

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,  
MARSHFIELD TOWN HALL JUNE 14, 2022 6:30 P.M.  
MEETING MINUTES**

*Members Present:*

*Brian Murphy, Chair  
Heidi Conway  
Stephen Feeney  
Larry Keane  
Mark Corwin  
Grover Hensley, Jr.*

*Also Present:*

*Andrew Stewart, Building Commissioner (R)  
Atty. Anthony Riley for Town Counsel  
  
Edward Pesce, Peer Reviewer*

Mr. Murphy called the meeting to order at 6:30 P.M. and introduced the Board. He explained that Zoom was provided as a courtesy and the meeting will not be suspended if there are technical issues. He gave the meeting ID information and advised callers to use \*6 to mute and unmute. Mr. Murphy took attendance by roll call.

**#22-51: Elizabeth Barrett, Trustee:** The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.02, Table of Dimensional and Density Regulations, of the Marshfield Municipal Code to facilitate the construction of a single family dwelling on the property located at **36 Dog Lane** which is further identified on the Assessors' Maps as being on parcel G16-02-04A and is located in an R-1 zoning district.

Mr. Murphy read **Case #22-51** into the record and turned the hearing over to Attorney James Creed who was representing the Petitioner. Mr. Creed stated that his client did not have a new Assessor's Parcel ID and the application before the Board has the existing Parcel ID. He requested to withdraw this application without prejudice so they could re-advertise with correct Parcel ID. Mr. Murphy made a motion to accept Mr. Creed's request to withdraw without prejudice which was seconded by Ms. Conway; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley in favor.

**#22-52: James J. Kilcoyne, Jr.:** The Petitioner is seeking a minor modification of Special Permit #14-24 to authorize the approximately 12' x 14' wood platform added to the timber walkway and a Special Permit in accordance with §305-13.01.C and §305-10.12 of the Marshfield Municipal Code to authorize the less than 200 square foot ramada within the Inland Wetlands District on the property located at **51 North River Drive** which is further identified on the Assessors' Maps as being on parcel E20-03-06 and is located in an R-1 zoning district, the Coastal Wetlands Overlay District and Inland Wetlands Overlay Districts.

Mr. Murphy read **Case #22-52** into the record and turned the hearing over to Attorney Adam Brodsky who was representing the Petitioner. Mr. Brodsky said that he represents Mr. Kilcoyne and the trust and that Mr. Kilcoyne was on Zoom. He said this dispute began with a notice of violation from Mr. Stewart whose decision was appealed and was upheld in part and denied in part (Case #22-32). Mr. Brodsky said the ramada was constructed in 2016 and had no impact on

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the Wetlands District, no effect on flooding or safety. Ms. Conway asked if the original application in 2014 was for a float and a dock. Mr. Brodsky said there were a series of applications for the float and gangway. Ms. Conway said the Board has the 2014 application and site plan and asked if Chapter 91 and the DEP had a different application for the ramada. She said it was signed off on in 2016 without an As-Built and asked if it was sent in again. Mr. Brodsky said no, it was outside the area. The structures are 100 feet from the shoreline and it is his opinion that they don't need to go back to the DEP. Ms. Conway asked if they got verbal authorization for the ramada. Mr. Brodsky said the wood platform was verbally authorized by Jay Winnamer. Ms. Conway asked if it was his belief that there was no need to send this to DEP and Chapter 91; Mr. Brodsky said it was outside Chapter 91 jurisdiction.

Mr. Brodsky said there were two (2) requests for relief – the modification of the existing Special Permit and a new Special Permit for the ramada. Ms. Conway said that the Conservation certificate of completion in 2016 did not mention the ramada. Mr. Brodsky said he was not sure why but he can tell the Board it has now been authorized. Mr. Keane said it was quite a long gangway. Mr. Brodsky said the DEP has different programs; Chapter 91 is Waterways; and this has been authorized by Conservation. Mr. Murphy asked Mr. Stewart what he thought. He said that he agrees that the *de minimus* activity satisfies 505 but it doesn't address the Wetland Protection Act. He said this is in a deciduous swamp and in a resource area; he feels there should be some addressing of the Wetlands Act. Mr. Stewart said there was an alteration and fill and he believes that needs a finding with Conservation and the DEP; he wants some clarification from the DEP that this is *de minimus*. Mr. Brodsky said that Conservation has jurisdiction over this, not the Zoning Board of Appeals. Mr. Stewart said the only reason he disagrees is that it is under the Floodplain Bylaw and he is the Zoning Enforcement Officer and Floodplain Administrator. Mr. Stewart said the local permit addresses the *de minimus*, not the 505; this was described as an alteration and fill; he is just asking for assurance that it does not require further permitting. Mr. Brodsky respectfully disagreed with the scope; Mr. Stewart said he was the Floodplain Administrator; Mr. Brodsky said Mr. Stewart had zoning authorization. Mr. Brodsky said he would be happy to take his concern to Mr. Kilcoyne and he can take it to Conservation. Mr. Keane said that he was sure Mr. Stewart wants to just document this where it has become an issue.

Mr. Brodsky said he did not doubt Mr. Stewart's sincerity or intention. Mr. Keane asked Mr. Stewart what he would like to see to settle this and Mr. said he wants to see what is required in the Bylaw. Mr. Brodsky said that Mr. Kilcoyne consulted with Conservation about what additional applications he needed; he guesses that Mr. Stewart is challenging Conservation. Mr. Murphy made a motion to continue the hearing to July 12<sup>th</sup> which was seconded by Ms. Conway; the Board voted 5-0 with Murphy, Conway, Feeney, Keane, and Belezos voting in favor.

**#22-53: Anthony Brugnoli and Amy Malone:** The Petitioners are seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 36' x 34' two (2) car garage with living space above attached by a 12' x 10' upper level connector to the existing dwelling on the property located at **55 Constellation Road**



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which is further identified on the Assessors' Maps as being on parcel K11-20-06 and is located in an R-3 zoning district.

Mr. Murphy read **Case #22-53** into the record and turned the hearing over to Dick Rockwood who stated he did the architectural work. Mr. Rockwood said this had been approved by the Conservation Commission for the garage. The garage meets all height requirements; it is in a flood zone but will have flood vents. Mr. Rockwood said they are before Zoning because the back end of the main house is not conforming; the new structure will be conforming. Mr. Stewart said they are nonconforming on the Surf Avenue side with a 9.6' setback. He said that the applicants will need to fill out a Floodplain Permit with the Building Department; they are in an AE9 Special Flood Hazard area. He said this is considered a lateral addition that is structurally connected to the original structure. They will need to submit stamped construction drawings for the building permit; an As-Built and Certificate of Occupancy will also be required. Mr. Murphy asked if that should be included in the conditions; Mr. Stewart said it would be helpful to include it but they will get it with the building permit. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. Mr. Murphy made a motion to grant the Special Permit which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor.

**#22-54: Bruce Bisbano:** The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to replace the lighting fixtures on three (3) of the five (5) existing light poles, replace the poles and fixtures on the other two (2), install five (5) new poles and install new and replacement wall mounted and canopy fixtures on the property located at **934 Plain Street** which is further identified on the Assessors' Maps as being on parcel C10-03-01 and is located in a B-2 zoning district.

Mr. Murphy read **Case #22-54** into the record and turned the hearing over to Bruce Bisbano. Mr. Bisbano said that this was part of the Bank of America's exterior light program to upgrade security throughout Massachusetts. They will be adding poles and replacing all lighting; it's a straight forward project. Mr. Murphy asked Mr. Stewart if he had any comments. Mr. Stewart said that they presented a lot of information, including what the downcast lighting would look like at night. Mr. Murphy asked if there were any questions from the Board or public and there were none. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley and Corwin voting in favor. Mr. Murphy made a motion to grant Site Plan approval which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley and Corwin voting in favor.

**#22-55: Christopher Regan:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to raze the existing dwelling and

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construct a new two (2) story 38' x 29' dwelling on the same footprint with a two (2) car garage underneath and a 33' x 24' addition on the property located at **272 Summer Street** which is further identified on the Assessors' Maps as being on parcel G16-08-01 and is located in an R-1 zoning district.

