



PEMBROKE PLANNING BOARD MINUTES

MONDAY, NOVEMBER 5, 2018

BOARD MEMBERS PRESENT: Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), John Scholl, and James Noone.

BOARD MEMBERS ABSENT: Daniel Smith, Jr., and Daniel Taylor.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Douglas Bailey, and others.

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

DISCUSSION ABOUT PROPOSED VERBIAGE RELATING TO RAIN GARDENS IN DEEDS FOR LOTS OF SUBDIVISION #1701 BRISTOL ESTATES

The Planning Board reviewed proposed verbiage relating to rain gardens and their maintenance in the deeds for the buildable lots of Subdivision #1701 Bristol Estates, currently under construction off Taylor Street. The Conservation Commission had requested the board's advice about this verbiage.

The board discussed the verbiage of the proposed quitclaim deed in question, and examined the engineering drawings and final conditions of approval for the project. The verbiage refers to the Conservation Commission accessing the rain gardens if necessary for maintenance. The rain gardens are located on the individual lots of the subdivision, and are reached by easements that extend from the road to them. The board members agreed that it makes more sense for the Town of Pembroke on the whole, not just the Conservation Commission, to have the right to access the rain gardens. The board also emphasized that any verbiage used in the deeds should comply with the final conditions of approval.

The board conversed about how a subdivision homeowner's association would typically be created to take responsibility for rain gardens, drainage and other common issues. In general, the board members felt that it's not the board's role or responsibility to review the legal verbiage in deeds, and that the engineering drawings and final conditions of approval are controlling documents.

DISCUSSION ABOUT, AND DECISION TO ENDORSE, FORM A FOR PROPERTIES AT 35 MISTY MEADOW ROAD AND 145 WASHINGTON STREET

Douglas Bailey, a surveyor with Grady Consulting, came before the board to explain the Form A (i.e., subdivision approval not required) drawing for the alteration of the border between the properties at 35 Misty Meadow Road and 145 Washington Street. The Form A shifts a small portion of the 35 Misty Meadow Road parcel, which is a single-family residential use, to the 145 Washington Street parcel, which is the St. Thecla church. This gives the church extensive frontage along Misty Meadow

Road, while the 35 Misty Meadow Road parcel retains enough frontage to meet the zoning requirement of 150 feet.

The board and Mr. Bailey discussed the properties, and the history of how they were originally formed and how the Misty Meadow subdivision was created. A conversation also took place about possible single-family residential development options in the back of the church property using access from Misty Meadow in the future.

Mr. Wandell made a motion to authorize the board's clerk to sign the Form A, Mr. Noone seconded the motion, and the board voted unanimously in favor. Mr. Irving signed the Form A drawing.

DISCUSSION ABOUT CONSTRUCTION OF FENCE ALONG HOBOMOCK STREET TO VISUALLY SCREEN EXISTING SITE PLAN #SP7-16 HOBOMOCK SOLAR PROJECT

The board and Mr. Heins discussed the planned construction of a fence along Hobomock Street, whose purpose will be to provide visual screening of Site Plan #SP7-16, the Hobomock Solar Project. The board reviewed two prices quotes (contract proposals) from Armstrong Fence, for 100 feet of fencing and 175 feet of fencing, and chose the option of 175 feet. The Pembroke Department of Public Works has agreed to clear the appropriate area of brush and other obstacles, to allow the fence to be built.

Mr. Wandell made a motion to accept the contract proposal (for 175 feet of fencing) from Armstrong Fence, and also to authorize the Department of Public Works to clear the area and submit the bill to the Office of the Planning Board, to be paid out of the project's escrow fund. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the Planning Board Chairman sign the contract proposal with Armstrong Fence on behalf of the board. Mr. Irving seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT AND APPROVAL OF FISCAL YEAR 2020 BUDGET FOR THE OFFICE OF THE PLANNING BOARD

The board and Mr. Heins discussed the draft budget for Fiscal Year 2020, for the Office of the Planning Board, that Mr. Heins had prepared.

Mr. Wandell made a motion that the Planning Board approve the budget as submitted for Fiscal Year 2020, Mr. Scholl seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board and Mr. Heins talked about Russell Field's efforts to obtain a special permit from the Pembroke Zoning Board of Appeals for the storage of his company's dumpster containers at 240 and 258 Oak Street.

Mr. Scholl made a motion that the board approve the minutes for October 15, 2018, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Ms. Coletta went over the upcoming schedule of board meetings. The board conversed about the importance of maintaining a quorum through multiple sessions of a public hearing, and the possibility of a board member participating remotely.

Ms. Coletta noted that an abutting property owner in Marshfield is appealing the Zoning Board of Appeals' decision approving the proposed LED billboard along Route 3.

Ms. Coletta mentioned that the Duxbury hazard mitigation plan was received by the Office of the Planning Board.

DISCUSSION ABOUT POSSIBLE CHANGES TO VERBIAGE TYPICALLY USED IN DECISIONS GRANTING SITE PLAN APPROVAL

The board talked about possible text to be used in decisions granting site plan approval for projects in the future. In a situation where part of a project is built and then no progress happens for several years, this verbiage would prevent the developer from having the right to construct the remaining portions of the site plan without the Planning Board's approval.

The board went over some of the options for verbiage created by town counsel Carolyn Murray of KP Law for this purpose.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board and Mr. Heins discussed the possible advantages of posting the documents received in site plan and subdivision applications (i.e., engineering drawings, stormwater calculations, etc.) on the town's website in PDF format.

The board agreed that Mr. Heins would post the site plan application form on the Planning Board's web page.

DISCUSSION ABOUT POSSIBLE CHANGES TO THE TOWN OF PEMBROKE'S ZONING BYLAWS

The board discussed possible amendments to the town's zoning bylaws. Some alterations would be technical or "housekeeping" in nature, while others would represent more substantial policy changes.

The idea of expanding what is allowed in the Business B Zone was discussed, both in terms of reducing the minimum lot size and allowing single-family residential uses. The board and Mr. Heins talked about the advantages and disadvantages of this in detail, and discussed the zone and its current mix of uses. The board agreed to have town counsel create a draft zoning bylaw amendment for this.

The board decided to put the list of Pembroke's designated scenic roads on the Planning Board's web page, and to add a yes or no question about whether a scenic road is present to the site plan and subdivision applications.

The board discussed the possibility of banning the issuing of use variances, and considered the merits and drawbacks of such a ban. This segued into a conversation about the allowed home business uses in the Residential A Zone. A discussion took place about whether use variances can be granted for uses that are specifically disallowed by the zoning bylaws. The advantage of allowing use variances to resolve ambiguous zoning situations was raised.

The board talked about how zoning changes could improve housing affordability, and the issue of affordable housing in general. The challenges of 40b projects were also discussed. Mr. Scholl raised the question of whether residents of existing units could agree to deed restrictions, in order to use

existing housing to satisfy the affordable housing goal, and this led to further discussion. The financial guidelines for 40b projects were discussed.

A conversation took place about the possibility of putting multifamily housing on Route 139, and about that road's traffic problems. Parcels of town-owned land were also discussed as possible locations of multifamily housing and/or a 40b project.

Mr. Heins mentioned that the new layer showing town-owned land and open space had been added to the Assessors' online map in draft form.

The board discussed the advisability of adjusting the zoning bylaws' rules for accessory dwelling units, and whether to allow more duplex residential buildings.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant