

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL MAY 16, 2017 7:30 p.m.
MEETING MINUTES**

Members Present:

*Mark Ford
Francis Hubbard
Heidi Conway
Brian Murphy
Richard Murphy
Mark Stiles*

Also Present:

*Jerry O'Neill, Bldg. Commissioner
& Code Enforcement Officer
Edward Pesce, Peer Review
Attorney Robert Galvin,
Town Counsel*

Mr. Ford opened the meeting at 7:35 and stated that the primary purpose was to continue and close the Matlin 40B hearing but there were two (2) other things on the Agenda. The St. Mary and St. George case would be heard after that but there was a small matter with the Verizon Wireless Decision that will be addressed first.

Attorney Daniel Klasnick, representing Verizon Wireless, wanted to have 2 clerical errors corrected. One was to correct the zoning district from R-3 to R-2 and to correct the date of the revised plan referenced in the Decision from 12/19/2016 to 01/10/2017. Mr. Ford agreed that it was a scrivener's error. Mr. Galvin said that an Amended Decision or a letter clarifying the errors could be issued and he recommended an Amended Decision. Mr. Ford made a motion, Mr. Hubbard gave the second and all were in favor.

Mr. Ford said that with respect to the Armstrong hearing, the hearing would start with the revised landscape plan that was submitted by the applicant and that we would then hear from Mr. Galvin and Mr. Pesce regarding their meeting with Mr. Armstrong and Mr. Grady. Mr. Ford said that there were other submittals because at the previous meeting he had invited people to submit suggested conditions. He stated that he would open up for one final round of comments and then would close the hearing and take it under advisement with deliberations at the meeting on May 30th.

Mr. Grady said that the plantings had been discussed in a narrative before but were now put on a landscape plan. He discussed where the plantings would be and said that they had added thirty-four (34) trees. Mr. Pesce said that he had reviewed the plan and that it provides a streetscape in keeping with a subdivision road even though this is not a subdivision. He said that it appears to exceed the street tree requirement with a nice mix of both types and textures. Mr. Pesce said that the plan was still subject to review by the state and NHESP. Mr. Ford welcomed the newest member of the Board, Mr. Stiles, and stated that Mr. Stiles would not be voting on this.

Mr. Pesce said that the plantings at the front of the buildings have been diversified and it looks a little more aesthetically pleasing. Mr. Ford said that there would be public comments at the end. He also said that the Board wants to hear objections and comments from the applicant on the proposed conditions. Mr. Ford asked Mr. Galvin and Mr. Pesce to summarize their meeting with the applicant on the proposed conditions.

Mr. Pesce said that they met on May 5th at Mr. Galvin's office for almost three (3) hours regarding the draft conditions. Mr. Pesce said that they went through the proposed Comprehensive Permit and the approximately 20 proposed conditions. He said that the first few

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL MAY 16, 2017 7:30 p.m.
MEETING MINUTES**

pages summarized the number of units, number of bedrooms, etc. They talked about some of those details being fine-tuned as they approach a more draft final situation. Mr. Pesce said that they discussed the Marshfield Housing Partnership or another party to be the monitoring agent. They discussed construction and submission requirements prior to the start of construction. The applicant will provide final copies of all design plans for the Board to review after they have obtained other permits. Mr. Pesce said that there were a number of standard construction-related conditions that were reviewed that were taken from previous Comprehensive Permits that involved everything from hours of construction, noise and dust control, erosion control, and a general overview of earth removal conditions as well as some specific removal conditions.

Mr. Pesce said that some of the standard conditions are included; that the applicant meet with the Building Department, the Police Chief and Fire Chief and/or their representatives, the Board's consulting engineer, the chair of the Board or representative to review the construction management plan. He said that they have decided to use a document that was already prepared and call it the construction operation maintenance plan because that is what Grady Consulting had already prepared. Mr. Pesce said that it had the body of requirements that were put into the draft document. He said that they discussed restrictions on refueling onsite and the only refueling that would be allowed would be for the power screener; a refueling plan would need to be submitted and there would have to be some spill containment. Mr. Pesce said that they discussed buffer stages, slopes and final approved plans and minimum excavation above high groundwater.

The following is an overview of some of the earth removal conditions. Slopes should not exceed a 2:1 ratio but a 4:1 slope may be required in areas determined to be sensitive by the Board. The regrading and seeding of disturbed areas shall be completed according to plans and requirements set forth in the Conservation and Management Permit issued by the Mass. Division of Fisheries and Wildlife and should be completed within thirty (30) days of the completion of the grid excavation. Topsoil should be spread to a depth of four (4) to six (6) inches over disturbed areas. No excavation should be made at less than ten (10) feet above the annual high water table or elevation 66 feet, whichever is higher. Mr. Pesce said that there was a discussion about a \$200,000 bond. On page 15 of the draft they added conditions about slow release or organic nitrogen lawn fertilizers and that the applicant should follow the manufacturers' directions; Mr. Pesce said that they went to the EPA website to get a list.

Mr. Galvin said that the only thing to add was that they gave the applicant the proposed conditions to gauge their reaction to them and to determine whether some, or any, of these conditions would render the project uneconomic which would necessitate them providing the Board with their financial statements. Mr. Ford said that was what was discussed at the last meeting and thanked Mr. Galvin and Mr. Pesce for putting the information together.

Mr. Ford advised Mr. Armstrong that this was his opportunity to go through the conditions and tell the Board what he agrees or disagrees with, what he would like to see revised or to add or delete. Mr. Ford stated that if Mr. Armstrong thought a condition would render the project uneconomical he would need to back that up. Mr. Armstrong said that they have reviewed what

**ZONING BOARD OF APPEALS MEETING PLACE: HEARING ROOM 2,
MARSHFIELD TOWN HALL MAY 16, 2017 7:30 p.m.
MEETING MINUTES**

was in there and nothing changed from what was discussed. Mr. Ford said that it was his understanding that Mr. Pesce submitted some red lines about things to talk about. Mr. Pesce said that there was only one major earth removal condition that was not included and that is a proposed mitigation amount for road repairs. He explained that he emailed Rod Procaccino on Saturday but Mr. Procaccino would be out of the office for ten (10) days. Mr. Pesce said that he spoke with Charlie Swanson in the DPW that day and told him that he needed to sit with them and discuss some basis for additional wear and tear on the roads. Mr. Pesce said that he hoped to meet Mr. Procaccino later in the week or early next week and would be able to get some numbers to present to the Board for deliberation.

Mr. Ford asked Mr. Armstrong if he had a position as to what was reasonable; was it zero or is there some number that he thought was reasonable for mitigation of wear and tear of the roads. Mr. Armstrong said that he was not sure where the numbers were coming from and said that they could calculate it so it would be next to nothing. Mr. Armstrong said that if Mr. Pesce was going to meet with Mr. Procaccino then he could meet with Mr. Pesce after that and give a response. Mr. Ford asked if the Board could take new evidence and Mr. Galvin replied, No because they were closing the hearing that night and they would be in deliberations. Mr. Galvin said that he does not have a figure and does not know what is going to happen; the applicant could pull a boulder out and it could fall off the truck and go through the roadway. Mr. Armstrong said that would be covered under the truck's insurance. Mr. Ford asked Mr. Galvin how it normally worked; was there an escrow where the applicant would put money? Mr. Galvin said that there would be a requirement for them to remedy any issues that they create on a roadway and he believed that it fell within standard street sweeping. When trucks leave construction sites, it leaves debris. Mr. Ford asked what the need was to put a number on this now and Mr. Galvin said it would be a type of financial surety. Mr. Ford said that as a general matter there would be draft conditions that if there is particular damage, the Town could go to the applicant and seek compensation for that amount, whether within the amount of the surety or beyond the amount of the surety.

Respectfully submitted,



Nanci M. Porreca
Zoning Administrator

These minutes were approved by the Board on May 24, 2022 by a
5-0 vote.

Signed,



Clerk