



**PEMBROKE PLANNING BOARD MINUTES
MONDAY, AUGUST 22, 2016**

PRESENT: Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (board member), James Noone (board member), Paul Whitman (board member), Matthew Heins (Planning Board Assistant), Robert Clarke (Conservation Commission Agent), James Costello, Dennis Dunphy, Thomas Nolan, Steven Wry, Richard Clemence, Ryan Patton and Paul Armstrong.

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

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

Ms. Coletta read the following notice: "We are reopening a public hearing that we began on Monday, August 8, 2016, at 7 pm, and this is a continuation of the hearing on the application of J.C. Pembroke, LLC, care of James Costello, 38 Parish Farms Rd., East Bridgewater, MA 02333, requesting site plan approval under the zoning bylaws of the Town of Pembroke, Section 5.7, site plan approval for additional patio space next to the deck with a fire pit with additional seating. The property is located in the Business District A zoning district, located at 300 Center St., Pembroke, MA 02359, as shown on the assessor's map C-7 lot 25, as advertised in the *Pembroke Mariner & Express* on Friday, July 22, 2016, and Friday, July 29, 2016."

Ms. Coletta mentioned that the board has received a letter reviewing the proposed changes to the site from its engineer, Peter Palmieri. Ms. Coletta and Mr. Dunphy discussed this letter. One concern is how drainage on the site will be handled. Mr. Dunphy stated that he believes their changes to the site are generally improving its drainage. Mr. Clarke mentioned his concerns that the berm is insufficient to prevent water from going over and into the pond, in the event of a heavy rain. Mr. Dunphy stated that this part of the site has been improved in the past few days.

Mr. Whitman pointed out that they seem to be designing *ad hoc*, and it would be better to have coordinated with the Planning Board from the start. He stressed that the Conservation Commission needs to be closely involved, especially inasmuch as the site is next to a pond.

Mr. Dunphy explained that he and James Costello were under the impression that they had not been proceeding without approval. He apologized for any miscommunications or confusion that may have resulted. Mr. Irving emphasized that a proper site plan, made by an engineer or landscape architect, should have been prepared and presented earlier.

There was a back-and-forth discussion about the fees that have been submitted to cover the application fee and engineering fees.

Mr. Noone mentioned that the engineer's report describes a clogged catch basin. Various board members explained that it would be helpful if the developers talked with the board's engineer, Mr. Palmieri.

A lengthy discussion took place about drainage on the site, and the water running across the site from Center St. Mr. Dunphy gave further explanations about what they have done about the site's drainage. Ms. Coletta and several other board members stressed the importance of having an engineer's site plan to describe the work to be done, and for the board to evaluate. Mr. Dunphy assured the board that they will choose an engineer as soon as possible.

Mr. VanRiper stated that it appears to him that residential activity is taking place in the house that is on the same lot. Mr. Dunphy explained that the Zoning Board of Appeals approved this use, as a variance. A discussion ensued about whether this was intended to be a temporary situation. Ms. Coletta examined the Zoning Board of Appeal's documentation of a petition, which granted a special permit. She could see nothing on it about approving a residential use, as its main purpose seems to have been granting permission for the restaurant. Several board members discussed this issue. There was concern about the necessity to have a variance, which it appears has not yet been issued, for a residential use on the property. Mr. Dunphy and Mr. Costello stated that the application did mention the residential use, and Ms. Coletta confirmed this but explained that the variance was not actually requested. There was a back-and-forth discussion among several board members, Mr. Dunphy and Mr. Costello about the situation with this house, its previous history, and whether it is appropriate that the building is currently being used for residential purposes. This continued into a discussion of a fence that was recently taken down, or partially removed, and whether it should have been removed, and why a site plan was not submitted to the board at that time.

Mr. Irving emphasized that the board needs to see a site plan submitted for the work ongoing or to be done. The board talked about when to meet next, in continuing this public hearing, and decided to do so at its next regularly scheduled meeting on September 12, 2016, at 7 pm. Ms. Coletta stressed the importance of the developers working with Mr. Palmieri, the board's engineer, and the Conservation Committee. Mr. VanRiper made a motion that the public hearing be continued on September 12, 2016, at 7 pm. Mr. Whitman seconded the motion, and the board voted unanimously in favor.

INFORMAL REVIEW OF PROPOSED LAKEVIEW 365 SCHOOL ST. SUBDIVISION

Steven Wry (of Land Planning, Inc.) presented a proposed subdivision on the parcel at 365 School St., owned by Richard Clemence. The land contains several wetland areas, and is close to Silver Lake. The project would comprise six lots and single-family houses.

A few board members noted that the plan has driveways of different houses passing through the same lot, which is extremely unusual and might not be allowable under the zoning bylaws or subdivision regulations. There was also concern expressed about the length of the driveways. The board and Mr. Wry discussed various possible design permutations.

Ms. Coletta located the passage in the zoning bylaws which requires that a driveway accessing a lot must go through that lot.

Several board members, Mr. Heins, and Mr. Wry discussed the paperwork involved, and the Form B that had been submitted.

DISCUSSION OF POSSIBLE SELF-STORAGE FACILITY AT 715 WASHINGTON ST.

Ryan Patton and Paul Armstrong described the idea they are considering of developing the lot at 715 Washington St. with a self-storage facility. Several board members noted that a self-storage facility generally has a low impact in terms of traffic, water and sewer. The board discussed whether such a use would fall under the definition of “warehousing” or not, since warehousing is not allowed in this zone, and the possible need to ask town counsel about this. However, even if self-storage falls under the “warehousing” category, the Zoning Board of Appeals may be able to give a variance.

The board members had a back-and-forth discussion of what the warehousing category was originally intended to mean, and why it was included in the industrial zone. There was also a conversation about the allowable height on the site, and wetlands nearby. The board encouraged Mr. Patton and Mr. Armstrong to formulate a more defined plan, and return for another informal discussion.

PANERA BREAD/RK CENTERS TRAFFIC STUDY

The board discussed a traffic study that RK Centers has agreed to do. Mr. Whitman made a motion to extend the deadline for the traffic study to September 26. Mr. Irving seconded the motion, and the board voted unanimously in favor.

DISCUSSION OF ATHENAEUM LEARNING CENTER

The board discussed the Athenaeum Learning Center, a new school on Columbia Rd. whose activities are attracting concern from some abutters. There are possible issues about school activities taking place in

the Residential A zone (which begins 400' back from the road), and whether the work being done necessitates the submittal of a site plan for review.

Various board members conversed about the history of the site, and whether or not the original site plan submitted for the property can be gotten from the Zoning Board of Appeals.

The board agreed that Mr. Heins will contact the owners of the property and ask them to come talk with the board about these issues relating to the school's activities.

POSSIBLE DELETION OF THE MIXED-USE OPTION FROM THE ZONING BYLAWS

Mr. VanRiper explained that he is proposing that the mixed-use option in the Center Protection District zone be eliminated. He went over, in specific detail, the changes that would be necessary in the text of the zoning bylaws in order to accomplish this. He recommended that the board hold a public hearing to remove mixed use from the bylaws.

The board discussed the issues surrounding mixed use, and why it has been problematic in practice. Mr. Whitman made a motion that the board hold a public hearing about removing mixed use as an option in the Center Protection District. Mr. Irving seconded the motion, Mr. Noone and Mr. VanRiper voted in favor of the motion, Ms. Coletta abstained, and the motion passed.

The board discussed the mechanics of holding the public hearing and putting the new article on the town warrant.

THE THREE-YEAR BUDGET AND A NEW MASTER PLAN

The board discussed the need to prepare a budget, the possibility of doing a new master plan, and what such a master plan would cost. There was a conversation about updating the previous master plan versus creating an entirely new one. Board members considered who would be best suited to prepare such a master plan, and the possible roles of the Old Colony Planning Council and the Planning Board Assistant (Mr. Heins).

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

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant