

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL DECEMBER 27, 2022 6:30 P.M.
MEETING MINUTES**

Members Present:

*Brian Murphy, Chair
Heidi Conway
Larry Keane
Grover Hensley, Jr. (Remote)
Brian Sullivan (Remote)*

Also Present:

*Andrew Stewart, Building Commissioner
Atty. Robert Galvin, Town Counsel*

Mr. Murphy called the meeting to order at 6:30 P.M. and conducted roll call attendance as Mr. Hensley and Mr. Sullivan were on Zoom. He explained that Zoom was provided as a courtesy and advised callers to use *6 to mute and unmute.

#22-128: Town of Marshfield: The Petitioner is seeking Site Plan approval in accordance with §305-12.02 of the Marshfield Municipal Code to create a dog park on the property located at **35 Proprietors Drive** which is further identified on the Assessors' Maps as being on parcel E09-01-128 and is located in the I-1 zoning district.

Mr. Murphy read **Case #22-128** into the record and advised the Board that this was the only hearing for the night. He asked the Petitioner to explain the project. Michael Maresco, Town Administrator, and Fred Russell, Facilities Manager, presented for the Town. Mr. Maresco advised that there was an overview of the project in the Board members' packets with background information. He said that lighting will be low to the ground; there will be drinkable water with a water meter from the Department of Public Works (DPW) and photovoltaic canopies to provide shelter from the sun. He said that there will be shrubs and vinyl fencing around the area. There will be built up berms on the condominium/Boys & Girls Club side. Ms. Conway asked about greenery and Mr. Maresco said that there will be arbor vitae which grow to twelve feet (12'). There will be trash and dog waste containers; the dog waste will be picked up by a private company; it has not been determined who will pick up the regular trash.

Mr. Maresco said the dog area will be covered by pea stone and mulch; there will be walkways and sheds to store any equipment; and there will be a handicapped accessible picnic area. He said that eventually there may be a splash pad. Mr. Maresco stated that the hours would be 6:00 AM to sunset and no later than 9:00 PM and signs would be posted with the rules, both dog rules and people rules. He said if a dog is not socially adaptable the park is not for them. There will be drinking fountains for humans and water for the dogs. Ms. Conway asked who would maintain it; Mr. Maresco said the Friends of Marshfield Dog Park (FOMDP) but if they don't then the Town would. Ms. Conway asked if money had been allocated for that and Mr. Maresco said that the FOMDP had a fundraising event and they raised \$50,000. He said that the park was designed for low maintenance. The Town will keep an eye on it and the FOMDP would be billed for water usage.

Mr. Keane asked if this would be a responsibility of the Facilities Manager to check it and inspect it; Mr. Maresco said that he will but it won't be his responsibility. Mr. Russell said he would make sure the water was turned off. Mr. Keane said he liked how the design blends in and Mr. Russell said there were lots of rocks on site that they will be using. Mr. Hensley said he thinks this is great for the Town and that the plans look good. Ms. Conway asked how the parcel

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL DECEMBER 27, 2022 6:30 P.M.
MEETING MINUTES**

came to be. Mr. Maresco said it was approved at Town Meeting last spring; it was a different site but then the school came along. He said that Mr. Verocchi was giving the Town a parcel but they couldn't use it because of the sloping. He said this is flat; they will have to move dirt around and build berms, etc. He said the dogs won't care but he wants it to look nice.

Ms. Conway said that Mr. Maresco had mentioned two (2) handicapped spaces and asked if someone in a wheelchair could go right in; Mr. Maresco said yes. Mr. Keane said there were seven (7) other spaces. Ms. Conway said she went to the Scituate Dog Park and they were opening their car doors and just let the dogs go; they weren't walking them in like they should. She said she was concerned about safety for the kids playing ball. Mr. Maresco said there were strict rules and the dogs need to be under control when the owners bring them in. Ms. Conway said there were kids playing basketball in Rexhame and one of them got knocked down. Mr. Maresco said just like the beach, dogs can get loose. Ms. Conway said that we are inviting them; Mr. Maresco said if she was asking if police will be there they won't be. Mr. Maresco said he had never gone to a dog park and asked if people went there first thing in the morning; Ms. Conway said they go all the time.

Mr. Maresco said there would be parking on Proprietors Drive and other areas and there will only be one way to get in. He has been told that the people who really wanted this will keep other people in line. He was also concerned about safety and waste. Ms. Conway asked if the lights would go out at 9:00; Mr. Maresco said they are photovoltaic so they will go out; he said there are more lights because the lights are low. Walter Greaney, 3 Proprietors Drive, said that the dogs will be fifty feet (50') from the abutter line and asked how people would sleep. He asked why the FOMDP weren't posting a bond and if a sound person had gone to the site. He said they are looking to introduce noise and nuisance into the area; you can't have a site and no oversight. Mr. Maresco told Mr. Greaney that they had met before. He said the plans were designed and he would put them on the Town website. He said as for the hours of operation, if Mr. Greaney thought 7:00 AM was more palatable they could do that. Mr. Maresco said they have addressed trash and lighting so as not to interfere with the residents. He said that plantings will be on Mr. Greaney's and the Boys & Girls Club side. There will be handicapped parking and about a dozen other spaces. Mr. Greaney said that parking is locked three quarters of the year and asked if there were plans to unlock it; Mr. Maresco said yes. Mr. Greaney asked when the sound engineering study would be done and Mr. Maresco said it wasn't required. Mr. Greaney disagreed and said that Mr. Maresco doesn't have a dog park going in his backyard. He asked Mr. Stewart to display the GIS slide and said the overflow parking is the Boys & Girls Club parking and asked what was being done for them. Mr. Maresco said that as an officer of the Boys & Girls Club that wasn't Boys & Girls Club property; it's Town property and everyone will compete for spaces. He said that the Boys & Girls Club is not owned by the Town; it's a private non-profit.

Ms. Conway asked if the FOMDP had a Board of Directors with terms and asked what would happen if they dissolved. Mr. Maresco said that the Town is responsible for 99 years and he knows the Town will be here in 99 years. Ms. Conway said the Scituate dog park hours are 7:00 to 6:00 and Mr. Maresco said he was okay with 7:00 AM. He said there are games there all of the time and people bring dogs to the games. Mr. Keane asked about other recreational areas and said this would be more monitored than people walking the trails. Mr. Murphy agreed with Ms.

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL DECEMBER 27, 2022 6:30 P.M.
MEETING MINUTES**

Conway and said the dogs are down in Rexhame, they're on the trails; he said if it becomes a problem then the Board will address it. He doesn't think there will be more dogs there than there are not; he said they would have to draw people away from the other areas like the trails and cemetery to get them to the park. Mr. Maresco said it was social recreation for the dogs but it was good for people.

Ms. Conway said she is not opposed to this but has questions. She is concerned that people will dump their dogs there and go to a soccer game; Mr. Maresco said no. Ms. Conway said she is more open to a 7:00 AM opening and if it's going well can bring it back to the 6:00 AM. She said there is a lot going on up there and they have to think of the neighbors. Mr. Keane said the whole area will be fenced in and there will be arbor vitae and rocks. Mr. Maresco said it will be aesthetically pleasing when walking or driving by and it will add green space. Mr. Keane said this is different from what has been going in there. Mr. Maresco said the rules will say that owners need to stay with the dogs at all times; Mr. Murphy said they should be on leash on the way in and on the way out. Ms. Conway said they were just running in at Scituate because they knew where to go. Mr. Murphy said it isn't like when you go into a doggy day care with barking. Mr. Keane asked if Animal Control will go there as a routine; Mr. Maresco said he would ask them to do that and said we also have a leash law. Mr. Murphy said yes but they all fall back on state law which is if you have a working dog or a hunting dog you can take off the leash and train them. Ms. Conway asked if a dog trainer could go there and train dogs; Mr. Murphy said it's public property so you could take a working or hunting dog there to train. Mr. Maresco said it's a public facility but if they become a nuisance...that's why the FOMDP wants some kind of ID, maybe a card access. He said they have to continuously raise money and that might be a way to do it. Mr. Keane said he can see them bringing the dogs for socialization but he isn't big on charging residents another fee. Mr. Maresco said there are costs to the park such as the water bill but probably the biggest expense will be the removal of waste and the bags. He said it's photovoltaic so there won't be an electric bill. Mr. Murphy said the Senior Center and the Recreation Center put up their own bags because they don't want the waste in their yards; he said most dog owners bring their own bags. Ms. Conway asked if there was a problem with the dog do they call Animal Control or the police. Mr. Maresco said if it was adults fighting then call the police; if it's dogs fighting call Animal Control.

Mr. Galvin said that as long as there is no fee charged there is no liability to the Town. The dog owners are responsible for their dogs. Ms. Conway mentioned a bond and said she looked it up for other parks and didn't see any. Mr. Stewart said that as for noise, it has to be a sustained high noise like machinery and he doesn't think the dogs will meet those standards. Mr. Murphy made a motion to close Case #22-22 which was seconded by Ms. Conway; the Board voted 5-0 in a roll call vote Murphy, Conway, Keane, Hensley and Sullivan voting in favor. Mr. Murphy asked the Board if they felt the Petitioner met the requirements for Site Plan approval and the Board agreed that they did. Mr. Murphy made a motion to grant Site Plan approval per the plan dated June 24, 2022 and revised November 2, 2022. He asked if a building permit would be required and Mr. Stewart said they would need one for the structures such as the shed if it is over 64 square feet. Mr. Murphy asked the Board if they agreed that the hours should be 7:00 AM to sunset and they agreed. Mr. Keane seconded the motion for approval and the Board voted 5-0 in a roll call vote with Murphy, Conway, Keane, Hensley and Sullivan voting in favor.

**ZONING BOARD OF APPEALS MEETING PLACE: LIVE AND ZOOM MEETING,
MARSHFIELD TOWN HALL DECEMBER 27, 2022 6:30 P.M.
MEETING MINUTES**

Mr. Murphy made a motion to adjourn the meeting. The motion was seconded by Conway and the Board voted 5-0 in a roll call vote with Murphy, Conway, Keane, Hensley and Sullivan voting in favor.

Meeting adjourned at 7:15 P.M.

Respectfully submitted,



Nanci M. Porreca
Zoning Administrator

These minutes were approved by the Board on January 24, 2023 by a
5-0 vote.

Signed: 

Date: 1-24-23