



**PEMBROKE PLANNING BOARD MINUTES  
MONDAY, NOVEMBER 14, 2016**

**PRESENT:** Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Andrew Wandell (Board Member), James Noone (Board Member), Matthew Heins (Planning Board Assistant), Attorney Robert W. Galvin, Richard Vayo, Peter Palmieri, Celeste Ditzel, James Ditzel, Louise Bisschop, Richard Carrara, Margaret Carrara, John Cannon, Thomas Kelly, Brian Taylor, Attorney Steven Guard, Paul Lestan, Gary Rice, Adam Doucette, and Warren Hammond.

Vice-Chairman Rebecca Coletta opened the meeting by reading the Chairman's statement.

**PUBLIC HEARING FOR SUBDIVISION BRISAN WAY EXTENSION #1603**

Ms. Coletta read the legal notice that was advertised in the *Pembroke Mariner & Express* on Friday, October 28, 2016 and Friday, November 4, 2016: "Notice is hereby given that the Planning Board will hold a public hearing on Monday, November 14, 2016, at 7:00 pm in Town Hall, 100 Center St., Pembroke, Massachusetts 02359, on the application of Washington ARL, LLC, 4 Collins Avenue, Plymouth, Massachusetts 02360, for a definitive subdivision entitled Brisan Way Extension off Old Washington Street, Pembroke, Massachusetts 02359. The application is an amendment of a previously submitted definitive subdivision application. The existing Brisan Way, consisting of a two-lot subdivision, is to provide frontage for twelve single homes. The property is located in the Residential A and Residential-Commercial districts, on Assessors' Map E-10 Lot 71A, E-10 Lot 72, E-10 Lot 16A, E-10 Lot 16 and E-10 Lot 74."

Attorney Robert Galvin, representing Washington ARL, LLC, explained that this proposed development is a modification and redesign of a previous proposal for a subdivision and condominium project on this property. This new proposal is a conventional subdivision design. It includes a large open space lot of 46.7 acres, to be given to the town. The project will provide access to that open space land, which is largely wetlands but includes some trails and paths. The proposed development will be administered by a homeowner's association, and the roadway will be private. The roadway would be about 1,250 feet long, slightly longer than the subdivision rules and regulations specify, and they are requesting a waiver for this extra length. The roadway would be fully accessible to all emergency access vehicles. The developer is also requesting a waiver relating to the sidewalks, and a waiver relating to the roadway cross-section.

Richard Vayo, the developer with Washington ARL, LLC, added that this new design essentially replaces the proposed condominiums with six single-family lots; the roadway and many other aspects of the previous design remain the same. (Daniel Taylor, Chairman of the Board, arrived at this time.)

Brian Taylor, civil engineer with Stenbeck & Taylor, described the new design and went over the drawings for it. He explained that the roadway configuration is nearly the same as before. He described the lots, which he stated satisfy the lot configuration requirements. He discussed the new arrangements for stormwater drainage, and went over the access to open space. In reply to a question from Ms. Coletta, he described how the new trails would connect to the town's existing trails.

Brian Taylor noted that a new traffic study has been done and was submitted. Mr. Galvin mentioned that the impact on traffic would be almost negligible.

Ms. Coletta asked about how the drainage would work, with regard to the super-elevated roadway and the possible effect on neighbors. Brian Taylor explained that a berm will capture the runoff.

Brian Taylor described the proposed sidewalks and crosswalks. Mr. Galvin, in a reply to a question from Ms. Coletta, stated that they won't be asking for any variances, but only three waivers.

Mr. Wandell mentioned that a memorandum from the Conservation Commission expresses concern about access to the open space, the lack of parking spaces at the trail head, and the easement agreement. In a back-and-forth discussion, Mr. Vayo stated that they will build two parking spaces for trail access, and will provide all necessary access easements. The board members and Mr. Vayo discussed the particulars of the easement, its location, the trails, and parking.

Richard Carrara asked about how the trails access Barker Street, and where wetlands are located. Brian VanRiper mentioned that the town has purchased a piece of land that allows for better connection through the trails.

A member of the public asked about the width of the proposed roadway. Brian Taylor clarified that the street will be of a standard width. The same audience member asked whether the new house lot at the intersection of Brisan Way and Old Washington Street is still in the new design, and it was explained that it is.

Another member of the public asked about whether access to the trails will be fully provided to the public, and it was clarified that they will be entirely open to public use.

The first member of the public asked about the possibility of new development on the "right side" of the proposed development, and Mr. Vayo stated that he does not own this property and has no plans to buy or develop it.

