The Special Permit was denied.

WHITE OAK FARM – REQUEST FOR LOT RELEASES (LOTS 2 and 3) Mr. Guimond explained that we are still holding Lot 13 and we have \$46,000 in surety. He had no problem with releasing the two lots. Mr. Biviano moved to release Lots #2 and #3 as requested. Mr. Monaco seconded. The vote was unanimous.

BOARD OF HEALTH FLOOR DRAIN REGULATIONS The Board of Health sent a draft of their Floor Drain Regulations for review and comment. Mr. Baird moved to send a letter of support and Mr. Biviano seconded. The vote was unanimous.

BOARD/STAFF REPORTS

Mr. Guimond said that the Billboard issue was being heard by the ZBA tomorrow night. Mr. Baird said he sent the ZBA a letter saying that he billboard plan did not qualify for a variance.

Mr. Baird moved to adjourn the meeting at 7:45 PM. Mr. Biviano seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board