Mr. Murphy read **Case #22-55** into the record and turned the hearing over to Christopher Regan. Mr. Regan said he was the owner and general contractor and has been working on this for four (4) years. He wanted to keep it antique but there are very few timbers that can be used. He already had a building permit for an addition. He really wanted to save the house and wants to rebuild it the same and keep the original chimney; the chimney is in good shape but the fireplace is not. Mr. Stewart displayed the original plot plan and said they have a 30' setback but it is a corner lot; he said they are nonconforming for setback but the lot size is well over what is required. Mr. Stewart said the applicant did not need Zoning approval for the addition but he does to raze and rebuild. He said that Mr. Regan has been great about trying to save it and at one point a TV show was going to come in. Ms. Conway asked if we had the deed and Ms. Porreca said that we did. Mr. Murphy asked if there were any questions from the Board or public and there were none. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. Mr. Murphy made a motion to grant the Special Permit which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor.

**#22-56: Arthur Lage:** The Petitioner is seeking a Special Permit in accordance with §305-9.02 of the Marshfield Municipal Code to relocate two (2) existing 6' x 8' nonconforming sheds to conforming locations and after the fact permitting of a previously approved deck that was built after the permit expired on the property located at **14 E Street** which is further identified on the Assessors' Maps as being on parcel M05-08-05 and is located in an R-3 zoning district.

Mr. Murphy read **Case #22-56** into the record and turned the hearing over to Richard Servant of Stenbeck & Taylor. Mr. Servant said that Stenbeck & Taylor did the survey work and they need to clear some things up. He said that there are two (2) existing sheds, one of which is under the deck. Both sheds are nonconforming and they will relocate them behind the house. The second thing is that the applicant was approved in 2014 for a second story and decks. He said they built a much smaller deck than was approved but did not build it until after the Special Permit had expired; the original deck was approved for 800 square feet and they built 400 square feet. Mr. Servant said they are here now for after the fact permitting. Mr. Stewart said that this is in response to floodplain and zoning violations for the installation of two (2) noncompliant sheds without permits. Mr. Stewart displayed the dwelling on GIS to show the deck and said that there had been some modifications. He did say that they did not do all of the work that they had been approved for; the deck was done without permits or inspections and he feels that this needed a Variance and a Special Permit.

Mr. Murphy asked the Board if they had any questions and Mr. Keane asked how this came to



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light. Mr. Servant said the homeowner told him about the violation. Mr. Stewart said that a neighbor was trying to close out some permitting on her property and she brought up some issues; it was obvious when he looked. Mr. Stewart went to do an inspection and saw the shed under the deck as he was driving; the deck was built after the building permit expired and the Special Permit lapsed. He issued a Notice of Violation last year and the applicant has worked with him and Conservation. Mr. Stewart said the applicant wants to comply and has been easy to work with. Mr. Keane asked Mr. Stewart if he had inspected the deck and he said that he hasn't issued a building permit pending ZBA and then he will inspect. He said the applicant is willing to make any repairs, etc. to comply. Mr. Servant said he had a question about the Variance; he wasn't disagreeing with Mr. Stewart but feels the deck is in the same place. Mr. Stewart said that Mr. Servant may be right and that they did talk about it. Mr. Stewart thought a Variance was needed because of the encroachment. Mr. Murphy asked if there were any questions from the Board or public and there were none. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. Mr. Murphy made a motion to grant the Special Permit which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor.

**#22-58: Dylan Gallagher:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct an addition where the existing sunroom is and the dimensions will go from 6' x 17'6" to 12'8" x 17'6" on the property located at **216 Texas Street** which is further identified on the Assessors' Maps as being on parcel J11-01-37 and is located in an R-2 zoning district.

Mr. Murphy read **Case #22-58** into the record and turned the hearing over to Steve Moran who explained the project. Mr. Stewart said this was a corner lot with a preexisting nonconformity; the addition will not make it any more nonconforming. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. Mr. Murphy made a motion to grant the Special Permit which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. The Board discussed conditions of a building permit, an As-Built and a Certificate of Occupancy.

**#22-26: Joshua Gray:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 45' x 20' second story addition over the existing first floor of the nonconforming structure on the property located at **147 Cambridge Street** which is further identified on the Assessors' Maps as being on parcel I11-22-11 and is located in an R-2 zoning district.

Mr. Murphy stated that **Case #22-26** had already been read into the record and turned the hearing over to the applicant's representative. Dick Rockwood said that they are not changing the footprint; it has a second story over three-quarters (3/4) of the house and they are completing it. Mr. Stewart said that this was an existing nonconforming dwelling and they will be building it

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out. Mr. Murphy asked if there were any questions from the Board or public and there were none. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. Mr. Murphy made a motion to grant the Special Permit which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. The Board discussed conditions of a building permit, an As-Built and a Certificate of Occupancy.

**#22-49: Lynne Labrador:** The Petitioner is seeking a Special Permit in accordance with §305-10.12 of the Marshfield Municipal Code to construct a 31' x 7' dormer on the right and an 11' x 7' dormer on the right rear on the property located at **111 Ashburton Avenue** which is further identified on the Assessors' Maps as being on parcel M08-20-06 and is located in an R-3 zoning district.

Mr. Murphy stated that **Case #22-49** had already been read into the record and turned the hearing over to the applicant's representative. Mr. Rockwood said that they are not changing the footprint; Mr. Stewart said that this was straightforward. Mr. Murphy made a motion to close the hearing which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. Mr. Murphy made a motion to grant the Special Permit which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor. The Board discussed conditions of a building permit, an As-Built and a Certificate of Occupancy.

**#22-57: Connolly Brothers, Inc.:** The Petitioner is seeking a Special Permit under §305-10.12 and Site Plan approval under §305-12.02 of the Marshfield Municipal Code for a for-profit educational facility use pursuant to Marshfield Municipal Code §305-5.04 on the property located at **51 Commerce Way** which is further identified on the Assessors' Maps as being on parcels E09-01-15, E09-01-63 and E09-01-64 and is located in the I-1 zoning district and such other further relief pursuant to the Marshfield Municipal Code as necessary.

Mr. Murphy read **Case #22-57** into the record and turned the hearing over to Attorney Steven Guard who was in attendance with Brian Taylor, Steven Connolly and other members of the Connolly team. Mr. Guard read from the Project Narrative that stated in part that New England Academy is a private, for-profit educational facility devoted to special education providing students the academic challenge and clinical support they need to succeed in school; they have a location in Beverly; it is a school for students with social and/or emotional disabilities. Mr. Guard said that the 6.4 acre site is currently vacant. The site will have 61 parking spaces, a travel way for drop off and pick up, a ballfield, a 28,050 square foot building with gymnasium, 13 classrooms, science lab, library, fitness room, dance/yoga studio, college resource center, art studio, music/recording studio. Mr. Guard said that it will be open 198 days a year with a typical holiday and break schedule; there will be a maximum of eight (8) students per class. Mr. Guard went through the floor plans, materials, etc.



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Mr. Taylor explained the site plan, went over grading and said the driveway will be ADA compliant. He said that he went over the plan with Deputy Fire Chief Corbo. They did an extensive stormwater report; there will be pollution and erosion control; drainage will capture roof run-off; there will be a five (5) acre retention basin at the end of Enterprise Drive; went over the landscape and photometric plan. Mr. Murphy advised that this project will need Peer Review; Mr. Taylor said that he met with Mr. Procaccino, Town Engineer, Gary Russell from the Board of Health and went over emergency vehicle access with Deputy Chief Corbo. Mr. Murphy said that the Board wants Peer Review to thoroughly vet the project for the Town.

Ms. Conway asked if they were hoping for September for the school; Mr. Guard said they needed to break ground in August because it would be a 12 month build. Ms. Conway asked what the difference was with this school and the school in Beverly. Ryan Plasker, the head of New England Academy, said that Beverly is 40,000 square feet with 97 students; Marshfield will have an enrollment of 80 students. Mr. Plasker said that because they are approved by the Department of Education, whatever they do in Beverly they have to do in Marshfield. Someone asked if this was for Asperger's Syndrome and Mr. Plasker said the students are at or above grade level; 100% have gone to college in the past 16 years. Mr. Keane asked what communities the school serves and Mr. Plasker said Duxbury, Sharon, up to Maine and that they just had someone from Marshfield apply. Mr. Plasker said that the need for mental health services on the South Shore is great. He said there will be 20-25 staff and it will be an 8 to 1 ratio.

Mr. Corwin said that he appreciated the comment about mental health and that they had talked to the Fire Department; he asked if they had talked to the Police Chief. Mr. Guard said that they had just opened the police station; they will talk to the Chief since this will be continued. Mr. Belezos asked if they had looked at staggering the release time; Mr. Guard said that they will look at it. Mr. Hensley asked if the children going to the school are referred by town schools. Mr. Plasker said that they don't take unilateral placement – it's where the parents place them and they pay to go to school. Ms. Conway asked if counselling was part of their every day schedule and Mr. Plasker said it was. Ms. Conway asked if there is follow up after they graduate. Mr. Plasker said they do a two (2) year alumni survey and 91% still go; they may go the first year and then decide it isn't for them; some are working. Ms. Conway asked if there was a cafeteria; Mr. Plasker said that it was a work kitchen, they will bring their lunch and they could microwave macaroni and cheese. Mr. Hensley said it feels like a no-brainer; he knows people who send kids all over the state. Mr. Feeney asked if the glass was bulletproof and shatterproof. Mr. Plasker said that it wasn't bulletproof. Ms. Porreca mentioned that there were Planning Board comments regarding traffic mitigation. Mr. Guard said that he received information from Karen Horne, Assistant Town Planner, and the numbers seem okay. He said that VRT met with Michael Maresco and he doesn't have to give land. Mr. Galvin said that the Board received proposals for peer review; peer review will talk to the consultants. Mr. Murphy made a motion to continue the hearing to July 12, 2022 at 6:30 PM which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor.

**#22-58: Michael Snowdale/Stellwagen Beer Company:** The Petitioner is seeking a Variance in accordance with §305-10.11 for relief from §305-6.02 and §305-6.08 and



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Site Plan approval under §305-12.02 of the Marshfield Municipal Code to construct a 14' x 14' open deck on the property located at **100 Enterprise Drive** which is further identified on the Assessors' Maps as being on parcel D09-01-12B and is located in the I-1 zoning district.

Mr. Murphy read **Case #22-58** into the record and turned the hearing over to Michael Snowdale. Mr. Snowdale said that he was here for a Variance to construct an open deck from the left edge of the building; there is a fenced in area over on the right where guests go. It's generally a flat area but it is steep. Mr. Snowdale said that he could not put stairs there because of the angle and felt that a deck would work. Mr. Murphy asked Mr. Stewart for his comments and he said that this is a result of an aggressive marketing campaign; he became aware of it through social media. Mr. Snowdale said that it was about one third done and Mr. Stewart said to stop. Mr. Keane asked if it was on the property line and Mr. Snowdale said yes. Mr. Snowdale said that there are no stairs and that access was where the trees are; he says it's a platform. Ms. Conway asked if they couldn't level the ground and do a patio; Mr. Snowdale said that in theory he could. Mr. Stewart said the deck was a little higher and works as a stage. Ms. Conway asked about the neighbors and Mr. Stewart said this was the Industrial zone and they are compliant with their buffers; Ms. Conway said even though they were up against the fence.

Mr. Belezos said that Mr. Stewart mentioned a stage and asked Mr. Snowdale if he would be coming back for an entertainment license. Mr. Snowdale said that they have an entertainment license and have bands lined up. Mr. Stewart said that with the deck, the sound will go back towards the building. Ms. Conway said she needed to go out and see it again and asked if they were advertising; Mr. Snowdale said it was on social media. Mr. Corwin asked if the deck were open to the public and Mr. Snowdale said that it was. He asked if it was wheelchair accessible and Mr. Snowdale said that it was as accessible as it could be. Ms. Conway asked if it would be an event space and how much traffic they would see because of it. Mr. Snowdale said there was no formal projection, it was just a fun thing. Mr. Murphy made a motion to continue the hearing to July 12<sup>th</sup> which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Hensley voting in favor.

**#22-24: Marshfield Commerce Way, L.L.C.:** The Petitioner is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B for the construction of seven (7) three-story buildings, seven (7) townhome buildings, and one (1) clubhouse building. This development will consist of one hundred and seventeen (117) one-bedroom units, one hundred and sixteen (116) two-bedroom units and sixty-seven (67) three-bedroom units, which will total 300 units in all, seventy-five (75) of which will be considered affordable according to the Boston Metropolitan Statistical Area Index, as determined by HUD, on the property located on an approximately 12.68 acre site off of **Commerce Way** which is further identified on the Assessors' Maps as D08-01-11A and is located in I-1 and R-1 zoning districts and within a PMUD – Planned Mixed Use Overlay District.



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Anand Boscha said they had no presentation but they worked with the peer reviewers and they wanted to hear the Board's feedback on the peer review comments. Mr. Pesce said that Pat Brennan and Kirsten Braun from Mueller Associates would give highlights and talk about previous peer review work that has been done and responses to comments that have been made. He said they will save the traffic discussion until the end because the public had asked about the previous improvements done by Modera. Mr. Pesce said that he and Mr. Brennan reviewed site plan, drainage and water supply. They will get a traffic review by Ron Mueller and Associates. Mr. Pesce deferred to Mr. Brennan who went over the responses on drainage and water supply. Mr. Brennan said that they responded to his original request for comments and he asked them to do a little more work on the stormwater. He said they submitted a revised narrative and calculations; the calculations show an acceptable level of stormwater runoff from the site. The last time he gave them the rates and volumes of the runoff that were projected to come off the site and told them they couldn't exceed those rates. The conceptual design they have is recharging all the roof runoff at the site. They will be able to meet those volumes but, again, this is a conceptual level at this point; they will need to see the final plans and calculations that will be submitted. Mr. Brennan said he did some calculations of the water usage in the town over the past five (5) to six (6) years and it appears there should be water under the town's water management from the water supply standpoint; how much the town can withdraw on an average daily basis. However, he said that the Board of Public Works and the Town Engineer are concerned about the current pumping of the well supplies. They have asked Rod Procaccino and staff to look at the infrastructure of the pumping stations in the high service zone. Marshfield has two (2) zones, a low zone and a high zone. They're trying to determine the condition of the infrastructure and what the pumping capacity is in those zones to make sure that the zone can meet the peak demand at this location. He believes there are six (6) wells in the high zone and a lot more in the low zone. The Board of Public Works is concerned about this project being in the high zone. They are close to getting answers but they aren't there yet.

Mr. Pesce said his initial peer review letter included all of the different disciplines; it was dated April 22<sup>nd</sup> and included Mr. Brennan's comments and comments from Kirsten Braun (Mueller). He said that since then Hancock Associates, their consulting engineer, responded on April 29<sup>th</sup>; they sent revised documentation on May 20<sup>th</sup>. Mr. Pesce said he still advised the applicant meet with the Board of Public Works and pursue approval with them.

Kirsten Braun went through the initial review from a few months ago and said they had made comments. Vanasse came back with comments and she said they were left with two (2) things that were referenced in the June 9<sup>th</sup> letter. The first is that they are proposing improvements at Enterprise Drive and Route 139 to optimize the signal timing. They commented that isn't under their jurisdiction and recommended that the applicant go to MDOT to take care of that. She suggested that this be a condition of the decision. The second is the fair share cost contribution. She said that under the original development plan for the athletic field project, they committed to \$90,000 as a fair share cost contribution. They suggested a few different ways to do it but said the town may have their own method; typically a ratio of peak hour traffic increase as compared to the initial development. That needs to be determined before they can finalize their review.

Mr. Pesce said that many comments that Ms. Braun made were provided to Vanasse and their response was that they agreed and they will provide the information at a later time. He



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mentioned a site triangle of the proposed driveways, a signing and striping plan which hasn't been received as yet and he does not know when they will be received; he asked if that would be a condition of the decision. Beyond agreeing that they will provide this information later, there are two (2) other items that Ms. Braun mentioned. One is that they have already agreed to provide, at the discretion of the Board, the improvements be added as a condition of the decision. Mr. Pesce said that this is a fair share contribution for the number of trips being added. He noted that in 2005 or 2006 it was \$90,000 for the athletic field project. He would like to figure out when that was because the number may need to be adjusted for inflation. Mr. Pesce said he looked at the last project the Board talked about, the for profit school, and the Planning Board argued that a \$630 per peak vehicle cost is a fair contribution. He did quick calculation and said that it would be \$94,500 for the 150 peak week day trips that they are proposing. This should be ironed out before the hearing is closed.

Mr. Pesce referred to the May 9<sup>th</sup> Mill Creek response to his April 22<sup>nd</sup> letter. There were a couple of things that weren't addressed and many things that were addressed. He recommended the buildings be numbered and entrance and exit rows be given a letter designation; he asked for a stop sign and a stop line, and construction and cross-section details. Since the plans are conceptual they agreed to provide those at a later date. A few things haven't been resolved yet: 1) comments #3 and #4B of Mr. Pesce's letter - a review by the Fire Department. 2) #8B - comment about lighting; their response was that there would be industry standard lighting; also want a comment it should also be dark-sky compliant. 3) elements of the project that were green design, comment #9 - they mentioned there would be some electrical vehicle charging stations; Mr. Pesce would like to see them consider that and notify the Board how many stations they are proposing. 4) #11, there was a conversation about the flats residences and they were going to have a central trash location and it should be shown on the plans.

Mr. Boscha said that he met with the Fire Chief to go over concerns such as the second means of egress; there are several options and he thinks they have a solution for it; they're reviewing impacts on cut/fill and grading. Mr. Pesce said he received a two (2) page list today from Vanesse re: the Modera Marshfield project and a summary of all transportation improvement projects.

Mr. Pesce said that before the Vanesse review he would like to see LEC's review of the Conservation Management permit which is the endangered species permit. Brian Madden of LLC Consultants said that this lot dates back to the original Conservation management permit which was formerly called Lot 6R for the athletic project proposal. He said that as part of the Phase 1 buildout, there were certain mitigation requirements; to date those have been fulfilled for future development; the permit is now covered under a permit that was amended in 2019. Phase 2 involves the implementation of a turtle protection plan; what they have done in other lots within the park is to circle the project with silt fending, looking for turtles and relocating them outside the area of the proposed work to keep them out of harm's way. There was a discussion about turtles and Mr. Murphy said that 90% of places in the state have this problem.

Cliff Boehmer talked about his preliminary architectural review and focused on the plan marked "Key Plan" in red. He said that a favorable point for this site is that there is pretty good walkable space in a motor dependent area. He believes the site is well organized, the townhouses around



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the setback; continuity with the street. There is a lack of programmable open space on the site and it feels a bit tight. Page 4 talks about being easy and beneficial to eliminate Building 10 (a 6 unit townhouse) which is kind of orphaned on the site. There is a need to create more space between 7 and 8 and between 11 and 13. He suggested moving 1 and 2 around so they are more parallel; Building 9 could move over if 10 is eliminated which would create space between 7 and 8. Another issue is that there is only one location for trash and the expectation would be multiple locations for trash. Mr. Boehmer recommends that the Board request a diagram of accessible paths throughout the site. There are a handful of other issues that are detailed on Page 5. He said sticking with accessibility, he isn't sure if it's the level of completion of the drawings or if it is intentional that there are no elevators. Mr. Boehmer said there are 7 different buildings but only the ground level is accessible. He said that 5% of units need to be group units, 15 of them. He suggested getting an opinion from the Architectural Advisory Access Board.

Mr. Boehmer said that they are missing a landscape plan; most of the site will be clear cut but it would be good to know what remains. Another issue is the EV spaces; the building code has not caught up yet. He apologized to the people who received his letter yesterday and said that he knew the applicant will need time to respond; he said he was open to doing a working session. He then opened it up to questions. Mr. Murphy said they have 550 bedrooms that could be occupied by children; Mr. Boehmer said that he has worked with this architect before but the plans don't show any bike racks – not for kids and not for visitors. Mr. Murphy asked if the Board had any questions.

Mr. Pesce said that Mr. Boehmer commented on EV stations and that there is a lot of growth in that area. They should look at EV charging and EV ready station. Mr. Boehmer said there is a variety of parking options, some inside their own garages; they could be the EV ready spaces. Mr. Pesce said that Derek Roche would review the last project. Mr. Roche said there were a number of improvements at four (4) different intersections; the status of all the improvements are complete as of June 21, 2022. He said that they are also required to do traffic reduction and Mass. Rides has ceased. He said that all roadway and applicable traffic management strategies are ongoing.

Mr. Murphy asked Ms. Horwitz if she wanted to do a working group and she said she didn't think it was ripe for that; they have received a lot of information. She said she would like to have a discussion with the Board to see what the temperature is – if not tonight then in two (2) weeks.

Mr. Murphy then went to the public for comments. Bernie Dupuis said there was no arrow for a left turn and no painted lines to determine lanes. Tim Alexander apologized for confusion; he wanted to clarify but didn't have the Comprehensive Permit decision; he believes they were to contribute to the traffic fund as there was a lot going on. He said the decision was made and then the contribution was made. Mr. Dupuis said that traffic continues to be a problem; there are a total of 550 bedrooms and 775 additional people; he laughed when they were told there would be 150 peak trips added. He said there are 250 cars parked outside at Modera; are 1/3 of those cars going in and 75 going out? He said that 300 units with 775 people, it was not realistic that there would only be 150 travel adds. Mr. Dupuis said that they use 54,000 gallons per day there and



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asked if there was capacity; people in second floor units at Seth Sprague have pressure issues; there are safety issues with kids crossing from school to the Boys and Girls Club.

Jerry Allen of Old Woodlot said that during Phase 1 they put a fence along the sidewalk so they had to walk in the street; then all of the workers parked on the street. He said that Mr. Feeney had asked about public transportation at the last meeting but he doesn't think it has been addressed. Mr. Dupuis estimated that they took down 6,000 trees and replaced about 250; how does that affect our water and the aquifer? Mr. Keane asked if the units could be sold; Mr. Galvin said no, that affordable units will stay affordable. Ms. Horwitz said that if there was more profit than the state allows, that has to go into reserve and used for the project.

There was discussion about the lack of elevators in Phase 1. Ms. Horwitz said they got a lot of feedback from the Board, the public and the reviewers and asked how the Board feels. Mr. Murphy said density was an issue, 550 bedrooms on a smaller parcel.

Ms. Conway said she needed time to digest it and feels that it is too big. Ms. Horwitz said they would like to have a discussion with the Board to see what the temperature was; if not tonight then in two (2) weeks. She said they could come back on June 28<sup>th</sup> and July 12<sup>th</sup> and asked the Board to continue the hearing to July 12<sup>th</sup> as well as June 28<sup>th</sup>. Mr. Pesce asked if Ms. Horwitz would be giving an update and she replied that they would be asking for the Board's input. Mr. Feeney asked if there had been any follow-up on public transportation and asked if this was their only project not on public transportation. Ms. Horwitz said Concord, Needham, Natick and Hopkinton and Mr. Feeney said that Natick has it. Maureen O'Malley of 12 Old Woodlot Lane asked if the meetings would be open to the public. She also asked out of all the communities they have built in, how many have they gone back to for Phase 2. Mr. Murphy made a motion to continue to June 28<sup>th</sup> which was seconded and all were in favor.

**#22-36: Patrick Connolly:** The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to construct a large-scale ground-mounted solar photovoltaic installation on the property located at **Commerce Way** which is further identified on the Assessors' Maps as being on parcel D09-01-36A and is located in the I-1 zoning district and the Planned Mixed Use District (PMUD).

Mr. Connolly responded to the Peer Review comments and went through the slides. On Page 3 Mr. Brennan suggested a forty foot (40') setback; the next slide had comments and responses. Mr. Keane asked if they would be removing the batteries from the site when they are replaced or decommissioned; he said we don't want to have a lot of obsolete equipment. Mr. Cameron said that would be included in the O and M plan. He said the panels are more difficult because they are warranted for thirty (30) years but they would remove it and replace it. Mr. Keane said technology is so quick; we could condition that if they change them out they remove the part being replaced. Mr. Corwin asked if any training would be provided to the Fire Department for access; Mr. Brennan said there were 2 gates for access. Mr. Hensley said training is something that has been done in the past and he is assuming there isn't an "off" switch. Cameron said there is an AC disconnect and a DC disconnect but doesn't know if there are multiples; he said they



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could have a condition to take the chief around the site for the building permit. Mr. Brennan said that there is one area that is a depression along Commerce Way; questions have come up asking them about leveling it off. He said that if they propose grading it would be minor or a new plan. He said that he would submit information to Ms. Porreca.

Mr. Murphy made a motion to continue the hearing to June 28, 2022 at 6:30 PM which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Conway, Feeney, Keane and Belezos voting in favor.

Mr. Murphy made a motion to adjourn which was seconded by Mr. Keane; the Board voted 5-0 with Murphy, Feeney, Keane, Belezos and Hensley in favor.

The meeting adjourned at 9:00 PM.

Respectfully submitted,



Nanci M. Porreca  
Zoning Administrator

These minutes were approved by the Board on 12-13-2022 by a

5-0 vote.

Signed:  Date: 12-13-22