Peter Palmieri, of Merrill Engineering, noted that the grade of the roadway at the entrance to the subdivision doesn't quite meet the standard requirement of the rules and regulations. He also mentioned that there is some uncertainty about the stormwater calculations, which Brian Taylor is working on. He also recommended that the proposed drywells, for drainage purposes, be shown on the plan drawings, and that the relevant drainage calculations be documented.

The board members and Mr. Vayo discussed issues of easement access and parking. Mr. Vayo noted that the roadway grade at the entrance was approved for the original two-lot subdivision. Ms. Coletta and Mr. Vayo discussed whether a new waiver should be granted to re-affirm the previous waiver.

Mr. VanRiper made a motion to close the public hearing of Brisan Way Extension, and Mr. Wandell seconded the motion. Ms. Coletta, Mr. Taylor, Mr. Irving and Mr. Noone voted in favor, and Mr. VanRiper voted against. The motion passed.

Daniel Taylor and Mr. VanRiper explained that the board will continue to discuss the project, and that members of the public can keep track of the agendas that are posted. The board members discussed when the board will meet next to make a decision on the project. Mr. Vayo suggested that the board vote on the project at this point in time, rather than waiting, and he and the board discussed the logistics of this, especially as it relates to the conditions. Mr. VanRiper and Mr. Vayo talked about the contribution that must be made to the town's sidewalk fund, due to the project not having all the normally required sidewalks.

Mr. VanRiper made a motion to approve the subdivision plan as submitted, with waivers and conditions to be subject to waivers to be granted at a further date. Mr. Irving seconded the motion. Mr. Taylor, Ms. Coletta, Mr. Noone and Mr. Wandell voted in favor, and Mr. VanRiper voted against. The motion passed.

#### **ROUTINE ADMINISTRATIVE MATTERS AND DISCUSSION OF FORM A SUBMISSION**

Mr. VanRiper made a motion to accept the minutes for Monday, October 11, 2016, as presented. Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. VanRiper made a motion to accept the minutes for Monday, October 24, 2016, as presented. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Heins explained that Stephen Kotowski of Webby Engineering intends to return to the board on November 28, 2016 with a new drawing for the Form A submission that he previously presented. If the board remains doubtful of the legality of this Form A, then the opinion of town counsel can be sought.

#### **PUBLIC HEARING FOR SITE PLAN FOR WAREHOUSE EXPANSION AT 56 PEMBROKE WOODS DRIVE**

Daniel Taylor read the legal notice that was advertised in the *Pembroke Mariner & Express* on Friday, October 28, 2016 and Friday, November 4, 2016: "Notice is hereby given that the Planning Board will hold a public hearing on Monday, November 14, 2016, at 7:45 pm in Town Hall, 100 Center St., Pembroke, Massachusetts 02359, on the application of Pembroke Woods Realty Ventures, LLC, c/o Paul

Lestan, Manager, 208 North Street, Foxboro, Massachusetts 02035, requesting Site Plan Approval under the Zoning Bylaws of the Town of Pembroke Section V. 7. (Site Plan Approval) for an addition to an existing warehouse. The property is located in the Industrial A zoning district at 56 Pembroke Woods Drive, Pembroke, Massachusetts 02359, as shown on Assessors' Map G14, Lot 41."

Attorney Steven Guard introduced the project, which is a 15,750 square-foot expansion of an existing warehouse. The existing building is about 40,000 square feet in size. Mr. Guard stated that the current tenant will occupy the entire structure; the tenant needs more space, but does not anticipate creating additional traffic. The tenant is a business that repurposes and remanufactures hard drives, which fits into the light industry category under the bylaws.

Mr. Guard explained that Stenbeck & Taylor has satisfied all the items in Mr. Palmieri's most recent comment letter, except for the illicit discharge compliance statement, which Mr. Lestan has signed today. He noted that the developer has requested a short list of waivers.

Mr. Guard noted that the developer proposes to have one portion of the parking lot intrude beyond the 20-foot setback limit, so as to make it easier for the trucks to back up. He explained there could be differing opinions regarding whether this is acceptable under the bylaw, though he believes it is. If the board feels it is not allowable, the developer has an alternate plan ready.

Brian Taylor, of Stenbeck & Taylor, described the site plan in more detail. He discussed a roadway that previously was mostly built, except for the paving; the developer proposes to pave it. He gave an extensive description of the drainage arrangements, the construction details, and the landscaping. He displayed some construction material samples.

Ms. Coletta and Brian Taylor discussed the roadways on the site. Mr. VanRiper asked about how the truck traffic is expected to come. He emphasized the need for proper sidewalks in this area, as many nearby residents walk through to reach the supermarket.

Mr. VanRiper made a motion to approve the addition to an existing warehouse at 56 Pembroke Woods Drive, as submitted. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Palmieri noted that the regulations do require a landscape architect, so this should be in the waiver request. He also noted that prior to construction, there should be a detail for a double-grate catch basin.

The board and Mr. Guard had an extensive discussion about the conditions and waivers that might be involved.

Mr. Noone asked about the history of the easement. Mr. VanRiper talked about the history of the site, and why the public way was abandoned.

Ms. Coletta moved to approve the following waivers in connection with the proposed site plan for 56 Pembroke Woods Drive:

1. Section IV, Site Plan Content, subsection 4.21 waiver of photometric plan
2. Section IV, Site Plan Content, subsection 4.22 waiver of traffic study.
3. Section IV, Site Plan Content, subsection 4.6 waiver of topography within fifty feet of parcel
4. Section IV, Site Plan Content, subsection 4.7 waiver of landscape architect stamp requirement
5. Section VI, waiver of development impact statement
6. Section VI, subsection 6.3, waiver of fiscal impact statement
7. Section VI, subsection 6.5, waiver of community impact assessment
8. Section VI, subsection 6.7, waiver of traffic impact assessment

Mr. Wandell seconded the motion, and the board voted unanimously in favor.

There was some uncertainty about whether the project had been voted to be approved. Thus, Mr. VanRiper made a motion to approve the addition to an existing warehouse at 56 Pembroke Woods Drive, as submitted, with the waivers granted, and conditions to be written in the future. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper made a motion to close the public hearing, Ms. Coletta seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper made a motion to recess the meeting until 8:30 pm, Ms. Coletta seconded the motion, and the board voted unanimously in favor.

#### **DISCUSSION OF POSSIBLE SUBDIVISION AT 476 CENTER STREET**

Gary Rice, of Land Planning, Inc., introduced the project. The property owner at 476 Center Street, where there is an existing house, wishes to convert the shop in the rear to a new single-family house. To make this possible, given the lack of frontage, it is necessary to subdivide the land, and thus a definitive subdivision would have to be done. A waiver would be required to grant the frontage. Essentially the owner is asking for a “definitive subdivision but only on paper,” as Mr. Rice put it.

Mr. Rice explained that the Zoning Board of Appeals previously approved the shop building as conforming, sometime in the mid- or late 2000s. The shop has power and other utilities, but water and a septic system would need to be added to make it into a residential house.

The board members and Mr. Rice had an extended conversation about the details of the layout, the relevant legal nuances, and whether the proposal would meet zoning requirements. The details and location of the proposed “paper road” were discussed.

The history of the property and its neighbors was described. Mr. VanRiper and Mr. Taylor emphasized the importance of emergency vehicle access. The possibility of the property becoming a “true subdivision” was discussed.

This was simply an informal discussion, and the owner intends to submit a full application for a definitive subdivision in the near future.

**DISCUSSION OF BUDGET FOR FISCAL YEAR 2018, CLEARING OF LAND ON OAK STREET, CHANGES TO STATE ZONING LAW, AND SOUTH PAWS DOGGIE DAYCARE**

The board talked about budgeting and fiscal issues, since the budget request for Fiscal Year 2018 is due soon. The salary of the Planning Board Assistant was discussed.

The question of whether or not to embark on a new master plan, the possible expense associated with this, and whether to request funding for it in the budget, was considered at length. The board also discussed how land use and development can be utilized to improve the town's tax base and revenues, and the possible role of a master plan in these strategies. The idea of requesting \$20,000 in the budget for a master plan was suggested.

The board members and Mr. Heins conversed about a proposed project, currently before the Zoning Board of Appeals, on Center Street (between Mountain Avenue and Kilcommons Drive) within the Center Protection District. More generally, the possibility of better communication between the Planning Board and the Zoning Board of Appeals, either through a letter or personal meeting, was talked about. The proper roles of the two boards were discussed. Some board members expressed concern about too many variances being issued by the Zoning Board of Appeals.

Mr. Heins explained the situation regarding the clear-cutting of a large lot, prior to commercial development but without the necessary permits or approvals being obtained, at the curve on Oak Street. This clearing was in violation of a town bylaw. Several board members noted that enforcement of this rule has been inconsistent. The possibility of talking with George Verry was discussed.

Mr. Heins mentioned that recent changes to state zoning law could make it advisable to revise the town's zoning bylaws. Mr. Heins and the board discussed the progress on making updates to the zoning bylaws, especially regarding eliminating the mixed use option.

Mr. Heins and the board discussed issues surrounding the completion of construction at South Paws Doggie Daycare, and Tyler Nims' recent inspection of the site.

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

The next regular meeting of the Planning Board will be held Monday, November 28, 2016, at 7:00 p.m.

Respectfully submitted,

Matthew Heins, Planning Board Assistant