



PEMBROKE PLANNING BOARD MINUTES

MONDAY, DECEMBER 12, 2016

PRESENT: Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), James Noone (Board Member), Andrew Wandell (Board Member), Paul Whitman (Board Member), Matthew Heins (Planning Board Assistant), Richard Jordan, Marni Carroll, Michael Valenti, Nicholas Zechello, Jr., Patrick Gibbons, John Moe, Donald McGill, Stephen O'Keefe and Daniel Smith.

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

DISCUSSION ABOUT AND DECISION REGARDING HOBOMOCK LANDFILL SOLAR PROJECT SITE PLAN

Mr. Taylor noted that the public hearing for the proposed Hobomock Landfill solar project was done previously, and this is an informal discussion.

Richard Jordan of TRC described where the project currently stands, and the comments they have received from Peter Palmieri (the Planning Board's engineer). He explained that they are making two waiver requests.

Mr. Taylor said that he feels there are six or seven houses that would have a view of the solar array, and thus could need screening. A general discussion ensued about the various views and the screening that may be required. Marni Carroll explained that she believes an escrow account fund is a reasonable solution because it provides for flexibility in resolving the needs of neighbors (which cannot be predicted ahead of time).

The board members discussed various issues relating to visibility and screening, possible solutions, and the challenges presented by the site's topography. Mr. VanRiper stated that the screening needs are hard to anticipate, and that an escrow amount of \$10,000 (as originally suggested by the applicant) is probably insufficient. Ms. Carroll mentioned some alternatives for how the fencing can be done. The board members, Mr. Jordan and Ms. Carroll discussed the varied issues and challenges relating to screening, the possible costs, how screening could be designed, and the possible types of vegetation. The upcoming sidewalk project along Hobomock Street was also discussed.

Mr. Irving mentioned a previous project in which trees were put in place. Mr. Jordan and Mr. Irving floated the idea of setting the escrow amount of \$25,000. A discussion followed about the factors affecting the cost of screening, and how a rough amount can be computed in advance. The board

members talked about the importance of protecting the interests of the neighbors and preserving the town's quality of life.

The board members agreed that an escrow amount of \$25,000 would be reasonable, and that this money should be set aside and reserved only for screening and adverse visual impacts, with any remaining balance returned to the project's owner at a later point in time. Ms. Coletta suggested possible verbiage for such a condition, and there was general agreement that it was acceptable. Ms. Coletta wrote out the text of the condition. Ms. Coletta made a motion to add this text as a condition, and read out the text. Mr. Whitman noted some possible issues regarding the word "coordination," and Ms. Coletta withdrew the motion and rewrote part of the text.

Ms. Coletta made a motion to add a condition to the approval that states: "Applicant shall submit \$25,000 to be held in escrow by the Planning Board for up to two complete growing seasons following start of commercial operations, to be used at the discretion of the Planning Board to address adverse visual impacts to abutters and surrounding community, with notice to the solar project applicant to ensure any screening does not interfere with solar operations. At the end of the period any unused funds will be returned to applicant at their request." Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper made a motion that the board approve the applicant's request to waive Section 4.5, Landscape Plan Prepared by a Registered Landscape Architect. Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. VanRiper made a motion that the board approve the applicant's request to waive the requirement under Section 6, for a Development Impact Statement. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper made a motion that the request submitted, Site Plan #SP7-16, be approved, with conditions, as submitted. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

The project having been approved, the board members, Mr. Heins and Mr. Jordan discussed the logistics of how the paperwork and appeal period will be handled.

DISCUSSION OF PLANNING BOARD REPRESENTATIVE TO SUBCOMMITTEE TO EXPLORE LOCAL CONTROL OPTIONS REGARDING BALLOT QUESTION NUMBER 4

Mr. Taylor explained that the town has requested that a board member serve on the town's subcommittee to explore local control options regarding ballot question number 4, the regulation and taxation of marijuana act. Mr. Wandell agreed to be on this subcommittee. Ms. Coletta nominated Andrew Wandell to be the Planning Board representative to the subcommittee to explore local control options regarding ballot question number 4. Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

DISCUSSION OF PROPOSED ADDITION TO ALUMNI SPORTS CAFÉ

Patrick Gibbons, the operator of Alumni Sports Café, explained that he wishes to build a very small addition to the building, over the waiting/take-out area in the back of the building. It would go over

the existing foundation of the building, and would not impact the parking lot. The addition would not jut out beyond the existing foundation.

The board members agreed that for this minor project it is not necessary for the applicant to go through the site plan approval process. Mr. Noone made a motion that the board notify the building inspector that site plan approval is not required, as per the plans submitted, because the change is minimal. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

DISCUSSION OF PROPOSED MIXED USE PROJECT AT 220 CENTER STREET

For the proposed mixed use project at 220 Center Street, the Zoning Board of Appeals (ZBA) recently issued several variances. Donald McGill, the developer, gave a summary of the project's current design, and how certain aspects of it have been reduced in discussions with abutters and the ZBA. It now consists of two apartment units above 2,200 square feet of commercial space, and fourteen condominium units comprised by "cottage" houses and duplex townhouses, and the entrance has been shifted to be directly across from Greenwood Avenue.

Mr. McGill and the board members talked about the variances that have been granted, the special permit that is needed from the board, and the relevant calculations. Ms. Coletta and Mr. Whitman discussed the original purpose of the mixed use zoning option in the Center Protection District. Mr. VanRiper expressed concern that the granting of variances undermines the special permit and site plan processes.

The board members and Mr. McGill talked about the demand for residential versus commercial uses, and why the project proposes so little commercial space. The possible pricing of the condominiums was discussed. He anticipates that most of the residents will be empty-nesters and/or downsizers.

Mr. McGill left. The board members talked about some of the issues relating to the mixed use zoning option in the Center Protection District.

DISCUSSION OF FORM A SUBMITTED FOR PROPERTY ON PINE MILL DRIVE

Daniel Smith showed the board the drawings and documents for a proposed Form A to adjust a lot boundary, for the parcel he owns along Pine Mill Drive. Mr. Smith and his neighbor will essentially swap portions of their properties.

The board members had no objections to the proposed Form A. Mr. Noone made a motion that the board authorize the clerk to sign the Form A, Mr. VanRiper seconded the motion, and the board voted unanimously in favor. The clerk, Mr. Irving, signed the mylar copy of the Form A drawing.

DISCUSSION OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta made a motion that the board approve the minutes for November 14, 2016, Mr. Irving seconded the motion, and the board voted unanimously in favor. Ms. Coletta made a motion that the board approve the minutes for November 28, 2016, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

The board and Mr. Heins discussed the issue of certain landowners clear-cutting their properties.

Mr. Whitman made a motion that the board return the remaining balance on the engineering review account of \$19.34 to South Paws Doggie Daycare, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Ms. Coletta and several board members discussed the possible advantages of having better communication between the Planning Board and the Zoning Board of Appeals, and how this could be done properly.

DISCUSSION ABOUT AND DECISION REGARDING PROPOSED FORM A FOR SITE ON VALLEY STREET

The board members talked about the Form A submitted on November 28, 2016 by Brainfrank Nominee Trust for a site on Valley Street. The board and Steven Kotowski of Webby Engineering (representing the applicant) discussed this Form A previously in detail on November 28, and discussed a very similar Form A (which was withdrawn without prejudice) on October 24.

The board members conversed about the legal complexities relating to this Form A, referring to the text of the advice the board received from town counsel Joel Bard of KP Law. In particular, board members discussed the issue of whether or not access to the property is “illusory.”

The board reached consensus that the appropriate course of action would be to deny the Form A without prejudice (i.e., without prejudice to refile). Mr. Noone made a motion that the board deny the Form A without prejudice, Mr. Whitman seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT ISSUES RELATING TO PROPOSED MIXED USE PROJECT AT 220 CENTER STREET

The board had a further discussion of the legal issues surrounding the proposed mixed use project at 220 Center Street, relating in particular to the question of variances. The board tentatively agreed to meet on December 19 to consider these issues more thoroughly, and to go into executive session during that meeting. Mr. Heins and the board members talked about how the purpose of an executive session must be specified on the agenda.

The board members and Mr. Heins noted the outstanding balance due from the project at 300 Center Street (Arrow Restaurant), and the condition that still has not been met.

The board members and Mr. Heins talked about the conditions needing to be written for the Brisan Way Extension subdivision.

Mr. VanRiper 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, January 9, 2017 at 7:30 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant