



PEMBROKE PLANNING BOARD MINUTES

MONDAY, MARCH 18, 2019

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

BOARD MEMBERS ABSENT: James Noone and Daniel Smith, Jr.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Michael Hill (Fire Chief), Kenneth McCormick (Deputy Fire Chief), Peter Palmieri (Merrill Engineers and Land Surveyors), Darren Grady, John Poirier, Sarah MacDonald, Darren MacDonald, Genile DiMaio, Stephen DiMaio, Carol Mont, John Gioioso, Pelino Gioioso, Ray LaLand, Brian Morgan, and others.

The board's Vice-Chairman, Andrew Wandell, read the Chairman's statement.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The meeting began with board members Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), John Scholl, and Daniel Taylor present.

Mr. Taylor made a motion to approve the minutes of February 25, 2019, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion that the board extend the time for completion for Site Plan #SP1-17 at 220 Center Street until May 23, 2020. Mr. Scholl seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion that the board extend the time for completion for Subdivision #1603 Brisson Way Extension until May 8, 2020. Mr. Scholl seconded the motion, and the board voted unanimously in favor.

The board members signed paperwork relating to required notifications of the public hearings for the proposed zoning bylaw amendments.

The board and Mr. Heins discussed the status of the two subdivisions at Corporate Park Drive, and the road bonds of those subdivisions. It was agreed to ask the developer and property owner Brian Murphy to speak with the board in the near future.

Rebecca Coletta, the board's Chairman, arrived at this time.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP2-19 AT 171 MATTAKEESETT STREET

Ms. Coletta re-opened the public hearing for proposed Site Plan #SP2-19 at 171 Mattakeesett Street, to construct three new 7,000-square-foot buildings of warehouse, storage and/or industrial use, and to construct new parking areas, behind two existing buildings. The property is located in Business District A and the Water Resource and Groundwater Protection Overlay District.

This public hearing was continued from February 25, 2019.

The project's engineer Darren Grady, of Grady Consulting, explained that he was present and speaking for the project on behalf of Kevin Welch. (Mr. Welch currently leases and manages the property, and controls the entity which is the site plan applicant.)

Peter Palmieri of Merrill Engineers and Land Surveyors, the board's peer review engineer for the project, was present. Michael Hill, the Pembroke Fire Chief, and Kenneth McCormick, the Deputy Fire Chief, were also present.

Mr. Grady and the board discussed the letter from the property owner recently received by the board, which requests that if site plan approval is granted, a condition be included in the decision specifying that a building permit cannot be issued to Mr. Welch until he is the owner of the property.

The board and Mr. Grady talked about the applicant's request for a special permit and/or variance from the Zoning Board of Appeals (ZBA) for the project.

Mr. Wandell asked about the use of gravel as paving in the project, and the waivers being requested for setbacks and the buffer zone. He and Mr. Grady discussed adjusting the location of the buildings to avoid needing these waivers. Ms. Coletta noted that since the use is nonconforming and residences are adjacent, she is especially reluctant to waive the setback and buffer requirements. Mr. Grady described the advantage of positioning the buildings to shield the boat storage from view.

The issue of the boat storage was discussed by the board and Mr. Grady. A member of the public stated that over a hundred boats are currently stored outside at the site.

Mr. Hill said that having one large building near the center of the site would be better for fire safety. The board and Mr. Grady discussed the project's design, the layout of the buildings, and the adjacent properties. Mr. Grady, Mr. Hill and Ms. Coletta discussed fire safety and the layout of the buildings. The location and visibility of the boats were discussed.

Ms. Coletta mentioned that the property is in the Water Resource and Groundwater Protection Overlay District. Mr. Grady said the floor drains in the project would drain to a holding tank which is pumped.

Mr. Palmieri cautioned that it may not be advisable for the boats to be stored on gravel, which would allow mechanical fluids to leak into the groundwater. A paved area could channel such fluids in an appropriate manner. Ms. Coletta expressed concern about the extent of the boat storage that is being proposed for the site, especially since the property does not lie in an industrial district.

