



PEMBROKE PLANNING BOARD MINUTES

MONDAY, DECEMBER 17, 2018

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

BOARD MEMBERS ABSENT: James Noone and Daniel Taylor.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Kenneth McCormick (Deputy Fire Chief), Peter Palmieri (Merrill Engineers and Land Surveyors), Kevin Grady, Colin Grady, Anthony Vacca, Ryan Kearney, Andraea McKenney, Sean Kennedy, Michael Johnson, Karen Johnson, Jeffrey Perette, John Hanna, Gerald Esposito, Anthony Riley, Gerald Dutson, and others.

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

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP4-18 AT 212 SCHOOSSETT STREET FOR DAYCARE AND PRESCHOOL BUILDING

Mr. Wandell re-opened the public hearing for proposed Site Plan #SP4-18 at 212 Schoosett Street (continued from November 19, 2018), to construct a new 5,950-square-foot building for daycare and preschool facilities in the Business B Zone.

At this time, Mr. Wandell, Mr. Irving and Mr. Scholl were the only board members present, so Mr. Wandell postponed the start of the hearing for ten minutes, until about 6:43 pm, and the board went into recess. In the next few minutes Mr. Smith and Ms. Coletta arrived, and so a quorum of the board was present. Sean Kennedy, one of the applicants for the site plan, was also present, along with engineer Kevin Grady of Grady Consulting, and a few other people associated with the project. Peter Palmieri of Merrill Engineers and Land Surveyors, the board's peer review engineer for the project, was also present. Kenneth McCormick, the town's Deputy Fire Chief, was present as well.

At about 6:43 pm, Ms. Coletta re-opened the public hearing for proposed Site Plan #SP4-18 at 212 Schoosett Street (continued from November 19, 2018), to construct a new 5,950-square-foot building for daycare and preschool facilities in the Business B Zone.

Ms. Coletta noted that the Zoning Board of Appeals (ZBA) had granted the project the variances being requested. Mr. Grady explained certain changes that had been made to satisfy the concerns of Mr. Palmieri and the board. The parking spaces were adjusted from orthogonal to angled to direct traffic better. Due to comments from the Fire Department, changes were made to circulation and access, and a fire hydrant was added. Some alterations were made to the parking layout to keep the

lot coverage (i.e., built and paved areas) under 60%, as per the zoning bylaws. A small shed was added to the rear of the building.

The board members were in general agreement that the site plan was now acceptable. Mr. Wandell made a motion to close the public hearing, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the board approve Site Plan #SP4-18 at 212 Schoosett Street, as presented to the board at this time, with conditions to be written and approved at the next meeting of the board.

The board and Mr. Grady briefly discussed the design of the project's sign, and Mr. Grady suggested that a condition be included to require the sign have the address on it.

The motion being on the table, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Anthony Vacca, a real estate agent for the seller, asked whether the decision granting site plan approval would be submitted to the town clerk before the end of 2018. A discussion ensued about when the decision would be submitted to the town clerk, and the 20-day appeal period. It was agreed that the board would vote on and sign the decision, including the conditions, on January 7, 2019, at 7:45 pm.

DISCUSSION ABOUT FLOODING ON OAK STREET NEAR 260-280 OAK STREET PROPERTIES

The board and Mr. Palmieri discussed the problem of flooding and standing water on Oak Street, at the location where the street bends roughly adjacent to the 260-280 Oak Street properties.

Construction is currently taking place on the 260-280 Oak Street lots, as part of Site Plan #SP2-17 consisting of the construction of two buildings and other site improvements. The town's Department of Public Works (DPW) believes the flooding and standing water on Oak Street has been caused by this ongoing construction, since there was no problem with flooding before construction began. Mr. Palmieri, having visited the site and written up a report (a letter dated December 13, 2018), was in general agreement that the flooding and standing water seem to be related to the construction at 260-280 Oak Street.

Mr. Palmieri explained that the grading on the 260-280 Oak Street properties was not done as per the approved plans, and the silt socks are not properly holding stormwater back. Hence the water is flowing into the road, and the sediment and/or leaves are causing the catch basins along Oak Street to clog. These catch basins are newly built, and it's unclear who constructed them or where they flow. The DPW claims they did not build the catch basins. A conversation took place about these catch basins, and it was suggested they may be leaching catch basins.

The board and Mr. Palmieri discussed the construction and how it's not in accordance thus far with the originally approved plans. Ms. Coletta asked about the large pile of dirt and/or materials at 260-280 Oak Street and its effect on drainage. The board members agreed that the flooding and other problems need to be resolved soon.

Mr. Wandell made a motion that the board send a letter to the owner-developer of the site plan at 260-280 Oak Street asking for a response to the letter dated December 13, 2018, from the board's

peer review engineer Peter Palmieri. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board, Mr. Palmieri, Mr. McCormick and Mr. Heins talked about various aspects of Oak Street, the flooding issues there, and the project at 260-280 Oak Street.

DISCUSSION ABOUT POSSIBLE ELEVATED OUTDOOR SEATING AREA AND BAR AT LUCKY DAWG TAVERN AND GRILLE AT 242-244 MATTAKEESETT STREET

Michael Johnson and Karen Johnson came before the board to discuss the possibility of building an elevated outdoor seating area and bar at the existing Lucky Dawg Tavern and Grille at 242-244 Mattakeesett Street. Mr. Johnson is the owner of this restaurant.

Lucky Dawg Tavern and Grille is adjacent to Furnace Pond, and the proposed outdoor seating area and bar would be fairly close to the pond. The property is mostly in the Business A Zone but a small portion of it may be in the Residence A Zone. Mr. Johnson explained that the elevated outdoor seating area and bar, referred to as a “tree house bar,” would be for people already going to the restaurant, and so it is not meant to increase the facility’s seating or parking. It would be open-air, and thus seasonal. It would close at night before the rest of the restaurant, for safety purposes.

Mr. Johnson showed the board rough drawings of what he hopes to build. The elevated structure would be about 44 feet by 40 feet and it would primarily be an open deck, with a small portion (24 feet by 16 feet in size) enclosed and roofed. It would be accessed by a walkway from the main building of the restaurant. It would not have restrooms, and the only provision of water would be “gray water.”

An extended discussion took place about the facility’s seating capacity and how that relates to its liquor license. The board agreed that site plan review would be required for the project.

The board members and Mr. Johnson talked about how ADA compliance requirements might affect the project.

DISCUSSION ABOUT POSSIBLE NEW BUILDING, NEW SIGN, AND USE OF PROPERTY FOR BOAT STORAGE BUSINESS AT 43 MATTAKEESETT STREET

Jeffrey Perette, the owner of East Coast Marine, a boat storage business, came before the board to discuss the use of his property at 43 Mattakeesett Street for boat storage, the possible construction of a new building there, and the possible creation of a new sign there. The property lies in the Center Protection District and Residence A Zone.

Board member Daniel Smith, Jr., recused himself from this discussion and moved to sit among members of the public. Ms. Coletta noted for the record that Mr. Smith was recusing himself because he previously owned the property at 43 Mattakeesett Street.

Mr. Perette explained that he wishes to construct a new building on the property for indoor boat storage. This would be in addition to the buildings there at present. He is already using the property for outdoor boat storage; the ZBA granted approval of this use in a decision of April of 2018. The board members discussed this ZBA decision.

The board and Mr. Perette talked about the zoning bylaws and how they apply to the current use (which was a modification of a preexisting nonconforming use) and possible expansions of that use in

the future. The board members agreed that the construction of a new building and/or other significant changes to the site would require site plan review. In addition, it was noted that the new building, because it would lie toward the rear of the property, would be in the Residence A Zone. Therefore a use variance would probably be required from the ZBA to allow it. The board and Mr. Perette also discussed the sign or signs that would be allowed, in terms of their size, appearance and other qualities.

DISCUSSION ABOUT CONSTRUCTION PROGRESS OF SUBDIVISION #0408 STONE MEADOW FARM

John Hanna, the developer of Subdivision #0408 Stone Meadow Farm, came before the board to discuss issues relating to drainage, curbing, catch basins and paving in the ongoing construction of the subdivision. Gerald Esposito, a building contractor involved in construction of the project, was also present.

The board reviewed a recent letter by Tyler Nims, the board's peer review engineer for the project, that detailed a few construction issues needing to be corrected. Mr. Heins also verbally explained to the board the issues that the DPW had raised.

Mr. Nims and the DPW were in agreement that the terminal curbing needs to be changed, so that it's the same as what is shown on the drawings and in the subdivision rules and regulations. A conversation ensued about this. A discussion also took place about how the catch basins and manholes should be properly raised (i.e., not with risers).

The board, Mr. Hanna and Mr. Esposito discussed the water drainage problem stemming from water coming from one of the residential lots onto the street. Mr. Irving and Mr. Esposito also talked about how one catch basin is too high and needs to be lowered.

Mr. Hanna suggested that he could buy extra terminal curbs, of the type already installed at the subdivision, to give to the DPW, and then the DPW would have them in storage to install if one is broken. This might persuade the DPW to accept the terminal curbing as currently built. A detailed conversation followed, and the original engineering drawings for the subdivision were examined.

DISCUSSION ABOUT POSSIBLE CHANGES TO ZONING BYLAWS, IN RELATION TO 37 MATTAKEESETT STREET PROPERTY

Gerald Dutson and Anthony Riley came before the board to discuss the possibility of making changes to the Town of Pembroke's zoning bylaws that would create more development options for the property at 37 Mattakeesett Street. Mr. Dutson owns the property, and Mr. Riley is an attorney. In particular, they were interested in the idea of making assisted living and/or multifamily residential allowed uses in the Center Protection District. The property lies in the Center Protection District and Residence A Zone.

Mr. Dutson showed the board preliminary drawings of possible assisted living developments on the property. The board, Mr. Dutson and Mr. Riley discussed the zoning bylaws as they currently stand, how they limit development in the Center Protection District, and how they might be altered.

Ms. Coletta explained that the board has already been considering allowing multifamily residential and/or assisted living uses in more areas of the town through a zoning bylaw change. A discussion took place about how an assisted living facility could be developed on the property, and Mr. McCormick described some of the implications of assisted living complexes for the Fire Department.

Ms. Coletta noted that pursuing a use variance from the ZBA might be another method of getting an assisted living use approved. This led to further discussion about use variances and development. Mr. Dutson talked about the property's history and previous efforts to develop it. The board and Mr. Heins discussed possible future changes to the zoning bylaws.

DISCUSSION ABOUT PROPOSED CHANGE TO ZONING BYLAWS TO ALLOW BUILDING INSPECTOR TO APPROVE CERTAIN NONCONFORMING SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES

Mr. Irving left at this time.

The board discussed a proposed change to the town's zoning bylaws that would allow the Building Inspector to approve the alteration of certain preexisting nonconforming single-family and two-family residential uses. This would reduce the number of applications that come before the ZBA, making that board's workflow more efficient.

The board members were generally sympathetic to this proposed change, but felt it would be advisable for town counsel to go over the verbiage.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion that the Planning Board transfer \$10,000 to DPW line item "Contracted Services" account number 001-0422-5380-0204 to reimburse the DPW for manpower, equipment and three days of police details to prepare for 150 to 175 feet of new fence at the recycling center, to be installed by Armstrong Fence as part of the landscaping around the Hobomock Solar Project. The transfer of these funds was requested in a letter by Eugene Fulmine of the DPW, as previously agreed. Mr. Scholl seconded the motion, and the board voted unanimously in favor.

Mr. Scholl made a motion to approve the executive session minutes of Monday, December 3, 2018, Mr. Smith seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to approve the minutes of Monday, December 3, 2018, as presented, Mr. Scholl seconded the motion, and the board voted unanimously in favor.

Ms. Coletta said that the ZBA is asking for comments from other boards and commissions, including the Planning Board, regarding the mixed-use project at 204 Center Street and the variances being requested for it. The applicant-developer is now requesting that the use of the two projected new buildings be a mixture of residential and commercial, rather than entirely commercial, and the ZBA is asking for advice about this.

Mr. Heins explained that the current request for the project at 204 Center Street seems to be for residences on the second floors of both buildings and on the first floor of one building, with commercial space on the first floor of the other building. The board was in general agreement that it would be acceptable to put residential uses on the second floors of both buildings, but that the first floors of both buildings should consist of commercial uses. Mr. Wandell expressed his concern about how the mixed-use projects along Center Street have tended to become mostly residential through the granting of variances.

Ms. Coletta suggested that the board send a memorandum to the ZBA stating that the site plan for 204 Center Street was extended by the board based on the fact that it would be continued exactly as it was originally approved (i.e., the two new buildings would be commercial use, as per the originally

approved site plan). The memorandum would also state that some members of the board would not object to the upper floors, and only the upper floors, consisting of residential uses, and that any changes to the original site plan would necessitate the project returning to the board.

A conversation followed about the bureaucratic process of how the project is seeking approval, what procedural steps may be needed in the future, and its legal nuances in relation to the zoning bylaws. The history of the project was also discussed. The board directed Mr. Heins to write up a memorandum to the ZBA as previously described by Ms. Coletta.

The board members discussed various possible changes to the zoning bylaws.

Ms. Coletta and Mr. Heins said that application documents (engineering drawings, stormwater report, etc.) for new site plan and subdivision applications are now being posted on a web page on the town's website.

Ms. Coletta explained that Mr. Heins had drafted a letter stating the board's objections to the proposed River Marsh Village 40B project on Water Street. Mr. Wandell made a motion to authorize Ms. Coletta, the board's chairman, to sign the letter regarding the proposed 40B project on Water Street, Mr. Scholl seconded the motion, and the board voted unanimously in favor.

A discussion took place about the ongoing planning to build a new Community Center for the town, and some of the options involved with this, including a possible housing component.

Ms. Coletta noted that a letter was received from Old Colony Planning Council regarding the opportunity to apply for District Local Technical Assistance (DLTA) grants. The board discussed some of the possible things the town could apply for, and agreed that Mr. Heins would look into this further in collaboration with the Selectmen's Office and prepare an application.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant