

MARSHFIELD PLANNING BOARD
Meeting Minutes
May 11, 2020 - 7:00 pm
Remote Participation

PRESENT: Mike Biviano, Chair
Katie O'Donnell, Vice Chair
Kevin Cantwell
Fred Monaco Nik Pappastratis
Peg Davis, Associate Member*

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

Mr. Biviano moved to open the remote meeting at 7:00pm. Miss O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye.

Public Hearing (Cont) Fairgrounds Solar Carport Facility – Special Permit - Lumens Holding 3-LLC

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

Atty. Adam Brodsky, representing the applicant, Mr. Chris King and Mr. Rick Servant from Stenbeck and Taylor were present.

Mr. King presented the materials that were submitted. He said letters that they have received 7 letters with various concerns and have responded to each.

The assessors are asking for a subdivision for tax purposes and they are working with them on a pilot program.

The Board of Health was concerned about the whereabouts of the current septic systems. Mr. King said that they submitted numerous old as-builts which showed the various locations. Mr. King said that he thinks they have addressed their concerns.

Mr. King said that they have met with the Conservation Commission and they have agreed to place markers in red and white saying No Disturb Zone or whatever they want. Mr. King said they have contacted the NHSP because they will be working in the time frame where the turtles could be present. They will continue documenting so as to be fully compliant.

They have contacted the Fire Dep who agrees that a fire suppressant is not needed. They will provide a 13' clearance.

The submitted documents do not fully comply with 417.4.B. A list of the requirements with an explanation of how the project complies would be helpful.

Mr. King said they have sent in a letter responding to the concerns expressed by Mr. Brennan

Mr. Brennan, on May 8th, submitted a letter saying that he had received four revised sheets of the site plan, dated May 1 and the response to all the comment letters dated May 4th but he had some further responses. His letter dated May 8th detailed these responses.

A detailed decommissioning cost estimate is provided with present day and 2040 costs which indicates that the salvage value of the solar array components will be greater than the cost to decommission. Mr. Brennan said that this may be true but he'd recommend that the Board require a bond to cover the costs of decommissioning in 2040 without any salvage value.

The response to #2 indicates that the gap around the panels is on all 4 sides. A gutter sizing calcs shows that the gutters are sized for a 10 year storm event. Atlantic (the Engineering Co. for the applicant) says that they do not have to comply with the Stormwater Standards because there will be no increase in impervious area.

Atlantic states that the gaps around the panels will be reduced to ¼" and the tilt angle of the array and the adjusted gap width will reduce the amount of rainfall that will fall between the panels. Mr. Brennan says that Atlantic is saying there will be little to no rainwater dripping between the panels which would eliminate the need for crushed stone. That would mean that there wouldn't be any infiltration beneath the panels which would make the area impervious and mitigation would be required. HE recommends to the Board that they require the applicant to require calculations and a drainage design showing that increased runoff will be adequately mitigated or provide a crushed stone surface beneath the carports.

Regarding #4, test pits will be required if the Board requires the applicant to mitigate the increase in runoff.

#5 was addressed. The filter fabric is shown on the detail.

#6 –Atlantic states that cleaning operations would be performed by use of a mechanical lift and that panels that could be reached would be cleaned by use of a squeegee with water. Panels that could not be reached would be sprayed with water or remain unwashed. They also state that unwashed panels would have a negligible effect on solar energy provided.

#7 a. The slope of the gutters was required by Conservation.

b. The detail is conceptual and will be finalized as part of the Building Permit.

c. The 3' dimension is really a 3 degree tilt angle of the canopies.

#8 The documents state that no lighting is proposed. The applicant has provided a preliminary lighting plan which shows six light fixtures under each canopy. The lights would be operated on the existing timer system that the Marshfield Fair uses.

In #9, Atlantic says that the columns can withstand impacts greater than a 40 mph vehicle strike. They said that the existing timbers will be realigned at the head of each parking row.

#10 The response letter includes correspondence from NHESP; a 9/30/19 letter and a 3/30/20 Email but a letter from them dated February 17 was not included and should be submitted to the Board.

Mr. King said that there is a good visual natural glare buffer. He provided photos and a video taken from a drone to the Board and said it shows that direct glare is not an issue.

Mr. Biviano said there are still some issues that have to be resolved.

Mr. Brennan suggested that the Planning Board figure out what the decommissioning cost might be in 2040.

The runoff from the panels should be considered and the size of the gutter system. In one place Atlantic says they are not increasing the impervious surface but they are reducing the gap. Mr. Brennan said they should provide calculations or crushed stone. He recommended crushed stone, Mr. Biviano asked Mr. Guimond to work with Town Counsel and the applicant.

Mr. Guimond said he went out to the Nantasket MBTA Station and he could only hear birds but was early in the morning so he will try go back around 1 PM and also ask the police for the drone in order to see what reflection there is but there was no sound.

There was no public comment. Mr. Biviano moved to continue the Public Hearing until June 1, 2020 at 7:05. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Pappastratis, Aye; Mr. Monaco, Aye; Mr. Biviano, Aye.

PUBLIC HEARING (Cont.) 10 LONE STREET – D.J. SULLIVAN

Mr. Biviano moved to open the public hearing for 10 Lone Street and to waive the reading of the public notice. Ms. O'Donnell. The vote was: Mss. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

Present were: Mr. John Sniger who is interested in buying the property; Mr. John Keefe, and Mr. Dan Sullivan and Atty. Adam Brodsky.

Mr. Snider said he will use a very small amount of paint because these motorcycles are customized and the painting is very specialized. He expects to paint approximately 10/month and building about 3-4 per year.

Mr. Brodsky said the ZBA issued a permit in February of 2020 which is what they were working under. They thought that the Building Commissioner would issue a reoccupation permit but he said no, that they would have to go to the Planning Board since they are in a WRPD. Mr. Brodsky said they've submitted calculations showing that they are well under the 5 ppm nitrogen loading requirement. There is an on-site septic system that passed Title 5. They would like to have the Emergency Response Plan as a condition of approval. He said he was unaware that the application would be reviewed by Mr. Brennan and Mr. Eichner. He said they were supposed to close the first of the month. He asked if it could be conditioned on Mr. Eichner's approval. He said that they would agree to using no fertilizer minimal fertilizer.

Mr. Keefe said that as far as the septic system goes, the calcs were based on usage with the number of employees being 15 (based on Mr. Sullivan's project t on Plain Street). Mr. Sniger said he expects to only have three employees

Mr. Brennan said that he doesn't believe they meet the 60% impervious surface requirement especially since the older plan (2006 to 2009) shows 60.9% and between 4/18 and 6/19, more pavement was added. He thinks it's probably closer to 70%.

He said the slot drain has a small pipe going out of it toward Route 139 but no evidence of where the pipe discharges. The catch basin in the other driveway is chock full of sediment to the top of the grate so there's no way to see inside until it is cleaned.

Mr. Biviano said he hopes to end this at the next meeting. Ms. O'Donnell said that the added imperious surface was done with no filings. In 2009 the pavement was added without being permitted. She said they are now just following the law. Mr. Brodsky said the ZBA decision did not require Planning Board's permission. Ms. O'Donnell said they can't just rush the decision without the comments from the experts. M s. Davis asked that the applicant be kept informed. Mr. Guimond said that once he received the comments, he would try to have a decision written for the next meeting.

Mr. Biviano moved to continue the hearing to June 1, 2020 a 7:15. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. .Biviano, Aye.

APPROVAL NOT REQUIRED PLANS

715 Plain Street

Mr. Biviano moved to open the discussion on the ANR for 715 Plain Street. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

Mr. Rick Servant from Stenbeck & Taylor said that this is the lot in between the new and the old Enterprise Drive. The purpose is to provide a new deed for recording. It is more of a housekeeping issue. Mr. Guimond said he had no issues with the plan and he recommended that the Board vote to approve. Mr. Biviano moved to approve the plan entitled: ----. and dated ---- Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

59 Spring Street – Steve Grable

Mr. Biviano moved to open the discussion of the ANR for 59 Spring Street. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

Mr. Grable said that he wants to split his lot in half. There is a house on the first lot that he purchased from Mary Troy. He'd like to build a house in the northwest corner. He had met with Mr. Guimond who had flagged various issues including the Inland Wetland's requirements. He told the applicant that he would have to go to the Conservation Commission and the ZBA. The lot does have frontage and area. He noted that Planning Board endorsement does not mean that he has a buildable lot. He read the note that is put on all the ANR plans which states that Planning Board Endorsement -----. Mr. Biviano moved to endorse the ANR, entitled ----- and dated -----. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

REQUEST FOR LOT RELEASE – PROGRESS WAY

Mr. Biviano moved to open the discussion for Progress Way. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

There was no one attending from the public. Mr. Guimond said that the drainage and the base coat had been put in. A Form E has been received. The lot they want released is 25M. Mr. Guimond said he'd ask the Board to release the lot if the surety for the road which is \$80,202 is received. Mr. Biviano moved to release the lot when the check is received. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano, Aye.

REQUEST FOR RELEASE OF FUNDS

CHILTON/BREWSTER – STREET IMPROVEMENT

Mr. Guimond said that the conditions have been met and he recommends release of the engineering review funds which is \$1,090. All bills have been paid. Mr. Biviano moved to release the \$1,090 remaining in the /engineering Review Account. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye; Mr. Biviano Aye.

REQUEST FOR RELEASE OF FUNDDS – NORWELL ROAD – KEVIN MC DONOUGH

Mr. Guimond said that an agreement had been reached with the Town. He'd recommend release of the remaining engineering review account in the amount of \$556.50. Mr. Biviano moved to release the \$556.50 in the engineering review account. Ms. O'Donnell seconded. The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis is recused. Mr. Biviano, Aye.

BOARD/STAFF REPORTS

Mr. Guimond said that he has updated the zoning articles for the fall Town Meeting for D.J. Sullivan and the Smith's properties.

Mr. Biviano moved to adjourn the meeting at 8:30 PM. Ms. O'Donnell Aye The vote was: Ms. O'Donnell, Aye; Mr. Cantwell, Aye; Mr. Monaco, Aye; Mr. Pappastratis, Aye. Mr. Biviano, Aye.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board

The Water Department was concerned about in-ground water but Mr. King said that the panels do not pose

*Ms. Davis joined the meeting at 7:07 pm.

Mr. Brennan had sent a letter with concerns and they have responded. And since then, another letter was responded to.

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