

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL NOVEMBER 15, 2016 7:30 P.M.
MEETING MINUTES**

Members Present:

*Joseph Kelleher, Chair
Heidi Conway
Francis Hubbard
Brian Murphy
Richard Murphy*

Also Present:

*Jerry O'Neill, Bldg Commissioner
& Code Enforcement Officer
Robert W. Galvin, Town Counsel
Edward L. Pesce, P.E.*

Mr. Kelleher called the meeting to order and announced that it was being recorded on MCTV.

Peter Igo Park – Site Plan Modification: Bud Duksta, Chairman of the Friends of Peter Igo Park explained the reason for the modification, that there is a need for a shade structure. He stated that the High School fabrication people had offered to do the work and the Peter Igo group will provide the supplies. Their window of opportunity is to get it done now. The hardscape - courts, street hockey area, etc. do not have a shade area at this time.

Mr. Kelleher asked Jerry O'Neill if he had anything and he replied, No. Mr. Kelleher made the motion and all were in favor.

#16-50: Peter Armstrong, Matlin, LLC: Mr. Kelleher stated that the Applicant was presenting their petition and that 2 other meetings were scheduled; questions should be reserved until then. An audience member stated that at the last meeting they were told that the Board would hear from residents tonight. Mr. Kelleher said that they never stated that and that is what the third meeting is for. Darren Grady, Grady Consulting, began the presentation. Mr. Kelleher asked if he had seen the other information and Mr. Grady replied that he was made aware of it today. Mr. Kelleher stated that Mr. Procaccino talks about restrictions on certain uses. Mr. Grady said that the existing 10 acre parcel (G12-29-02 R1 Zone) is a water resources protection district and is currently vacant and unused; it was previously a gravel pit. The site coverage is 19% of the site density; there will be 4 units per acre, 3 spaces per unit and access the same as the current site. There will be a 20 foot wide driveway with a turnaround at the end. They will remove 425 thousand cubic yards of gravel; will include gas, water and electric. There will be individual septic systems, 6,690 gallons per day will be distributed into 8 systems; the plan shows what each system will receive. They are asking for waivers for use of 1, 2 and multi-family lots with zero (0) frontage.

Mr. Kelleher asked if they were still asking for an office unit and Mr. Grady replied, Yes. Mr. Kelleher asked what the rationale was for the office and Mr. Grady replied for service, people would go to the office to rent. Mr. Kelleher asked if it would be rented out to other entities and Mr. Grady replied, No. Mr. Kelleher asked if the 425 thousand cubic yards would be a bowl and Mr. Grady replied that the drainage facility would be the bowl. Peter Armstrong stated that there would be a 10 foot higher elevation and Mr. Kelleher asked how it would be accessed. Mr. Grady replied through a right of way on Ferry Street to a 20 foot driveway. Mr. Kelleher asked on whose land was the right of way and Mr. Armstrong replied, the Town. Mr. Kelleher said he didn't realize that they didn't see this information until today and said that Mr. Procaccino talked about certain agreements that were in your letter from Mr. Sullivan, specifically a reference to

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL NOVEMBER 15, 2016 7:30 P.M.
MEETING MINUTES**

15.1 acres and a separate agreement with the Town of Marshfield. Mr. Kelleher asked if that existed and Mr. Armstrong replied, No; as far as he knows he has an agreement with the DPW to buy the 5 acre parcel. Mr. Kelleher asked if he could submit a copy of that agreement to the Board. Mr. Armstrong said that he didn't see why not and stated that Counsel has it. Mr. Kelleher said that it may be with the Town but that didn't mean that the Board had it. Mr. Kelleher said that one thing that jumped out at him was the restriction on one parcel and he asked if it was a subdivision. Mr. Armstrong replied that the northern property was 6.1 acres, was subdivided and a single lot house was built on a one acre lot. Mr. Hubbard asked Mr. Armstrong if he had options and Mr. Armstrong replied that he was selling it to the DPW; he and the DPW still have things to work on such as habitat restoration. Mr. Hubbard asked if received copies of memos from various boards and Mr. Armstrong replied that he received them at 4:00 today and asked if they had been on the website.

Mr. Kelleher said that he had numbered a couple of concerns but didn't want to waste some time asking questions if Mr. Armstrong hadn't seen the memos. He asked how long Mr. Armstrong thought he would need to review and could it be done by the next meeting on 11/29/2016. Mr. Grady said that they would try and asked if there were any specific ones that they can address first; if they could get emails. Mr. Kelleher said that he would give them copies and asked if they had copies. Mr. Grady said that they did but didn't know which ones Mr. Kelleher was talking about; he wanted to know if he was talking about every comment on every sheet because Mr. Kelleher had said that he had numbered a couple of concerns. Mr. Hubbard said that Mr. Kelleher had highlighted a few and each of the different Board members may or may not have different concerns. Mr. Hubbard said that he thought it was a matter of getting familiar with them and being able to address any potential questions. Mr. Armstrong asked if they could get what the Board's concerns were so that they could get those ready for the next meeting. Mr. Kelleher replied that he had highlighted some with what Rod Procaccino said about those agreements and restriction. He said that one Board brought up that it's landlocked and that the Planning Board has a bunch of concerns, that waivers are being asked for. He also said that the Board of Health speaks to nitrogen loading a slope, that the slope looks steep and they talked about erosion; that the DPW is also concerned about the slope. Mr. Armstrong said that they were not getting water from the soccer field side. Mr. Hubbard said that he was also concerned with the nitrogen issue and stated that if they already had plans submitted they should give them to the Board. Mr. Armstrong said that there is a \$15,000 report that spells out everything. Mr. Kelleher asked if this would be the same depth as the soccer fields and Mr. Armstrong replied, No.

Mr. Hubbard said that he has concerns about the intersection on Ferry Street, that it is not a very wide street and not a 90 degree angle; there is the issue of traffic and he did not see anything about trucks taking gravel out. Mr. Armstrong said that the state commissioned a traffic study. Mr. Kelleher asked if anything was submitted to prior boards and said the more information he can give the Board the better. Mr. Hubbard said that he understands that it's not a street but a driveway, that there will be 60 bedrooms and he is wondering if the width of 20 feet will be adequate for that volume of traffic vs. 24 feet. Brian Murphy said that he did not want to contradict but asked if 20 feet was the standard. Both Mr. Hubbard and Richard Murphy replied that it was 24 feet. Mr. Grady said that there were no berms and that the site was sloped 2% so they can get to basin.

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL NOVEMBER 15, 2016 7:30 P.M.
MEETING MINUTES**

Mr. Kelleher asked if they could go over the architecture and Mr. O'Neill went to the Town website to pull up the information. Mr. Armstrong described the design, vinyl siding with corner boards, as Mr. O'Neill displayed the pictures. Mr. Kelleher asked what we were looking at and Mr. Armstrong replied, the 58 unit design. Mr. Kelleher asked if what was displayed was a picture of a single family and Mr. Armstrong replied that they did not go with the 58 units because it would not be viable. Mr. Kelleher asked if they could show the homes and the parking on the sketches. Mr. Armstrong talked about the plot plan and Mr. Kelleher asked if these were duplexes. Ms. Conway asked if it were a one bedroom duplex. Mr. Armstrong said that some other the units are 2 BR ADA, 3 BR ADA are close to the cul-de-sac; 1 single floor, the 2 BR ADA is a ranch and the 1 BR ADA is a duplex; the 1 BR units are two (2) stories; one building is a duplex with 2 BR on one side and 3 BR on the other side; there is only one (1) 3 BR duplex.

Mr. Kelleher said getting back to the sheet, is parking all along the street? Mr. Armstrong replied, Yes. Mr. Kelleher asked how wide the road was; Mr. Armstrong replied 38 feet and Mr. Grady replied 40 feet. Mr. Kelleher asked if there was parking near the circle as well. Mr. Hubbard asked them to explain why they needed to remove 425 thousand cubic yards. Mr. Armstrong said that it is a million dollar project and they will be selling gravel to finance the project; has state approval; if they cut it down they will lose units. Mr. Hubbard asked if the traffic study to which he referred was previously submitted. Mr. Armstrong stated that the state commissioned it but it has not been done. Mr. Hubbard said that he was not only concerned about the traffic for the units but with traffic with the gravel removal. Mr. Armstrong said that they changed one thing this time and will be using one company. Mr. Hubbard asked if he could get that information to the Board. Mr. Kelleher asked how long would it take to remove the gravel and Mr. Armstrong replied, two years. Mr. Hubbard asked, hypothetically would they not be starting construction for two years. Mr. Armstrong replied that they will start construction before that. Mr. Hubbard asked for an estimate of how many trips for gravel removal and Mr. Armstrong replied 40 trips a day but a lot of volume is just going across the street. Mr. Hubbard asked him to send the Board those details. Mr. Kelleher asked if it would be 5 days a week and if yes, with 40 trips a day that would be 200 trips per week

Ms. Conway asked with the ADA ruling, why a particular unit was away from parking. Mr. Pesce said that her concern is that ADA is far removed from parking and asked if they could move that unit. Mr. Armstrong said that they could and Mr. Kelleher asked that he explain so that the audience could see. Ms. Conway pointed out that there were 2 ADA units on the curb. Mr. Kelleher said that he thinks the Board needs to see Mr. Armstrong's answers and he was not blaming anyone for them not receiving the additional information. Mr. Armstrong said that as for DPW comments, he will need to sit with Rod. Mr. Kelleher said that Rod talks about settlement agreements in the letter from Mass Housing. Attorney Galvin stated that it was a 5 acre parcel with an agreement to purchase after the turtle migration, that one acre was carved off the original 6 acres. Mr. Kelleher read a letter about combining properties and Mr. Armstrong said that he did not understand Rod's question. Attorney Galvin said that regarding the turtle habitat, they would accept it with the habitat already on it. Mr. Kelleher asked to submit studies to address concerns. Mr. Pesce said that as a consulting engineer, he was given a schedule of meetings but this is the first time he is seeing the plans; he also said that he remembered this from the soccer project; that he doesn't see any drainage calculations. He stated that he understood the shed off

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL NOVEMBER 15, 2016 7:30 P.M.
MEETING MINUTES**

the top and collect on the sides and asked if the grey shaded area was the 10 acre parcel. Mr. Armstrong pointed out the 5 acre parcel and stated that he owns it and the town is buying it. Mr. Pesce asked to talk about natural heritage and asked if the area east of the site was still designated as natural heritage; he also asked if any part of the 10 acres was endangered. Mr. Armstrong stated that they brought the fences in a little bit. Mr. Pesce asked what that would do to the project and stated that they didn't have a permit for the project yet. Mr. Armstrong replied that they have a winter work permit. Mr. Pesce stated for a 10 or 5 acre parcel, natural heritage may affect building a 40B. Mr. Armstrong stated that he has had conversations. Mr. Pesce stated that he can't advise the Board without answers; that they need to provide documentation on winter work so that the Board can see what they are doing. Mr. Armstrong stated that Jerry was involved when he got the permit. Mr. Pesce asked about traffic and had they done anything. Mr. Hubbard stated that he thinks there should be two studies, one with the units themselves and one with the trucks. Mr. Pesce stated that he knew before that the neighbors were concerned about the 40 trips per day. He noted 40 trips per day, five times per day and asked for how many days. Mr. Armstrong stated that there are 250 working days so call it two years. Mr. Galvin asked what kind of trucks and Mr. Armstrong replied axles and trailers. Mr. Pesce stated that not only is there a need for a traffic study, they talked before about adding a turning lane and said that was another project. Mr. Armstrong stated that the DPW did not want to do that.

Mr. Kelleher said rather than waiting, let's get the ball rolling. Mr. Pesce said that there was a different dynamic now; he's absorbing a few things, change in staff and that the plans were submitted in September. Mr. Kelleher and others said that they were in October 6th. Mr. Pesce said that it was reasonable to have Mr. Armstrong's engineer submit plans to him and he would need time to review them; in 2 weeks he has a review with Nantucket on 3 projects; that it was not feasible to visit with Mr. Procaccino and the site before meeting on December 13th. Mr. Kelleher said that they will start on November 29th and finish on December 13th which is when they will hear from community. Mr. Hubbard said that originally the second hearing was going to be peer review and hear from different boards. Mr. Kelleher said that Mr. Armstrong showed designs for homes when he had 58 planned and that the Board would like to see updated designs. Mr. Pesce referred to the discussion about the 20 foot travel way and stated that typically it should be 24 feet; the traffic people will say that when you make it smaller, people will go slower. He said that 20 feet is not unreasonably narrow but 24 feet is the standard with 2 parking spaces backing up; 22 feet is reasonable but he is not sure about 20 feet and he would recommend that 20 feet is acceptable. Mr. Hubbard asked Mr. Grady if he has taken enough notes to know what they need to come back with. Mr. Hubbard said that he took a trip down Ferry Street to find the bridle path and would like to do a site visit and walk it out. Mr. Armstrong said, just so you know there won't be a quorum if 2 go. Mr. Hubbard said that they will go individually. Ms. Conway said that the designs don't seem to fit and asked Mr. Armstrong if they were going to stick with them; Mr. Armstrong replied that they would stick with them. Ms. Conway said that she wouldn't want them to look like row houses down the road; Mr. Armstrong said that you won't see it because of the trees. Ms. Conway stated that residents would see and that she doesn't think that it fits the area.

Mr. Galvin asked what arrangements have been made to escrow the money and asked what the projection was. Mr. Armstrong said \$1.8 million. Mr. Galvin asked if they were putting the \$1.8

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL NOVEMBER 15, 2016 7:30 P.M.
MEETING MINUTES**

million in the South Shore Savings Bank and Mr. Armstrong said that they will invest it right back into building; he doesn't want to put another \$1 million in to make \$1.8 million. Mr. Galvin said that he was concerned that it will be used for removal. Mr. Armstrong said that a lot put in as equity, engineering done, traffic studies. Mr. Galvin said that he wasn't concerned about expenditures. Mr. Armstrong said that everything will be accounted for; he said will there be \$1.8 million in South Shore, probably not but it will be accounted for. Mr. Pesce said that he was thinking about an independent agent. Mr. Galvin said that he thought Mr. Armstrong said that South Shore Savings will act as agent. Mr. Pesce went to the screen and said, here's your Elevation 66 but you didn't carry it over. Mr. Armstrong said that it will all be Elevation 66. Mr. Pesce asked if he had permission from the Town to remove and then stated, you own it. Mr. Galvin asked if they would be getting an earth removal permit; Mr. Pesce asked if the 5 acre parcel was included in the proposal. Mr. Grady replied, No. Mr. Galvin said that they will need to go to Selectmen for a removal permit and Mr. Armstrong replied that they will get the latest update. Mr. Kelleher stated that they knew what they needed to get the Board and Mr. Armstrong and Mr. Grady replied, Yes.

Mr. Galvin said that he was looking for drainage calculation, traffic study for the development and for regular traffic, information on natural heritage, the agreement with the bank to show escrow of funds, and the 5 acre removal. Mr. Kelleher said that the Board needs architectural renderings. He explained to the audience that the Board had set up a schedule of 3 meetings and that we need more information. He said that peer review will start on November 29th but may need a fourth meeting and that the Board will hear from the abutters on December 13th; that we are still in the information-gathering process. He said a comment was made before but we are still getting information. He then made a motion to continue. Richard Murphy said that he knew this was only the second meeting and asked Mr. Armstrong if he could explain the project; that it's rental vs. ownership; that it's a bigger crowd this time. Mr. Armstrong said that there will be 40 units and the remaining 25% would be affordable; they would stay affordable in perpetuity; all duplex homes, some single and two-story; great location. Mr. R. Murphy asked if someone could comment on the units being qualified and Mr. Armstrong said, 100%. Mr. Galvin said that they would only qualify if they were affordable in perpetuity. Mr. Armstrong said that the state will come in at some point. Mr. R. Murphy said that the 40B requirement with escrow is to keep the project viable.

Mr. Kelleher said that he sees a couple of hands raised. An audience member said that they would have December 13th but now only part of the 13th and asked if there would be a fourth meeting. Mr. Kelleher said, probably after the holidays. An audience member said that it was hard for them to respond without seeing the whole package; to have the peer review they won't have time to consider questions. Mr. Kelleher said that peer review was on November 29th and will finish it on December 13th; depending on the time of night, may start questions. An audience member said, wouldn't it help to see a 3D model so we could see how close it is to Ferry, to the neighbors. Another audience member asked if it made sense to move the meeting to a larger venue. Mr. Kelleher said that this is our venue and he would see if they could open up next door. Mr. Kelleher made a motion to continue.

Mr. Kelleher said that they have minutes from seven meetings that he was accepting with

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL NOVEMBER 15, 2016 7:30 P.M.
MEETING MINUTES**

Scrivener's errors: 05/12/15, 01/28/15, 08/2/155, 11/22/15, 11/10/15, 02/09/16 and 11/01/16; he noted that the 05/12/15 minutes were previously approved on 11/10/15. He asked for a second and received several replies. Mr. Keller then talked to Marianne Brogan's request for a 6 month extension on a special permit, that pile drivers are not able to get in. He asked for a motion to grant the extension and it was seconded.

Mr. Kelleher said that the meeting on November 29th would start at 7:00. Mr. Hubbard said decisions would be at 7:00 and the meeting at 7:30. Mr. Kelleher made a motion to adjourn and received several seconds.

Respectfully submitted,

Nanci M. Porreca
Zoning Administrator

I attest the foregoing minutes were approved by the Zoning Board of Appeals at their

May 29, 2018 meeting by a 5-0 vote.

Signed: _____

[Signature] Date: June 1, 2018