



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, MARCH 27, 2017**

**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), Peter Palmieri, Tyler Nims, Eoghan Kelley, Deborah Keller, William Danforth, Kevin Grady, Donald McGill, Scott Healey, Matthew Dacey and Robert Galvin.

The Clerk of the Board, Thomas Irving, opened the meeting by reading the Chairman's statement.

### **PUBLIC HEARING FOR PROPOSED BRISTOL ESTATES SUBDIVISION**

Mr. Whitman made a motion to re-open the public hearing for the proposed Bristol Estates subdivision #1701 at 73 Taylor Street, which would consist of six single-family houses. Mr. Wandell seconded the motion, and Mr. Irving and Mr. VanRiper voted in favor. The motion passed. Mr. Taylor arrived at this time.

Eoghan Kelley of the development team, and Deborah Keller of Merrill Engineering, were present to describe the project and answer questions. Ms. Keller discussed some of the changes made to the plan since the first public hearing, in particular a vegetated buffer to remain along one edge of the property to meet the concerns of abutters.

Mr. Irving and Mr. Kelley discussed the issues relating to the easement (gravel driveway) through the property. In reply to a question from William Danforth, Ms. Keller explained that the developer would not be responsible for maintaining the easement, and that certain abutters have the right, and will continue to have the right, to use the easement to access their own properties. Those abutters are responsible for maintaining the easement.

Mr. Danforth asked if any of the new houses will have their driveway access through the easement, and Ms. Keller said they will not. Ms. Keller explained that currently three property owners use the easement, and that once this project is complete it will just be two property owners, the two abutters, using the easement. She said these abutters possess deeded rights to the easement.

Ms. Keller explained that the remaining land of the property is mostly wetlands, and is identified as Lot 6 on the plans. The board members discussed the possible future of this land.

In reply to a question from Mr. Danforth, Ms. Keller estimated that the distance between the easement and the proposed new road (for the subdivision) is about 60 to 75 feet.

The board members, Ms. Keller and Mr. Kelley discussed the three proposed rain gardens in the project. Ms. Keller described the function of the rain gardens, and talked about how they must be properly maintained. Provisions for maintenance will be included in the deeds. Several board members raised the question of how this maintenance can be enforced in practice. A discussion ensued about these issues. It was suggested that a homeowners' association could enforce maintenance. The town's experience with rain gardens, and their benefits as a low-impact and more sustainable form of stormwater infrastructure, were discussed. Ms. Keller clarified that the rain gardens would only capture a small amount of the project's total runoff, primarily from the driveways. Ms. Keller and Mr. Nims talked about their design and maintenance.

Mr. Kelley offered to gather more information about the rain gardens, and present it to the board. Mr. VanRiper said he would also like to see more details about the language relating to rain gardens in the deeds. Mr. Kelley agreed to return with more information for the board.

There was a discussion about the waiver requested for piping with less than two and a half feet of cover, and about the retention basin drainage area. There was also a discussion about the waiver requested to avoid having sidewalks on both sides of the road.

Mr. VanRiper stated the first waiver request, for Appendix B: Construction Details:

Typical roadway section – Drainage pipes shall have a minimum cover of three (3) feet.

We request that this waiver be granted to allow a minimum cover of two (2) feet.

Class V reinforced concrete pipe is proposed for all pipe with less than two and a half (2.5) feet of cover.

Mr. VanRiper made a motion to approve this waiver as requested by Downwind Realty LLC, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper stated the second waiver request, for Section V.B.14 Headwalls:

Headwall and End walls shall be provided at both ends of culverts and the discharge ends of storm drains.

We request that this waiver be granted to allow a flared end section at the discharge end into the stormwater basin.

Mr. VanRiper made a motion to approve this waiver as requested by Downwind Realty LLC, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Danforth asked if the land consisting of the easement will be sold, and Ms. Keller explained that it will be sold with Lot 1, but the existing right to the easement will remain with the abutters. Mr.

Danforth asked if the owner of Lot 1 will also have rights to use the easement, and several people replied in the affirmative.

The board members and Ms. Keller discussed how the sidewalks should be designed and where they should be located, in particular the extent of the sidewalk around the end of the cul-de-sac. Ms. Keller noted that the sidewalk should extend to station five plus five to satisfy the board's expectation.

Mr. VanRiper stated the third waiver request, for Section V.D. Sidewalks:

Sidewalks shall be required on both sides of the street.

We request that this waiver be granted to allow one sidewalk along Bristol Road, to approximately station five plus five, as Taylor Street currently has no connecting sidewalks.

To this motion, Mr. VanRiper added that the developers agree to make a financial contribution for the remainder of the second sidewalk on the other side of the street. Mr. Kelley and Mr. VanRiper discussed how the amount of this financial contribution is determined.

Mr. VanRiper rephrased the motion: "We request that this waiver be granted to allow one sidewalk along Bristol Road, culminating at station five plus five, as Taylor Street currently has no connecting sidewalks; in addition, the developer will contribute for costs of the unconstructed sidewalk portion, as determined by the board's engineer."

Mr. Kelley and the board briefly discussed the option that the developer might choose to build out the entire sidewalk on both sides of the road.

Mr. VanRiper made a motion to approve this waiver as requested by Downwind Realty LLC, Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board decided it would be acceptable to close the public hearing and take up the remaining matters, especially regarding the rain gardens, at a future board meeting.

Mr. VanRiper made a motion to close the public hearing portion of this matter concerning 73 Taylor Street, Bristol Estates. Mr. Whitman seconded the motion

Mr. Danforth asked if the deed for "the first house on the left" (i.e., the proposed Lot 1) will mention that "81 and 87" (i.e., 81 and 87 Taylor St.) have the rights to the easement that goes through this property. Ms. Keller replied that this will be the case.

The board voted unanimously in favor of the motion to close the public hearing.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Ms. Coletta arrived at this time. Mr. VanRiper made a motion that the board accept the minutes of February 27, 2017 as presented, Mr. Irving seconded the motion, and the board voted unanimously

in favor. Mr. VanRiper made a motion that the board accept the minutes of March 13, 2017 as presented, Mr. Wandell seconded the motion, and the board voted unanimously in favor

The board members signed the drawings for 300 Center Street (Arrow Restaurant), a project whose site plan they recently approved.

Mr. Heins and the board members discussed his upcoming schedule of vacations and time off, and how these are computed per the union contract.

Mr. Heins explained that someone is interested in opening a take-out restaurant in the empty storefront in the town center at 14 Mattakeesett Street. It would primarily be a take-out restaurant, with one or two tables for seating, and Mr. Heins asked the board's opinion as to whether this would be an allowed use under the zoning code provisions governing restaurants and special permits in the Center Protection District. The board members were of the general opinion that it would fall within the allowable use under a special permit. Thus the applicant may apply for a special permit, which the board will consider, but the board has the right to decide whether to approve or deny the permit.

#### **PUBLIC HEARINGS FOR PROPOSED SITE PLAN AT 220 CENTER STREET**

Mr. Taylor re-opened the public hearings for a proposed mixed use project at 220 Center Street. These were three public hearings running concurrently, one for site plan approval, one for special permits, and one for architectural appearance. The project consists of fourteen (14) cottage-style condominium units, two (2) two-bedroom apartments, and 2,000 square feet of commercial space, and the applicant (developer) is Donald McGill.

Kevin Grady and Mr. McGill described some of the changes that have been made to the project design in response to the concerns of the board and Peter Palmieri. Alterations were made to the drainage system along the entrance driveway. The island dividing the entrance driveway was removed.

Ms. Coletta and Mr. Palmieri talked about whether the project should have sidewalks along all the internal roads. Mr. Palmieri stated that he feels sidewalks should be present, but added that they are not required. Mr. McGill noted that the internal roads were enlarged slightly, and that sidewalks are now shown in certain places (but not along all the internal roads). Mr. Wandell and Mr. McGill discussed the sidewalk along the entrance driveway.

Mr. Palmieri said that most of his initial items of concern have been addressed. He noted the four waivers being requested: a waiver of the traffic study, a waiver of the development impact study, a waiver of the pavement (road) width, and a waiver of having curbing throughout the site. Mr. McGill mentioned that his proposed 22' road width is acceptable to the fire department.