Mr. Irving asked about the height, and Mr. Grady said the height of the buildings would be slightly less than 30 feet. The board members, Mr. Palmieri and Mr. Grady discussed the requirements for landscaping and areas left in a natural state, on the site as a whole and in the buffer zones.

Stephen DiMaio, an abutter to the project, addressed the board. He stated that the rear portion of the property is in poor condition, with various boats and equipment strewn about. He opposed the idea of placing boats near the edges of the property.

A conversation took place about the drainage basin proposed as part of the design. Darren MacDonald, an abutter to the project, asked if trees would need to be removed to construct the basin. Mr. Grady confirmed that some trees would be removed, but said new trees would be added elsewhere. The board and Mr. Grady discussed this.

Mr. DiMaio opined that the required setbacks and buffers should not be waived, especially since it is residential properties that are adjacent. The board members and Mr. DiMaio discussed these issues. This led to a conversation about the ZBA's role, and about the variances and waivers being requested.

Carol Mont, an abutter, asked what would happen if the buffer and/or setback waivers and variances aren't granted. A discussion followed about alternative designs for the site, which would generally be less advantageous to the applicant. Building heights and allowed uses were also discussed.

Ms. Coletta asked the abutters if a new site plan could be regarded as an improvement. Mr. DiMaio expressed concern about noise and the likely view of the new buildings from where he lives. Ms. Mont and Mr. DiMaio said that compliance (with building codes, site plan decisions, etc.) has been a problem in the past for this property, and that may continue to be the case.

It was clarified that use variances cannot be granted in the Water Resource and Groundwater Protection Overlay District, and so presumably the ZBA could only allow the proposed use as an expansion of a preexisting nonconforming use.

The board agreed to have a site visit of the property on Saturday, March 23, 2019, at 9:00 am, unless the ZBA voted to deny the requested expansion of a preexisting nonconforming use.

Mr. Wandell made a motion to continue the public hearing for Site Plan #SP2-19 at 171 Mattakeesett Street to April 8, 2019, at 8:15 pm. Mr. Irving seconded the motion.

Mr. Hill asked if the entire property was going to be sold (if the site plan were approved), and Mr. Grady confirmed this. It was clarified that the current operator of the site is leasing the property.

Mr. Hill asked if the barrels of oil, old engines, and other problematic equipment and items on the site are marked, and where they are on the property. Mr. Grady said they are near the cell tower, but wasn't certain if they are marked. Mr. Hill noted that the Fire Department plans to inspect the property.

The motion being on the table to continue the public hearing, Ms. Coletta, Mr. Wandell, Mr. Irving and Mr. Scholl voted in favor, Mr. Taylor abstained, and the motion passed.

DISCUSSION ABOUT POSSIBLE ADDITIONAL RESTAURANT USES AT WOLVES DEN SPORTS COMPLEX AT 340 OAK STREET (SITE PLAN #SP3-18)

John Poirier, the operator of the Wolves Den sports complex at 340 Oak Street, came before the board to discuss the possible addition of more eating areas there. He explained that he wishes to move the snack bar from the front of the building to the back, to put a restaurant and bar in the

front, and to also put a cafeteria in the front. The size of the building would not change; these would be modifications made to the interior.

The board and Mr. Poirier discussed what he proposes to do and how it should be handled procedurally. It was clarified that restaurants are allowed by special permit in Industrial District A. Mr. Poirier described the proposed restaurant and cafeteria, and the progress of construction for the current project (Site Plan #SP3-18) at the site. The board talked about whether this change to the recently approved site plan would constitute a major or minor modification.

Mr. Hill discussed the project's possible impact on traffic and parking, and Mr. McCormick talked about occupancy numbers. The board and Mr. Poirier conversed about the next steps in the process, and it was agreed that he should first obtain the special permit for the proposed restaurant and cafeteria from the ZBA, and then return to the Planning Board to request its permission to modify the recently approved site plan.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board and Mr. Heins discussed the public hearings for the proposed zoning bylaw amendments, which were to take place on March 25, 2019. It was agreed to prepare a list, in large format suitable for display on an easel, of the properties in Pembroke over 30 acres in size, which would be relevant to the proposed zoning bylaw allowing cluster developments.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant