



PEMBROKE PLANNING BOARD MINUTES

MONDAY, APRIL 1, 2019

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

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

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Patricia DeChristopher (Town Counsel, KP Law), Edwin Thorne (Town Manager), Kenneth McCormick (Deputy Fire Chief), Linda Peterson (Co-Chairman, Advisory Committee), Ronald Boidi (Conservation Commission), Jean Sabo, George Negus, Anne Hughes, Stephen Hughes, Liane Ahearn, Wayne Rankin, Michele Sullivan, JoAnn O'Donnell, LouAnn MacDonald, Roseanne Potter, Richard Federico, Carol Federico, Greg Howell, Thomas Godfrey, James Bristol, Steven Bristol, Valerie Blathras, Robert DeMarzo, Evelyn Sjolín, Gary Sjolín, Martin Ford, Elaine Boidi, Walter "Wally" Roenick, Melissa Hogan, Pat Ahearn, Debra McCarthy, Susan Fitzgibbons, and others.

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

PUBLIC HEARING FOR PROPOSED ZONING BYLAW AMENDMENT TO ALLOW AGE-RESTRICTED CLUSTER DEVELOPMENT

Ms. Coletta re-opened the public hearing (continued from March 25, 2019) for a proposed zoning bylaw amendment to allow by special permit, throughout the entire town on tracts of land of at least 30 acres, certain age-restricted cluster developments that would contain a higher density of residential dwellings and less restrictive setbacks than is currently allowed in most of the town's zoning districts. The bylaw would require that at least 50% of the tract of land be reserved for open space, conservation, agriculture, recreation, park purposes or some combination thereof.

Thomas Godfrey, James Bristol and Steven Bristol, of Bristol Brothers Development, were present as the potential developers of a cluster development at the Pembroke Country Club, and thus supporting the proposed zoning bylaw amendment.

Ms. Coletta noted that a list of properties of over 30 acres in town was available. She explained that any proposed zoning bylaw change must be approved by the voters of Pembroke at town meeting. She described in more detail how the proposed zoning bylaw would work, and mentioned that any cluster development project would still need a special permit from the Planning Board.

Mr. Wandell said that Marshfield has a similar zoning bylaw allowing cluster development.

Ms. Coletta asked if the potential cluster development at the Pembroke Country Club would incorporate a 9-hole or 18-hole golf course. (The course is currently 18 holes.) Mr. Bristol (James Bristol) said they intend to keep 18 holes.

Ms. Coletta asked about the density bonus (an additional one unit for each ten units) in the proposed zoning bylaw, and it was clarified by Patricia DeChristopher (Town Counsel, KP Law) that KP Law (the town's counsel) had placed this provision in the bylaw. Ms. DeChristopher explained that cluster zoning bylaws in many other towns include this incentive.

Mr. Wandell noted that affordable housing is an issue in Pembroke, given that the town is hovering around the 10% affordable level necessary to have control over 40B projects. He and Ms. Coletta asked if an affordability requirement could be included in this bylaw, and Ms. DeChristopher affirmed that was possible. Such a provision would require that a certain percentage of the cluster housing be affordable.

Ms. Coletta asked how common it is for cluster zoning bylaws to include an age restriction, and Ms. DeChristopher said it is not unusual; some such bylaws contain this provision and some don't.

Mr. Wandell asked if the town can require infrastructure improvements from a developer as a condition of a cluster development approval, and this led to a discussion between Ms. DeChristopher, Mr. Wandell and Ms. Coletta about when that would be possible.

Ms. Coletta asked if there would be fewer bedrooms in a cluster development than in a typical subdivision, and it was explained that the bylaw imposes a maximum average of 2.25 bedrooms per unit. New single-family houses typically have three or four bedrooms.

It was clarified that any new cluster development allowed under the bylaw would be responsible for its own road maintenance and plowing, whereas in most new single-family subdivisions the town assumes these obligations once the road is accepted as a town way (public way).