There was a back-and-forth discussion about the traffic that the project may generate, and whether or not a traffic study should be submitted. The board members talked about the current traffic problems on Center Street. Mr. Whitman discussed the town's long-range plan to widen Center

Street. Mr. VanRiper emphasized that traffic has become a concern in the town center, and that each new project adds more traffic, which may constrain the viability of future projects. Mr. McGill said his project would cause less traffic than a comparable commercial project.

Mr. McGill described the changes he made to the architectural design of the main building, which has been reconfigured. The commercial space on the first floor has been expanded to 3,000 square feet. Mr. VanRiper asked about the distance between the first parking space and the Center Street opening, and Mr. McGill and Mr. Grady estimated it at 60 feet.

Mr. McGill described the changes he made to the architectural design of the condominium units, in particular to the interior layouts. He explained that he has sought to create variety on the outside, so that the units don't have an excessively "cookie-cutter" look.

Mr. VanRiper raised the issue of the special permit being requested for building floor area. The project consists of roughly 25,000 square feet (including condominium units, apartments, and commercial space). The zoning bylaw for the Center Protection District specifies that the building floor area shall not exceed 15% or 9,000 square feet, whichever is less, except by special permit.

Mr. VanRiper expressed the opinion that the original intent of this 9,000-square-foot requirement was to keep developments reasonably small. Mr. McGill and Mr. VanRiper discussed the history of how the project has advanced and the advice that has been provided. Mr. VanRiper stated his concern as to how the project's building floor area can be reduced.

Robert Galvin mentioned that one is allowed 65% lot coverage with all impervious surfaces, and the project is only at about 43%. Mr. VanRiper stressed that the building floor area figure is applicable to mixed use, as originally intended. Mr. Galvin noted that this is a special permit situation, and so it is meant to allow for exceptions, especially if other requirements (such as for lot coverage) are being met. He also noted that there is no relationship between the 15% figure and the 9,000-square-foot figure.

Mr. VanRiper, Mr. Galvin, and Mr. McGill discussed how the project was previously presented in the public hearings with the Zoning Board of Appeals. Mr. Galvin emphasized that the abutters who attended those meetings had a strong preference for residential rather than commercial use.

Ms. Coletta considered the question of how the project can move forward, i.e., how it can become acceptable. The option of reducing the building floor area was discussed with Mr. McGill and Mr. VanRiper. Mr. Whitman noted that it's the business portion that allows such a mixed use project to exist.

Ms. Coletta said that the architectural aspect of the project seems compatible with what the board has in mind for the Center Protection District, but the board needs to decide whether it is comfortable with this form of mixed use.

Mr. VanRiper, Mr. Galvin and Mr. McGill discussed the possibility of one-bedroom units, and whether or not market demand exists in this region for them.

The board members, Mr. McGill and Mr. Galvin conversed about when the public hearing should be continued to, what the criteria is for how the project can get closer to approval, and the need for a traffic study.

Mr. VanRiper made a motion to continue the public hearing on April 24, 2017 at 7:00 pm, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

The board members and Mr. Heins discussed the proposed right-to-farm town bylaw.

Mr. Heins explained that it was necessary for the board to grant an extension of the Brisan Way Extension subdivision application process. Mr. Wandell made a motion to extend the deadline to May 27, 2017, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

Mr. Heins mentioned that the Selectmen decided to support the road acceptance for Equestrian Way and Pheasant Lane (at the Equestrian Estates subdivision), which will be an article on the warrant at town meeting.

Mr. Heins informed the board that a site plan application has been submitted for a portion of the property on Oak Street that was recently clear-cut (260-280 Oak Street, where the road curves). The board members and Mr. Heins discussed this project.

The board talked about the upcoming annual town meeting, the process for the proposed zoning bylaw changes for the Center Protection District, and the possibility of discussing these proposed bylaws and/or having another public hearing about them in the near future.

The board again discussed the proposed right-to-farm town bylaw.

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

The next regular meeting of the Planning Board will be held on Monday, April 3, 2017 at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant