



**PEMBROKE PLANNING BOARD MINUTES
MONDAY, NOVEMBER 28, 2016**

PRESENT: Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Paul Whitman (Board Member), Matthew Heins (Planning Board Assistant), Richard Jordan, Marni Carroll, Michael Valenti, Nicholas Zechello, Jr., Peter Palmieri, William Sprows, John Petrosevich, Mark White, Stephen Leblanc, Kenneth Fries, Jose Lordelo, Nicole Lordelo, Monica Lordelo MacFarlane, John Poirier, and Stephen Kotowski.

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

PUBLIC HEARING FOR HOBOMOCK LANDFILL SOLAR PROJECT SITE PLAN

Daniel Taylor read the legal notice that was advertised in the *Pembroke Mariner & Express* on Friday, November 11, 2016 and Friday, November 18, 2016: "Notice is hereby given that the Town of Pembroke Planning Board will hold a public hearing on Monday, November 28, 2016 at 7:00 P.M. in Town Hall, 100 Center Street, Pembroke, MA 02359 on the application of SunE Sunset Holdings3, LLC, 7550 Wisconsin Ave., Bethesda, MD 20814, for the installation of a large-scale ground-mounted solar facility. The applicant requests approval under the Town of Pembroke Zoning Bylaws Sections V.7: Site Plan Review and V.12: Solar Voltaic Installations. The property is located on the Hobomock Landfill at 158 Hobomock Street in the Residential A zoning district, as shown on Assessors' Map D6, Lot 2. A copy of the application is available in the Office of the Planning Board."

Richard Jordan of TRC (and representing SunE Sunset Holdings3, the project's developer) introduced the Hobomock Landfill Solar Project. He noted that its power generation would be roughly 3 megawatts. He displayed a site plan of the proposed project, showing where the solar arrays would be placed.

Mr. Jordan explained that at this point the drawings are at "issue for permit" design level, and the construction-level drawings will be created later. But the difference mainly lies in the amount of detail, rather anything fundamental.

Marni Carroll, with Sun Edison, explained that construction is anticipated to start in the spring, with May 8 and June 1 as critical deadlines.

Mr. Jordan noted that the Post-Closure Use Permit has been submitted with the Massachusetts Department of Environmental Protection, and he expects to receive their decision by the end of

December. He explained that the project will not have anything buried below ground, due to the need to protect the landfill cap; all the construction and equipment will be above ground, much of it on ballasts.

Ms. Carroll explained that the project will cover about 80% of the electricity use of the town government's buildings (including schools).

Nicholas Zechello, Jr., gave a thorough description of the history of the project, which goes back several years. When the landfill was capped, there was already consideration of possible future uses. The zoning bylaws were changed to allow for a solar project, and a search was carried out for a developer. The size of the project is about 10 acres. He explained that this is a net metering project, wherein the solar power generated is sent into the energy grid, and in return the town receives credits that are applied to the town electricity accounts. It is estimated that the credits will relate to about 80% of the town government's energy bills. A lease agreement and a tax agreement will also generate revenue streams for the town.

Mr. Zechello and Mr. Jordan mentioned that there are also state-level incentives for the project. Michael Valenti gave a detailed description of these incentives, the recent history behind them, and how they would relate to this project.

Peter Palmieri, of Merrill Engineering, went over the main points of his review of the project documents that have been submitted. He mentioned that the operation and maintenance manual provided with the document is only a draft version. A few board members discussed this issue with Mr. Palmieri.

Mr. Palmieri noted that proper screening of the project could be a challenge, given the varying elevation levels. Mr. Jordan, Ms. Carroll, Mr. Palmieri and a few board members had a lengthy discussion of this problem, and of the visibility situation around the site. The town's intention of building a sidewalk along the road was also discussed.

Mr. Palmieri noted that the application did not contain a request for a waiver from the requirement to use a landscape architect. He also noted that the application did not contain a request for a waiver from the requirement to do a development impact statement.

Mr. Palmieri noted that, with regard to stormwater management, there is an increase in post-development runoff leaving the site, which is problematic. He explained that his other comments are relatively minor in nature. Mr. Jordan explained that the drawings have been modified, by making the temporary check dams permanent, to fix the stormwater runoff issue.

On the topic of screening and visibility, Mr. Jordan passed out some renderings his office created of what the screening options might look like. He and Mr. Whitman discussed possible options for screening, and where new trees could be located.

A member of the audience who lives near the proposed project expressed his concerns about the landscaping around the project, the possibility of glare, and the fencing guarding the project. Mr. Jordan

explained that a 7-foot-high chain-link fence will be built around the project, within the existing stockade fence that encloses the landfill. The audience member asked about runoff, and Mr. Jordan stated that runoff will be not changed from what it is currently, due to the small amount of impervious surfaces being added.

The audience member asked about glare from the solar panels, and Mr. Jordan stated that a glare analysis has been done and no problems were shown. He explained that the coatings on the panels have been improved with the current technology, and glare is much reduced; the reflectivity is now roughly comparable to tree leaves, so it's no longer a problem in general. He mentioned that one option is to create an escrow account, which could be used to implement additional screening (to block glare) if it proves necessary. He noted that it is hard to anticipate what problems may or may not occur.

Mr. Valenti stated that the town is planning to build a new sidewalk soon along Hobomock Street (on the landfill side), and so it would be advisable to coordinate the project's construction with this.

The audience member asked about the landscape buffer, and how far back from the street the solar panels will be. Mr. Jordan explained that the panels generally will be over 100 feet back from the roads and property lines, with some exceptions.

Mr. Jordan went over some of the responses he has prepared to Mr. Palmieri's written comments. He explained that typically there is a delay in final design drawings being submitted, and conditional approval is given earlier but final approval is delayed until then.

Mr. Jordan discussed the possible cost of the work for screening, which would mainly consist of new tree plantings. Mr. Jordan, Ms. Carroll, the board members, and an audience member talked about this, and discussed the legal and financial mechanisms by which it could be done. Mr. Jordan said he will put together some suggested ideas or a proposal for this.

An audience member asked about the location of the solar panels, and whether other available space at the landfill could be used. Mr. Zechello explained that the town didn't want to overbuild the project, as there are drawbacks associated with that. Mr. Jordan noted that it gets more complicated to put panels on the other side of the road also. The audience member asked about what will happen to the grass over the landfill, and Mr. Jordan explained that it is required that the existing landscape (including the grass) will not change. The audience member also asked about air quality, and Mr. Valenti stated that both soil quality and air quality will be monitored.

Another audience member asked about the landfill vents, and Mr. Jordan explained that the panels will be set back by 10 feet from these.

Ms. Coletta asked what the approximate monetary value of the project, in terms of electrical savings, will be for the town. Mr. Zechello gave a brief description of the financial arrangements of the project. Ms. Coletta noted that the town will be able to afford to pay for a new fence, if necessary.

Mr. Jordan stated that the project will contain 9,864 solar modules. Mr. Whitman asked about the end of the project's life cycle, and Ms. Carroll explained that the agreement includes a decommissioning bond, which can be used if necessary.

Mr. Jordan discussed the development impact statement, and how the project would meet its requirements. He emphasized that nothing will supersede the existing operations and maintenance of the landfill. He stated that he'll submit a letter about this, and a formal request for a waiver.

Mr. Jordan indicated that a surveyor will stamp the relevant drawings soon.

In reply to a query from Mr. Whitman, Mr. Jordan stated that the developer will be responsible for maintaining the grounds, which is usually done by hiring a maintenance company.

Mr. Jordan explained that converting the temporary check dams to permanent resolves the drainage issues, and stated that he will submit new calculations to this effect.

Regarding TSS removal calculations, Mr. Jordan said that he'll have a response to this later, but noted that the existing conditions were designed by EPG when the landfill was capped. Mr. Palmieri and Mr. Jordan discussed this briefly.

Mr. Jordan discussed the illicit discharge compliance statement, and he and Mr. Palmieri talked about this. He mentioned that the PCUP (post-closure use permit) application contains some updated drawings that address certain concerns. Mr. Jordan said that he has talked with Keith Hill of the fire department.

Mr. Irving asked how the project will affect the real estate values of nearby homeowners. Mr. Jordan said he hasn't seen any data that gives a definite answer to this.

The board members discussed whether to close the public hearing, and whether to vote on approving the project. The board decided not to vote on approval at this time. Mr. Whitman made a motion to close the public hearing, Mr. Irving seconded the motion, and the board voted unanimously in favor. The public hearing was closed. The board agreed to next discuss the project at 7 pm on December 12.

DISCUSSION OF TRAFFIC STUDY BY RK CENTERS FOR PANERA BREAD AND TACO BELL

Kenneth Fries of RK Centers explained that the traffic study for Panera Bread and Taco Bell has been submitted. Mr. Fries discussed RK Centers' tentative future development plans for nearby sites in the area.

The board and Mr. Fries had a detailed back-and-forth discussion of the traffic study and its conclusions. Mr. Fries and the board also talked about the everyday traffic conditions that exist at this intersection, and along Route 139 in this area. Mr. VanRiper described his concerns about traffic congestion in the vicinity. Mr. Fries noted that for future developments it may be possible to make adjustments to ameliorate congestion.

DISCUSSION OF PROPOSED CHANGES TO DUNKIN' DONUTS PARKING LOT AT 152 CENTER STREET

Monica Lordelo MacFarlane, of the Dunkin' Donuts at 152 Center Street, passed out sketch drawings of the tentatively proposed changes to the parking lot, and described what they are considering. The basic objective is to reconfigure the queue for the drive-in, which wraps around behind the building.

The situation regarding adjacent properties was discussed. Ms. Coletta talked about the current traffic conditions, and asked whether these changes would improve traffic. Ms. MacFarlane stated that the changes should alleviate backups on the street, by allowing more cars to be on the site.

The board members, Ms. MacFarlane, Nicole Lordelo and Jose Lordelo had an extensive and detailed discussion of their proposed site changes, and various possible alternate configurations. The traffic situation and the traffic lights were also talked about. The future of adjacent properties, and the possibility of merging properties, was considered. The possibility of seeking a variance to the rear setback requirement was mentioned. The locations and merits of nearby competing Dunkin' Donuts were discussed.

Ms. MacFarlane anticipates having more detailed professional drawings of the proposed changes to the site soon, for the board to examine.

DISCUSSION OF SITE ALTERATIONS AND PARKING ISSUES AT THE WOLVES DEN FIELD HOUSE AT 340 OAK STREET

The board is concerned about a parking lot expansion that has been done at the Wolves Den Field House property at 340 Oak Street. The additional parking area is dirt (not paved), and was created without properly going through the site plan review process.

John Poirier, the operator of the Wolves Den Field House, came before the board. He stated that he has a 20-year lease on the property, but the property is actually owned by Crown Automotive. Mr. Poirier claimed that he cleared an area on the property because people were dumping trash there. He also explained that he was dealing with parking issues, as his customers were parking on adjacent properties, such as Stop and Shop.

Mr. Taylor asked about the work that was done to create the additional parking area. Mr. Poirier stated that brush was cleared and the area was leveled, to prevent stormwater from draining into his existing parking lot.

In response to a question from Ms. Coletta, Mr. Poirier claimed that no water from his property drains into the Stop and Shop property. He described the drainage arrangements that were done years ago to resolve drainage problems in his property.

Mr. Poirier claimed that his objective in clearing the brush was to prevent dumping, but now people are parking in this cleared area. He noted that the parking situation in this area is now rather messy, as drivers block other drivers.

Mr. VanRiper explained that he is concerned that Mr. Poirier did all this without appearing before the board, especially inasmuch as the board is responsible for internal traffic control on commercial properties. Mr. VanRiper emphasized that it is very problematic to clear an area and leave it as a dirt or mud parking facility. Mr. Poirier discussed his ideas for possibly expanding the building and its parking in the future.

Ms. Coletta stated that recently she was in their parking area and witnessed a near-accident in which a person was almost struck by a car. She emphasized that parking conditions in this parking area are chaotic. She explained that the site plan review process is important because it helps ensure a safe flow of traffic within sites. She noted that by creating roughly 50 new parking spaces, some traffic hazards and congestion issues have been created.

Ms. Coletta noted that recently there has been concern in Pembroke about developers clearing land without getting the appropriate approvals first. She stated that there is a town bylaw (not a zoning bylaw) that stipulates a commercial property cannot be cleared without site plan approval.

The board members and Mr. Poirier clarified that in this case, no site plan review has been initiated. Mr. VanRiper emphasized that the zoning bylaws impose restrictions on what can be done on a property.

Mr. Poirier apologized for the situation. He stated that he won't have any other major tournaments until the spring, and he expects the issues should be rectified by that time.

Ms. Coletta expressed concern that stormwater may now be draining from the additional parking area onto Stop and Shop's property, and Mr. Poirier claimed this is not the case and described the conditions along the property line. Ms. Coletta noted that water appears to be draining into a culvert that goes toward Stop and Shop.

Mr. Whitman asked about the tentative plan that was previously shown informally to the board. Mr. Whitman urged Mr. Poirier to have proper plans drawn up so that he can go through site plan review, even if he is not ready to start construction at this time and is still waiting on his investors.

Ms. Coletta asked whether the additional parking area will continue to be used, and Mr. Poirier said no. He described some of the parking issues he has dealt with recently. Ms. Coletta pointed out that it may not be appropriate to hold tournaments at the facility if the site cannot handle the resulting level of traffic. Mr. Poirier discussed how a recent tournament was larger than he anticipated.

Mr. Poirier offered to rope off the additional parking area, if the board wishes. He said that the big tournaments (which cause the largest traffic issues) will begin again in April. He stated that he and Peter Palmieri (of Merrill Associates) will put together some plans soon.

Mr. Irving said that Mr. Poirier should get the additional parking area paved by mid-April. Mr. Whitman recommended that Mr. Poirier begin the site plan review process for this (and any other parking to be

added) as soon as possible, and then the site plan review for a building expansion (if that actually happens) can take place later. That way, the parking problem can be solved quickly.

Mr. Poirier again described some of his parking issues. Mr. VanRiper pointed out that the building wasn't designed for the capacity of people who are now coming to it, and that it's not an ideal site for such large tournaments. He stressed that there is more activity going on than the site can accommodate, and noted this may be a continuing problem in the future.

Mr. Whitman again emphasized that a site plan for the parking should be done very soon. In reply to a question from Ms. Coletta, Mr. Poirier stated that he will not hold any tournaments unless the parking improvements are done. No decision was made as to whether the additional parking area should be roped off in the meantime. Ms. Coletta commented that the board expects to talk with Mr. Poirier again before any more tournaments take place.

DISCUSSION OF FORM A SUBMITTED FOR SITE ON VALLEY STREET

Stephen Kotowski of Webby Engineering presented a Form A submitted on behalf of his client, the property owner Brainfrank Realty Trust, for a site on Valley Street. A Form A for this site was submitted about a month ago and withdrawn without prejudice, and this new Form A is very similar but shows the proposed driveway arrangement through the easement more clearly.

The plan seeks to combine a large lot without road frontage, and two smaller lots along Valley Street, into one lot. Driveway access would not be 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.

Mr. Kotowski explained that this revised Form A shows the right-of-way (i.e., easement) cut in half, creating two separate driveway routes, so that the existing driveway cannot be used for the newly created parcel.

Ms. Coletta and Mr. Kotowski talked about the wetlands delineation lines, and how this affects frontage access and a possible driveway. Ms. Coletta suggested that another driveway route was possible, and Mr. Kotowski said this issue was discussed with the Conservation Commission. Ms. Coletta pointed out that, due to the driveway route issue, what this Form A proposes may not be allowable.

Mr. Kotowski and Ms. Coletta discussed the uplands and wetlands areas on the site. Mr. Kotowski noted that the Conservation Commission rejected his client's original plan for the lot. Mr. Taylor mentioned a similar situation from a few years ago. The board and Mr. Kotowski had a back-and-forth discussion about previous Form A proposals and the legalities involved. The board and Mr. Kotowski also discussed the details of the driveway and its potential to become a road leading to the client's property in Duxbury someday.

Mr. Kotowski provided details about his client's family and the cranberry business. He explained that Duxbury is limiting development on the client's property adjacent to this property. He clarified the driveway situation, and the availability of water service.

Mr. Whitman and Mr. VanRiper stated that they don't see any problems with this Form A proposal. Mr. Taylor asked Mr. VanRiper about the legal issues relating to frontage. Ms. Coletta and Mr. Taylor expressed doubts as to whether this meets the requirements of a Form A, and the relevance of a previous case. Mr. Kotowski and Mr. Taylor discussed how this situation is similar to, and differs from, a previous Form A. The shared driveway arrangement was discussed.

Ms. Coletta suggested that the board should get clarification from town counsel as to the legality of the Form A. Mr. Kotowski and several board members talked about driveway access, the easement, and frontage. He noted that his client's other option would be to create a "limited crossing," which the Conservation Commission would prefer not to see. Mr. Taylor expressed his preference for checking with town counsel about this Form A. The board and Mr. Heins discussed the deadline for the board to make its decision regarding the Form A.

The board and Mr. Heins made plans for their upcoming conference call with town counsel, about this and other issues.

DISCUSSION OF ROUTINE ADMINISTRATIVE MATTERS

The board and Mr. Heins discussed South Paws Doggie Daycare, and the remaining funds due to them (the balance on the engineering review account).

Mr. Heins mentioned that the conditions for Brisan Way Extension and 56 Pembroke Woods Drive need to be written up. The letter from the Conservation Commission about Brisan Way Extension, and the issues relating to its trail access, was noted.

Mr. Heins explained that he has written up a draft of the conditions for 300 Center Street, but the developers still owe the Planning Board money.

The board and Mr. Heins talked about the Planning Board's budget for fiscal year 2018, and whether to request funding for doing a new master plan. The feasibility, desirability and expense of a master plan were discussed.

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

The next regular meeting of the Planning Board will be held Monday, December 12, 2016, at 7:00 p.m.

Respectfully submitted,

Matthew Heins, Planning Board Assistant