



**PEMBROKE PLANNING BOARD MINUTES
MONDAY, SEPTEMBER 26, 2016**

PRESENT: Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Andrew Wandell (Board Member), Paul Whitman (Board Member), Matthew Heins (Planning Board Assistant), James Costello, Dennis Dunphy, Michael Van Dam, Richard Grady, Kimberly Wallace, Adilson Silveira-Baptista, Edward Mullin, John Kenney, Richard Jordan, Marni Carroll, Nicholas Zechello, Jr., Anna Sakellariadis, Alan Peterson and Michael Valenti.

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 will re-open the public hearing for site plan #SP5-16 at 300 Center Street, continued from September 12, 2016."

Richard Grady, the engineer working for Mr. Costello and Mr. Dunphy, presented the drawings he has done for the 300 Center St. project. The board members and Mr. Grady discussed the site.

The board discussed the issue of expansion of use and why the site plan review process was necessary. The board members and Mr. Grady talked about the comments in Peter Palmieri's review of the drawings. They examined the drawings and discussed drainage and septic problems. The board and Mr. Grady discussed the residential use, a building with three entrances.

Mr. Grady went over Mr. Palmieri's comments. Mr. Grady discussed the landscaping that is proposed. The board and Mr. Grady discussed the issue of any changes to the building. Mr. Grady talked about parking.

The board, Mr. Grady, Mr. Costello and Mr. Dunphy talked about whether the liquor license covers the expanded outdoor use, the issue of parking spaces, and the capacity of the restaurant.

Ms. Coletta noted that the liquor license does not cover the new, expanded outdoor seating areas.

Mr. Grady resumed going over Mr. Palmieri's comments. He said that his firm can easily have its registered land surveyor stamp the drawings. He noted that the square footage of the buildings is listed on the plan, and the dimensions can be added.

The issue of the residential building was discussed by the board members, and Brian VanRiper talked about how Massachusetts condominium law could be a solution.

Ms. Coletta mentioned that if the use of the building and site is not expanded, perhaps the original use, as it was with Olivera's restaurant, could be temporarily allowed. A discussion ensued among the board members about parking and other issues.

Mr. Whitman emphasized the importance of Mr. Dunphy and Mr. Costello going through the appropriate process with the Conservation Commission.

Mr. Grady discussed the sign proposed for the site. The board and Mr. Grady talked about lighting issues, and how the lighting can be shown on the plan. Mr. Grady said they can calculate figures for traffic generation. He will submit a waiver request for the landscape architect requirement. He believes the applicant is not required to do a full stormwater analysis, since no new impervious surfaces have been added and no trees have been taken down.

The board and Mr. Grady discussed a catch basin whose point of discharge has not yet been determined, how the drainage will work, and how an infiltration basin will function. Mr. Grady and the board talked about the soil characteristics. The board members discussed the need for the developers to talk with the Conservation Commission.

Ms. Coletta suggested that the board allow a temporary occupancy of the building, and continue the design process with Mr. Grady. The board discussed the public hearing and site plan review processes. There was a back-and-forth discussion. The board agreed that, if a temporary occupancy were allowed, the developers should apply to Conservation, and would be restricted from any outdoor use.

Mr. Wandell made a motion that the board allow the use of the restaurant only without outdoor use, upon formal submission to the Conservation Commission, with the intent the board will continue the public hearing for all changes to the site plan. Mr. Irving seconded the motion, and Ms. Coletta and Mr. Whitman voted in favor. Mr. VanRiper abstained. The motion passed.

The board discussed the use of the house, i.e., the residential use, and whether this can be addressed through the site plan review.

Mr. VanRiper made a motion, to amend the previous motion, that the temporary occupancy permit, with respect to the use of the interior of the restaurant only, upon formal submission of the notice of intent to the Conservation Commission, will be allowed for a period of nine months from the date of the

filing of the notice of intent with the Conservation Commission. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper clarified that he was voting in favor of the term time, without modifying his previous abstention in the earlier vote.

Mr. VanRiper made a motion to continue the public hearing to Tuesday, October 11, 2016, at 7 p.m. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

The board, Mr. Dunphy and Mr. Costello discussed the mechanics of moving forward and filing the notice of intent with Conservation.

DISCUSSION OF ATHENAEUM LEARNING CENTER ACTIVITIES

The board reviewed the messages regarding the Athenaeum Learning Center from Adilson Silveira-Baptista. The issue of whether or not the Pembroke School Board will approve the school was discussed, but the board noted that this concern is not within the Planning Board's purview.

The board discussed the site and the required buffers on the edge of the property. The board agreed that the current buffers are appropriate, i.e., the trails are not close to the property's edge.

The board allowed the abutter present, Adilson Silveira-Baptista, to speak. He mentioned his concerns about safety and how far the schoolchildren will roam on the site, and about noise, and noted that the school has not yet received 501c nonprofit status, and that the school board has not yet approved the school. The landowner's representative, Kimberly Wallace, spoke about the school and clarified some of these issues.

The board members decided that there is no need for the Athenaeum Learning Center to go through the site plan review process, and that the school-related uses on the site are low-impact in nature. Thus the board felt that, at this time, it should not concern itself any further with the Athenaeum Learning Center.

DISCUSSION OF CHANGE OF USE AND POSSIBLE SITE PLAN REVIEW AT 295 & 296 OLD OAK STREET

Attorney John Kenney, representing CTS Fiduciary LLC, explained that his client wishes to bring in a new tenant to the property of 295 & 296 Old Oak Street. For this reason, they seek to convert 3,000 square feet of retail space on the property into medical offices for three doctors. He explained that the property is in the Business B zoning district, which allows medical use subject to site plan review.

The board discussed the site and location of the proposed medical offices. The conversion from retail to medical will use less parking, and there is no alteration to drainage, or to ingress or egress. The board agreed that, in this case, the site plan review process is not necessary.

Mr. Kenney and Mr. Mullin noted that the current zoning regulations require the same amount of parking as was required when the site was originally developed.

Ms. Coletta stated, to be recorded in the minutes, that Mr. Kenney and Mr. Mullin have come before the board, and the board has discussed the proposed change of use, and that although it could require a site plan, the board in looking at the property and the amount of parking has decided that it has no concerns about this use and the uses permitted under the bylaw, and therefore feels there is no need for further site plan review. Mr. Whitman added that there is adequate parking.

DISCUSSION OF PARKING AT WOLVES DEN FIELD HOUSE

The board briefly discussed parking issues at Wolves Den Field House (previously known as, and referred to on this occasion as, South Shore Field House). The board agreed that the Planning Board Assistant, Mr. Heins, will get in touch with Wolves Den and ask about this.

PRESENTATION OF PROPOSED SOLAR PHOTOVOLTAIC PROJECT AT HOBOMOCK LANDFILL

Some of the people involved with the proposed solar photovoltaic project at the Hobomock landfill were introduced: Richard Jordan, Marni Carroll, Nicholas Zechello, Jr., Anna Sakellariadis, Alan Peterson and Michael Valenti.

Mr. Jordan gave a brief presentation. Mr. Jordan works for TRC, the firm handling the engineering and permitting for the project. He explained that in 2014 the project was initially conceived, and in 2015 it was approved by the Board of Selectmen. The site of the project is the Hobomock landfill, an area used as a dump for many years—officially since the 1950s, but perhaps as far back as the 1920s—before being closed and capped in 2011.

Mr. Jordan explained that the cap of the landfill is very important because it keeps things out, and so it is crucial that the solar photovoltaic array does not affect the cap. The project will consist of numerous solar panels, posted on cement ballasts. From the sunlight striking them, the panels generate DC power, which is converted to AC power by an inverter on the site, and this in turn flows to a step-up transformer on the site, which is connected to the energy grid.

Mr. Jordan showed an image of a solar project done in Greenfield. Mr. Whitman asked about whether the transmission lines would be put underground, and Mr. Jordan said they would probably be placed in cable trays to avoid penetrating into the ground. However, if the lines need to cross the road, they would go below it.

Mr. Jordan showed some images of the tentative design, and described where the panels would be located on the site. He explained that the design is being developed, and there will also be a stormwater

management plan and a construction general permit. He noted that the process will also involve the Massachusetts Department of Environmental Protection.

Mr. Irving expressed concern that the concrete ballasts could affect the cap. Mr. Jordan replied that their landfill engineer, David Andrews, has experience with projects above landfills, and does the appropriate analysis. Mr. Irving asked if erosion could be a problem. There was a discussion of issues of erosion, and how deeply the ground rod will need to go. Mr. Valenti mentioned that the cap consists of 42 inches of various types of fill and materials.

The board and Mr. Jordan discussed the likely schedule of site plan review, especially in terms of when the public hearing will be. Ms. Carroll explained that the PCUP (Post-Closure Use Permit) process will take up to three months, and so they are pursuing this and the Pembroke approvals at the same time. The start of construction is anticipated for December or early January, in order to meet the deadline for tax incentives.

The board, Mr. Valenti and Mr. Jordan discussed issues of drainage. Mr. Whitman asked what the life expectancy of the panels is, and Ms. Carroll said it is 25 years. Ms. Carroll and Mr. Valenti explained that a decommissioning bond will be posted to cover the panels' removal, and the board and Ms. Carroll discussed the mechanics of this.

DISCUSSION OF HISTORIC DISTRICT, BRISAN WAY DEVELOPMENT, MEDICAL MARIJUANA AND OTHER ITEMS

The Planning Board Assistant, Mr. Heins, explained that the description of the historic district boundaries in the zoning bylaws appears to be incorrect, while it is shown correctly on the zoning map. This is something that perhaps should be fixed in the future.

Mr. Heins mentioned that there has been a public records request, with regard to Walkabout Construction and Dana Junior, but it appears the relevant files are only at the Building Department, not the Planning Board.

Mr. Heins mentioned that someone is planning to build a daycare center on Route 53, and the board discussed this.

Mr. Heins explained that Richard Vayo has withdrawn the proposal for the Adams Square condominiums, and instead wishes to build six single-family houses in this area, in addition to the six single-family houses they already received approval for in the adjacent area (termed "Brisan Way Extension"). The drawings are expected shortly, and this will constitute a major modification of the previous design. The board had a back-and-forth discussion about the details of how this would be designed, and the bureaucratic mechanics of how it will be filed.

Mr. Heins mentioned that someone expressed an interest in cultivating medical marijuana in Pembroke outside the specified medical marijuana overlay district. The board emphasized that they would only be willing to allow this use within the specified overlay district.

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

The next regular meeting of the Planning Board will be held Tuesday, October 11, 2016, at 7:00 p.m.

Respectfully submitted,

Matthew Heins, Planning Board Assistant