

MARSHFIELD PLANNING BOARD
Meeting Minutes
February 24, 2020 - 7:00 PM
Town Hall – Hearing Room 1

PRESENT: Mike Biviano, Jr. - Chair
Katie O'Donnell, Vice Chair
Fred Monaco
Kevin Cantwell
Nik Pappastratis

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

ABSENT: Peg Davis, Associate Member

Mr. Biviano called the meeting to order at 7:00. PM.

APPROVAL NOT REQUIRED PLAN – 795R PLAIN STREET – SMITH & SONS

Mr. Biviano moved to add an ANR FOR 795R Plain Street to the agenda. Mr. Monaco seconded. The vote was unanimous. Mr. Guimond said that Parcel A is being separated off and both lots are marked unbuildable. He recommends that the Board endorse the plan. Mr. Biviano moved to endorse the ANR entitled Plan of Land, 795R Plain Street, Assessors Lots D10-02-15 and C10-02-2A, Marshfield, Massachusetts, dated December 4, 2019 and drawn by Grady Consulting, LLC, 71 Evergreen St., Suite 1, Kingston, MA 02364. Ms. O'Donnell seconded. The vote was unanimous.

PUBLIC HEARING – MARSHFIELD FAIRGROUNDS SOLAR CARPORT – SPECIAL PERMIT – 33 SOUTH RIVER STREET – LUMENS HOLDINGS-3LLC

Mr. Biviano moved to open the public hearing at 7:05 PM. Ms. O'Donnell seconded. The vote was unanimous. Mr. Christopher King of Atlantic Design explained the proposed project. He said that the project consisted of 3.8 acres

and there would be 5,025 photovoltaic panels on three carport structures each about 95 x 360' over what is now called the parking overflow area. He explained that what they are doing is mainly reconfiguring the existing parking lot. He said they kept the work out of the 100' buffer and the site is out of the WRPD. Although they were not required to, they contacted NHESP and are working with them. He said they are able to resolve Mr. Brennan's and Mr. DuRoss's issues and are also working with the Board of Health. He said they have located many of the systems and they do have the flexibility to move any of the columns if required. He hopes to get a letter from the Board of Health. Mr. King said that they are utilizing the existing accessory road.

Mr. Pat Brennan, the Board's Consulting Engineer said that the carport structures would be about 97.3' wide with two carports about 366.1 foot long and the third about 372.7 feet long. Each carport would consist of a steel superstructure mounted on 24 columns with a minimum head clearance of 13'. The photovoltaic panels would have a ½" gap between them to allow for rainwater to pass between the panels during low intensity rain events. The superstructure would be sloped from one side to the other and with a gutter system along the low side to capture runoff from higher intensity storm events. The gutter systems would be connected to downspouts which would discharge to a stone trench located along the column lined on the lower side of the structures.

Mr. Brennan said the applicants are requesting a waiver from the requirement that the connection of the existing network be underground. They are proposing an overhead connection.

Mr. Brennan stated summarized his concerns:

- An itemized decommissioning cost estimate is required which should include labor costs at prevailing wage rates.
- The ½" gap between panels is only along the sides of the panels which would result in more runoff flowing into the gutter system than claimed. Calcs should be provided to document that the proposed gutter system and stone trenches are adequately sized.
- The ½" gap between panels could concentrate runoff and create drip lines in the bare gravel surface making it susceptible to erosion. Mr. Brennan said that a crushed stone surface beneath the carports would resolve this issue.

- The Stormwater Analysis Summary indicates that “the Applicant is amenable to performing confirmatory test pits if required prior to the start of construction to confirm soil type and depth to groundwater within the proposed trench areas.” Mr. Brennan said they are required and he recommended that they be performed during (preferably before) the permitting process so that the design of the stormwater system is final before a permit is issued.
- He recommended that the filter fabric beneath the 4” layer of ¾” crushed stone.
- The O&M Plan specifies that the panels may only be cleaned with water and that use of a squeegee is permitted. He said that use of a squeegee is not feasible for the inner panels which are nearly 50’ from the edge of the carport. He noted that the Safety Note 5 of the Solar Canopy Plan Set indicates that the panels are not designed for live loads and prohibits personnel from stepping or standing on the panels.

Mr. Brennan had questions about the configuration of the carports:

Why is the slope of the gutters running opposite the slope of the ground surface?

The Canopy Topo detail of the Solar Canopy plan set shows the slope of the carport canopy is parallel to the Average site grade. The slope of the carport canopies however, are opposite the ground grade.

What is the 3’ dimension on Sheet SC301 of the Solar Canopy plan set?

The documentation states that no lighting is proposed. Mr. Brennan said lighting under the carports should be considered since vehicles will likely park there at night during various events.

In order to protect the steel support columns from vehicle strikes. Mr. Brennan recommended that the concrete bases/foundations extend a minimum of 3’ above grade.

Mr. Brennan said that if the Board does approve the project, he recommends (and the applicant has indicated he is amenable to) a condition requiring submittal of final correspondence/approval from NHESP. (Mr. Brennan’s complete letter can be found in the Planning Board files.)

Mr. King said that as far as lighting goes, they are mimicking what's there presently. He said they intend to create response letters. Mr. Guimond said they should answer Mr. DuRoss's comments. Find out about the fire suppression system and what the panels are composed of...they should get a letter from fire. Mr. Guimond said they also should have a cross-section showing the height – and respond to the concern about humming. There should be a buffer along the Bridle Path. He'd like more information about the vegetated lot and about security perimeter fencing. He said they should consider fencing along the Bridle Path.

Mr. Guimond recommended that the Board continue the hearing to March 23rd which is the next available meeting.

Mr. Biviano said they should get the letter from the Board of Health and address Mr. DuRoss's concerns at the next meeting – address fire suppression etc and provide information on the panels not being hazardous. They should consider the neighbor's concerns and to submit a cross section and submit a glare study. Mr. King said they will submit a cross – section but he said a glare study is much more in-depth and he will see to what requirements they will be held to. Mr. Biviano asked if they need to file with Conservation but Mr. King said no, they do not.

Ms. O'Donnell said she would like to know more about the humming and if there is anything to compare these panels to. She said she'd like something similar to look at. Mr. King said this hearing room would produce more noise than their equipment but he will provide data. Ms. O'Donnell said she would just like something similar to look at. Mr. Guimond said there is a solar field on Clay Pit Road.

Mr. Pappastratis asked if there would be a fence around the equipment pad. Mr. King said not at present but they will likely fence it in.

Ms. Leanne Stone of 73 South River Street asked how long the construction would be. She said the so-called fairgrounds has grown from much more than a fair as there are now all kinds of loud venues; Mr. Jeremy Karpf said the construction would take approximately eight weeks, all total. They will probably start

construction in the fall of this year. Ms. Stone said unfortunately fall is their peace time – once the fair has gone by. Mr. Karpf said their intention is to work from 8 AM until 5 or 5:30 PM – M-F. No weekend work. Ms. Stone said there is no benefit to abutters. When they moved here, there was just the fair and a farmer’s market. . Now several times a year there are transient people, loud, noisy events etc. Their only time of peace is in the fall after the fair.

Ms. Andrea Doyle of 111 South River Street said it just isn’t a fair anymore. The accessory road has trash etc. She said living with the fair for ten days was one thing but the consistent noise/trash/transient people are not acceptable. Mr. Biviano said that is beyond the scope of the public hearing for the solar panels.

Mr. Biviano moved to continue the public hearing to March 23rd at 7:05 PM which is the next meeting. Mr. Cantwell seconded. The vote was unanimous.

PUBLIC HEARING (CONT) HARBOR ONE BANK WRPD AND PMUD SPECIAL PERMITS
751 PLAIN STREET – BENZINE DEVELOPMENT LLC

Mr. Guimond explained that the applicants will be presenting a recap of their presentation from the former meeting since they had not previously notified their abutters. This will allow the entire five members of the Board to vote on the application. Attorney Walter Sullivan recapped the presentation but since there were no abutters in the audience that had not previously been at the meeting, he was able to keep the presentation very brief. (Please refer to the previous meeting held on January 27th) Mr. Randy Miron showed the revised plans and showed the updated storm-water plans. He said the two lane drive-thru was eliminated and they were able to pull the site closer to Plain Street which provided access for the fire trucks. They relocated the trash area which makes it easier for the trash trucks. The nitrogen loading has been revised and reduced to come below the 5 ppm requirement. This was done by changing the grass to a conservation mix which requires less fertilizer. The applicants maintain that they want to have the exit only and keep it as shown.

Mr. Brennan said they have addressed most of his concerns with the exception of the Kynor roof. He recommended that if the Board approves the project, that this be a condition of approval.

Mr. Guimond said that he still recommends that the curb-cut be eliminated. The weekend afternoon traffic is at peak as is the week nights. He said Plain Street / Enterprise Drive will go from an E to an F level of service during evening peak and from a D to an E level of service on Saturday midday by 2026. He said the bank itself isn't the problem but we are heading toward poorer levels of service on the Route139 corridor. He still recommends ending the curb cut conflict with the left turning lane from Enterprise Drive to Plain Street. Have traffic exit along the original Enterprise Drive. He said most projects have 80% of their traffic exiting out of Enterprise Drive to Plain Street. Mr. Guimond said the Town experiences a 35-40% increase in population during the summer months plus the Levitate/Marshfield Fair events. Mr. Sullivan said they could live with it but Mr. Jeff Bandini suggested they could condition it on future buildout. He said the traffic signal might not be working properly. Mr. Kevin Cantwell said on soccer nights, it's very difficult. Mr. Guimond said the entrance onto Relocated Enterprise Drive should be redesigned to be a right in/right out only. He said he would prefer in only from Relocated Enterprise and have traffic leave through Enterprise Drive and around.

Mr. Guimond said that Town Counsel has advised that there can only be two signs on the building. He said that there is a conflict in the bylaws but that the 2 signs/building trumps. He said they should submit plans showing which two sides they will have the signs on. A Directory Sign plan should also be submitted to be sure it complies with the sign bylaw and also any lighting of the signs should be shown.

A traffic mitigation fund of \$28,259 should be submitted as their fair share.

Mr. Biviano moved to close the hearing. Mr. Guimond will write a decision of approval with conditions for the next meeting. Mr. Monaco seconded. The vote was unanimous.

ZONING ARTICLES Since no one was in the audience for the Floodplain Article, Mr. Biviano moved to open the Zoning Article for the Private Petitioner first. Mr. Cantwell seconded. The vote was unanimous. Mr. Biviano moved to waive the reading of the public hearing notice. Mr. Cantwell seconded. The vote was unanimous.

There were four people in the audience for this proposed article.

Attorney Anthony Panebiano explained that the purpose of this article would allow more than one principle use in both the B2 and I1 Districts. He said that the Chamber of Commerce was in support and there was good ground support for the article.

Mr. Biviano asked why they are trying to change the names of the Zoning Districts. He said he doesn't understand why changing the names of the districts would help them in their own particular application.

Mr. Guimond said he is not sold on all the rentals in a building as being accessory. He asked what the particular uses are. Mr. Sullivan said that whatever uses are permitted in the district are ok and whatever isn't permitted requires a special permit. Mr. Guimond said he is not convinced that Mr. Sullivan's problem is one of principle uses. Many uses could be grouped together if for similar things without having to have principle uses. If for instance the principle use is office, there could be many office uses in the same building.

Mr. Dan Smith said that technology changes. He said these bylaws were probably written in the 70s or before. But Ms. O'Donnell said that's why we have bylaws – to protect people from uses that may not be appropriate. Mr. Biviano asked what uses are allowed now; Mr. Guimond said usually commercial is allowed in the B2 District. Mr. Guimond cautioned the Board that Towns have to have a place where adult and marijuana places can go. If bylaws are changed to allow mixed use, this could be a problem. The bylaws were written to give certainty to residents and businesses about what is allowed next to them. Mr. Biviano asked what's allowed in the B2 and Mr. Guimond read off 29 uses. Mr. Guimond also said to remember that residential is also allowed in the mixed use. Mr. Guimond said that some of the uses listed in the B2 areas might not be allowed in the WRPD. Mr. Biviano said Mr. Guimond has a point, that some of the uses would conflict with other bylaws. Mr. Guimond said that there can be multiple uses in the same vane, such as was done on Webster Street. He said they should be focused on uses, not changing bylaws. If a use is not listed as being allowed, those uses could be taken to Town Meeting to add such as was done with the brewery.

Mr. Smith said he'd like to be allowed to have "tree guys" and Landscaping etc. Mr. Guimond said he could ask to add these uses. Mr. Biviano said that he doesn't see how changing the names of districts is going to help solve the problem – it's much simpler to change the definition. Mr. Guimond said to be very specific when adding uses. He suggested adding a couple of categories. He also said to be aware of traffic increases. The bank's intersection is going to go to an E and F Level of Service – not what you want on Rt. 139. The more retail that is allowed, the more trips on 139.

Mr. Biviano said the hearing should be continued. He suggested that they don't change names of districts - but to change language instead. Mr. Guimond said this article is already in the warrant. He said making zoning changes on Town Meeting floor is very difficult. His understanding is a proposed floor change to zoning can only be less restrictive than what was proposed it can't make it more restrictive.

He suggested bringing in the uses for what they are looking for and let the Planning Board tinker with it. There are many things to consider. Do we want retail; what kind of retail; what kind of affects will it have etc. Ms. O'Donnell said it could be worded so as to make sure it fits and to make sure that it is something everyone wants in the bylaw. Mr. Biviano said it's a huge issue when you're talking about mixed use. Mr. Sullivan asked if they could simply come back with different language. Mr. Guimond said they could work on the language but it may not be for this Town Meeting. Since a zoning article needs 2/3 approval in order to pass, it might be better to come up with acceptable language that could then be sponsored by the Planning Board.

Mr. Biviano moved to continue the public hearing to 3/23/20 at 7:10 PM. Ms. O'Donnell seconded. The vote was unanimous.

PUBLIC HEARING – FLOOD PLAIN ARTICLE (INLAND WATERWAYS)

Mr. Biviano moved to open the public hearing for the floodplain article and to waive the reading of the public hearing notice. Ms. O'Donnell seconded. The vote was unanimous. There were no people in the audience for this public hearing. Mr. Guimond said these are the Inland Waterways Maps that we need

Town Meeting to vote on. There were a very small number of people (2 homes and 2 outbuildings coming into the flood zone and 9 homes coming out of the flood zone) affected by these changes. Mr. Biviano moved to recommend that the article be placed on the warrant. Mr. Monaco seconded. The vote was unanimous. Mr. Biviano moved to close the public hearing. Ms. O'Donnell seconded and the vote was unanimous.

MINUTES Mr. Biviano moved to approve the minutes of January 27, 2020. Mr. Monaco seconded. The vote was unanimous

BOARD/STAFF REPORTS: Mr. Guimond said that there is a public workshop regarding the MVP Grant at the Library in the new Program Room on March 18, 2020 at 6:00 PM.

Mr. Guimond said that he will be presenting the Marshfield Coastal LomR information to the Selectmen at their March 9, 2020 meeting. Letters have to be sent out to people who are either being put into the flood zone or having their flood zone increased; approximately 130 properties.

Mr. Biviano moved to close the meeting at 8:50 PM meeting. Ms. O'Donnell seconded. The vote was unanimous.

Respectfully submitted,

Kay Ramsey, Executive Assistant
Marshfield Planning Board

