



**PEMBROKE PLANNING BOARD MINUTES  
MONDAY, OCTOBER 24, 2016**

**PRESENT:** Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Andrew Wandell (Board Member), Paul Whitman (Board Member), Matthew Heins (Planning Board Assistant), James Costello, Dennis Dunphy, Richard Grady, and Stephen Kotowski.

Chairman Daniel Taylor opened the meeting by reading the Chairman's statement.

**DISCUSSION OF BRISAN WAY EXTENSION REDESIGN APPLICATION**

The board members discussed the new application for the Brisan Way Extension Subdivision, which is a redesign of the previous submission that now also includes the land formerly intended for the Adams Square townhouse condominiums. This redesign contains 12 single-family houses.

Rebecca Coletta made a motion that the board modify the application fee to be \$3,900 and accept the engineering fee of \$4,000, subject to the amount of work that needs to be done, for the Brisan Way Extension subdivision application. Paul Wandell seconded the motion, and the board voted unanimously in favor.

**DISCUSSION OF "FORM A" SUBMITTED FOR SITE ON VALLEY STREET**

Stephen Kotowski of Webby Engineering presented a Form A submitted recently on behalf of his client, the property owner, for a site on Valley Street.

The plan seeks to combine a large lot, and two smaller lots along Valley Street, into one lot. Access would be not through the road frontage, due to the presence of wetlands that block this option, but through an easement that leads from another side of the lot to the street.

The board members were concerned that the plan would violate a rule against shared driveways, and this issue was discussed. Issues of "adequacy of the way" were also discussed. Various nuances and complexities of the zoning and subdivision regulations, and previous proposals that were accepted and denied, were discussed. Several board members expressed doubts about the legality of the proposed

Form A, and suggested it might need to be checked with Town Counsel. A lengthy back-and-forth discussion took place.

The board members expressed a preference for denying the Form A and then conferring with Town Counsel about it. Mr. Kotowski requested to be allowed to withdraw the application without prejudice, for a possible resubmittal at a later date. Brian VanRiper made a motion to accept the motion of the applicant to withdraw the application without prejudice, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

#### **PUBLIC HEARING FOR SITE PLAN #SP5-16 300 CENTER ST.**

Daniel Taylor announced that this is a continued public hearing for site plan #SP5-16 at 300 Center Street, continued from October 11, 2016.

Richard Grady explained that the Conservation Commission has approved the site plan for 300 Center Street, but has not yet issued a written decision. A discussion about this followed among the board members. Matthew Heins mentioned that the developers are behind in their payments to cover the engineering review fees. The board members and Mr. Heins had a lengthy discussion about the Order of Conditions and what should be specified as contingent.

Mr. Wandell made a motion that the board accept the site plan for #SP5-16 at 300 Center Street, contingent upon receipt of the engineering review fees dues and compliance with the conditions of the Conservation Commission applying to the site plan. Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper read out the Order of Conditions, the findings of the Planning Board, for 300 Center Street in Pembroke, Massachusetts:

The board hereby finds that the proposed restaurant facility project as shown on the Site Plans, and taking into consideration the factors set forth in the bylaw and subject to the conditions that the Board has approved, will not be injurious, noxious, offensive or detrimental to the neighborhood, will be constructed and operated in a manner that considers community needs, including protection of abutting landowners, provides for traffic safety and access, will have adequate methods of waste disposal, drainage, parking and environmental protection, and will conform to state and local laws and regulations, including zoning, earth removal, signs, subdivision control, wetlands, flood plain and watershed protection, and water resource protection provisions.

The Board's site plan approval is based on the following reasons:

- The Board hereby determines that the petitioner has submitted substantial and credible evidence that, subject to the conditions imposed by this decision, the foregoing project, a permitted use in the Business A District, has been designed in such a manner as to reasonably protect the abutting

properties and neighborhoods, as well as the community of Pembroke, to minimize any alleged offensive or detrimental uses resulting from the development, provides adequate traffic safety and access with the site and in relation to abutting ways and properties, and shows adequate sewage, refuse and other waste disposal, provides adequate drainage, parking and environmental protection.

- The Board hereby determines that the approved project, including without limitation, the site plans, Board recommendations and abutter concerns, demonstrates and promotes the convenience and safety of vehicular and pedestrian movement within the site and in relation to abutting ways and properties.
- The Board hereby determines that the project includes and provides for adequate sewage, refuse and other waste disposal, proper facilities for drainage of surface water, and protection for wetlands, water resource protection areas, flood plains, watersheds, aquifers and well areas.
- The Board hereby determines that the project, as approved, makes adequate provision for lighting, off-street parking, loading and unloading of vehicles, and internal traffic controls.

#### CONDITIONS

Site plan approval is subject to the following conditions:

1. All work shall be done in conformance with the stamped plans entitled "300 Center Street," dated September 22, 2016, and revised October 11, 2016, and accepted by the Planning Board on October 24, 2016, as well as the following additional conditions.
2. All signage must comply with all applicable provisions of the Town's bylaws and regulations.
3. All vegetation planted in accordance with this decision shall be reasonably watered and maintained until established. Should any vegetation die off, the petitioner shall plant replacements.
4. The developer shall provide for water as per the regulations of the Department of Public Works.
5. The petitioner shall submit an As-built Plan with a written statement, approved by the Board, that all the conditions of this vote have been complied with before an occupancy permit may be issued.
6. All site work must comply with existing regulatory town bylaws as to times work may commence and end, and to days of week when site work can be conducted.
7. The applicant shall pay the outstanding balance on the required engineering review fees by November 14, 2016. [This condition was added by a subsequent motion.]

8. During the construction of the completion of the project's stormwater basins, the site contractor shall notify the Planning Board's consulting engineer and permit him/her to observe the water table at the bottom of the basin.
9. The applicant shall comply with the Order of Conditions issued by the Conservation Commission, which were approved on October 24, 2016. [This condition was added by a subsequent motion.]
10. The applicant shall reclose the entrance on Hobomock Street by putting the fence back in place. [This condition was added by a subsequent motion.]

If substantial use of the rights authorized by this site plan approval are not exercised within two (2) years of the date on which a copy of this decision is filed with the Town Clerk, then this site plan approval shall expire.

Ms. Coletta made a motion to add the condition, as condition number 7, that the applicant shall pay the outstanding balance on the required engineering review fees by November 14, 2016. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Ms. Coletta made a motion to add the condition, as condition number 9, that the applicant shall comply with the Order of Conditions issued by the Conservation Commission, which were approved on October 24, 2016. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

The board members discussed a former fence on the property along Hobomock Street, which needs to be put back in place. Ms. Coletta made a motion to add the condition, as condition number 10, that the applicant shall reclose the entrance on Hobomock Street by putting the fence back in place. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

The board members explained that they are concerned about the fence previously along Hobomock Street, not the entrances on Center Street.

Mr. Wandell made a motion that the board accept the Conditions as Stated, for Site Plan SP5-16 at 300 Center Street. Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

The board clarified and discussed the differences between a temporary occupancy permit and a permanent occupancy permit, and the bureaucratic process of the Order of Conditions. There was also a lengthy discussion of the issues relating to temporary approvals.

Mr. Wandell made a motion to close the public hearing of 300 Center Street, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

The board discussed how communication and bureaucratic procedures take place between the Planning Board Office, the Building Department, and the Zoning Board of Appeals.

**DISCUSSION OF RK CENTERS TRAFFIC STUDY, MIXED-USE ZONING, OTHER ISSUES, AND ROUTINE ADMINISTRATIVE MATTERS**

Mr. Wandell made a motion that the board accept the minutes of September 26, 2016, as presented, and Mr. VanRiper seconded the motion. Ms. Coletta, Mr. Irving and Mr. Whitman voted in favor, and Mr. Taylor abstained, as he was not present at that meeting. The motion passed.

The Athenaeum Learning Center was briefly discussed.

The upcoming public hearings on November 14, and potentially November 28, were discussed.

Mr. Heins mentioned that the traffic study for RK Centers has been completed. The board discussed whether Kenneth Fries should come to discuss this with the board.

Mr. Whitman mentioned that the Department of Public Works is concerned that as-built site plans are sometimes not in accordance with what is actually constructed. The board discussed this issue, especially as it relates to drainage.

The board had a detailed discussion of the process of eliminating the mixed-use option in the Center Protection District from the zoning bylaws, and the problems surrounding mixed use.

Mr. VanRiper made a motion to adjourn the meeting. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The next regular meeting of the Planning Board will be held Monday, November 14, 2016, at 7:00 p.m.

Respectfully submitted,

Matthew Heins, Planning Board Assistant