



Marshfield Planning Board

Town Hall
870 Moraine Street
Marshfield, Massachusetts 02050-3498

March 24, 2020 **DRAFT DECISION**

Benzine Development LLC
c/o Walter B. Sullivan, Esq.
Sullivan & Comerford, P.C.
80 Washington Street
Building B, Suite 7
Norwell, MA 02061

RE: 751 Plain Street (Harbor One Bank) PMUD/WRPD Special Permit
Certificate of Action

Dear Sirs:

At a regularly scheduled meeting of the Marshfield Planning Board, held on Monday March 23, 2019, with members, Michael Biviano, Jr., Katie O'Donnell, Fred Monaco, Nik Pappastratis, and Kevin Cantwell, present and voting, voted __ to __, to approve with conditions the Planned Mixed Use Development (PMUD) and Water Resource Protection District (WRPD) Special Permit application for a Harbor One Bank as shown on the plans entitled "Site Development Plans for proposed Harbor One Bank with drive-thru ATM, Location of Site 751 Plain Street, Town of Marshfield, Plymouth County, Massachusetts, Map #D10, Block #3, Lots #10, 11, and portions of Lot #1A & 9, dated 11/01/19, with revisions dates 11/27/19, 02/18/20 and 03/03/20 and prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA., 01772.

The Planning Board opened the special permit public hearing for this project on January 27, 2020. The public hearing was continued to February 24, 2020. The Planning Board, after listening to all comments, closed both the public hearing and written record on February 24, 2020.

Project Description:

The site is located on the south side of Route 139 (Plain Street) and the west side of Enterprise Drive. The site is in the underlying Industrial (I) District and is within the PMUD overlay district as well as a Water Resource Protection overlay district. Adjacent to the site is the relocated Enterprise Drive to the east, the Ming Dynasty and Anthony's Pizza to the north, the professional offices at 769 Plain Street to the west and 76

Enterprise Drive (Eversource) to the south. The 36,851 sq. ft. site is covered by the Route 139 Grandfathering clause (305-6.06) added at the Annual Town Meeting of April 2012. This clause addressed properties fronting on Route 139 (Plain Street) whom lost area or frontage due to the eminent domain takings as part of the Highway widening project. This site was also affected by the relocation of Enterprise Drive having been previously part of a larger VRT property (D10-03-01A).

Due to the road relocation the site need received a variance on the minimum acreage requirement for PMUD proposals by the Board of Appeals. This variance request was supported by the Planning Board because it was a result of the road relocation as part of the MassDOT Route 139 improvements. The site is currently cleared and level.

The proposed development plan would have the building in front of the parking on the Route 139 (Plain Street) side. The original submittal had a two curb cuts (one in and one out) on Enterprise Drive and an out building with two transaction lanes for the Drive-thru/ATM. During the public hearing process the second curb cut (exit) was removed due to concerns of the impact to the left hand turn lane onto Route 139 from Enterprise Drive and the out building/ Drive- thru was removed and replaced with a single ATM lane and machine.

The original submittal also had wall signs on every side of the building. The Zoning By-law 7.02 General Sign Regulations, E, states no more than two signs shall be allowed for any one business or industrial establishment in the "B" and "I" districts. The applicant has yet to supply the Planning Board with the signage plan and information. Town Council has advised the Planning Board that this section of the by-law supersedes the language under 7.04, B, one wall sign for each lot street frontage of each establishment. The other modification from the original plan was a reduction in the Lawn area to lower the nitrogen loading below the maximum 5 ppm requirement.

Materials Submitted for the Record:

The Planning Board has taken into consideration the testimony of the applicant and communications and testimony from the various Town Departments and the resident presented at the public hearing. The hearing was opened on January 27, 2020 and continued to February 24, 2020 and closed that evening.

The application, notice of the public hearing, exhibits, minutes of the hearing and all written submissions received in the course of the proceedings are contained in the Planning Boards' official file for the Special Permit and are hereby incorporated into the record by this reference.

Findings:

1. The property is located within the (Furnace Brook well field) Water Resource Protection District and a Planned Mixed Use Development overlay district. The underlying zoning district is an I-1 Industrial District.
2. The Planning Board's primary responsibility under the Water Resource Protection district is to prevent contamination of and preservation of the quantity and quality of ground and surface water which provides existing or potential water supply to the Town of Marshfield. This is done by the restrictions on some uses, and on the amounts of petroleum, fuel oil, heating oil and hazardous waste that can be stored on site and limitation on nitrogen loading (use of fertilizer) and impervious surface coverage.
3. The use (bank) is an allowed by special permit use in the PMUD overlay district.
4. The applicant has address nitrogen loading and traffic concerns by modify the site plans dated 03/03/20.
5. The number of wall signs will be addressed by a condition of the special permit.
6. The plastic coating treatment (Kynar or similar) of the metal roof will be addressed by a condition in order to protect the ground water.
7. The application as modify and conditioned meets the requirements of both the Water Resource Protection District and the Planned Mixed Use Development sections of the By-Law.

Based on the findings listed above, the Planning Board voted __ to __, to approve the special permit application for the 1,750 square foot Harbor One Bank building subject to the following conditions of approval.

Conditions:

The Board's decision to grant the approval is subject to the following conditions:

1. This Special Permit decision and site plan shall be recorded at the Plymouth County Registry of Deeds by the applicant. Proof of recording of both items shall be submitted to the Planning Board.
2. The applicant shall submit \$1,000 with the Planning Board for costs associated with inspections of the development by the Planning Board's Inspector during the redevelopment, to be supplemented as needed. Any unused funds shall be returned to the applicant upon written request.

3. The applicant shall schedule a pre-construction meeting with the applicant's general contractor, Town Planner, Planning Board Inspector and Town Engineer.
4. The metal roof shall be treated with a plastic coating (Kynar or similar) as recommended by the Town consulting engineer. This condition will assist the project in achieving the WRPD performance standards.
5. The building shall be limited to two (2) wall signs per section 7.02 General Sign Regulations, E, of the Zoning Bylaw. The building signs plans shall be submitted to the Planning Department for review and approval prior to the Planning Board signing of the special permits plans.
6. All signs including the free standing directory sign shall comply with the Town's sign by-law, including section 7.02 ,D, No flashing or animated signs. The directory sign plans shall be submitted to the Planning Department for review and approval prior to the Planning Board signing of the special permits plans.
7. Any fill material used on the property shall not contain any solid waste, toxic or hazardous materials, or hazardous waste. The applicant shall provide adequate documentation to the Planning Board to ensure that only clean fill is used on site. The Planning Board may require soil testing by a certified laboratory at the applicant's expense. The Planning Board's Subdivision Inspector shall have the right to inspect all fill material brought on site and may reject any loads that appear to have solid waste, toxic or hazardous materials, unusual odors or any materials prohibited in the WRPD.
8. During construction, the applicant shall ensure adequate protection against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.
9. The parking lot and catch basins shall be cleaned at least once a year (late spring). Proof of cleaning of both the parking lot and catch basins shall be provided to the Planning Board.
10. The use of deicing solvents or salts on the driveway, walkways and parking areas is prohibited. The Stormwater Management Operation and Maintenance Plan shall be modified to remove the use of salt.
11. The storage of untreated snow is only allowed on paved surfaces to ensure that all snowmelt is channeled to the storm water management treatment system.

12. The Planning Board reserves the right to clarify, amend, or modify this decision upon application by the property owner/applicant or upon its own motion after considering additional written information or testimony at a duly noticed public hearing.

13. This Special Permit shall expire two years from the date of issuance below if the requirements of the special permit have not been met by said date except for good cause, as determined by the Planning Board. This time period shall not include such time required to pursue or await the termination of an appeal.

Any person aggrieved by this decision may appeal it under the provisions set forth in Massachusetts General Law Chapter 40A, Section 15.

Marshfield Planning Board

Michael Biviano Jr., Chair

Fred Monaco

Nik Pappastratis

Katie O'Donell

Kevin Cantwell

Peg Davis

Date: _____

I certify that a copy of this decision and all plans referred to in this decision have been filed with the Planning Board and Town Clerk.

Narice Casper, Town Clerk

Greg Guimond, Town Planner

Date: _____

cc.

- Town Clerk
- Assessors
- Zoning Board of Appeals

Engineering Department
Water Department
Board of Health
Conservation Commission
Police Department
Fire Department

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