Greg Howell, a member of the public, asked why the minimum property size for a cluster development was changed in the zoning bylaw from 100 acres (as specified in the original draft bylaw) to 30 acres. Ms. Coletta explained that a minimum of 100 acres might have been too restrictive and could seem like spot zoning. Mr. Howell expressed concern that the figure of 30 acres might be too low, and a conversation about this ensued between some board members and him.

Mr. Howell opined that the number of bedrooms per unit should be limited to an average of two, and this was briefly discussed. He also stated that the maximum building height of 35 feet should be clearly defined regarding whether it is from the footing or the top of the concrete wall, and expressed concern that some buildings could be too high. This was discussed briefly.

Mr. Howell said that the term "natural" as it relates to site work in the bylaw ("in harmony with the natural terrain") is vague, and suggested the verbiage be more precise to limit the extent of earth-moving and site work. Ms. DeChristopher discussed the issue.

Ms. Coletta noted that the special permit approval process would give the board some discretion in what is approved, beyond the specific rules specified in the bylaw.

Mr. Howell asked when the deed restriction on the open space would go into place. Ms. Coletta clarified that the open space of a cluster development would not necessarily be available to the

general public to use. Mr. Godfrey said he believed the deed restriction would go into place at two points: the recording of the special permit, and prior to a building permit.

Melissa Hogan, a member of the public, asked when the modifications to the deed restriction, i.e., the new language in the proposed zoning bylaw, would be done. Ms. Coletta said that the revisions will be done soon by town counsel.

Ms. Hogan expressed concern that the density bonus would make the larger properties in town more likely to be built on, since cluster development would become more attractive to developers. She also asked about lot size in the town, and a conversation followed about this topic. Ms. Coletta explained that at a certain point requirements for large lot sizes can be perceived as exclusionary.

Ms. Hogan asked about the open space being in a conservation easement, and Mr. Wandell explained that the open space per the deed restriction would typically not go to conservation. Ms. Hogan asked what guarantee there is that such open space would remain open permanently. This led to a discussion about these deed restrictions and how they may change over time. Ms. Hogan said she'd prefer that only uplands be allowed to qualify as open space, and a conversation followed about this issue. It was clarified that the allowable number of lots and/or units would depend on the area of uplands only, though the open space could contain wetlands.

Roseanne Potter, a member of the public, asked about the multifamily development recently constructed at 220 Center Street. Ms. Coletta clarified that this was not a cluster development. Ms. Potter said that the issue of the number of bedrooms is important, and emphasized that the impact on traffic of any development should be carefully considered. She stressed the importance of protecting the environment. A discussion followed about open space and town-owned land in Pembroke, and the challenge of how to promote affordable housing and protect property rights while still preserving natural resources.

At this point it was time for the next public hearing, on the proposed zoning bylaw amendment to create a new Community Center Redevelopment Overlay District, to begin. But in this public hearing discussion was still happening and more people wished to speak. So the board agreed to open the next public hearing and continue it until 20 minutes later.

Ms. Coletta re-opened the public hearing (continued from March 25, 2019) for a proposed zoning bylaw amendment to create a new Community Center Redevelopment Overlay District, within which would be allowed by special permit multifamily residential, office, retail, medical, municipal, charitable, educational, restaurant and various other uses, in addition to the uses already allowed in the underlying zoning district. The proposed overlay district would consist of approximately 40 acres located off Center Street south of Town Hall, identified on Assessors' Map D9 as Lot 1, and Assessors' Map C9 as Lots 6, 34, 35, 42 and 46.

Mr. Wandell made a motion to continue the public hearing to 8:00 pm on April 1, 2019, Mr. Irving seconded the motion, and the board voted unanimously in favor.

This being done, the public hearing for the proposed zoning bylaw amendment to allow certain age-restricted cluster developments was resumed.

Ronald Boidi, a member of the Pembroke Conservation Commission, asked how many units could actually be developed on the country club land under current zoning as a single-family subdivision,

and how this would affect the calculation for what would be allowable for a cluster development. A discussion ensued. Mr. Boidi emphasized the importance of preserving greenspace in Pembroke.

Mr. Boidi said that he feels the tax revenue projections regarding age-restricted cluster development are vague thus far. A conversation followed, and Ms. Coletta described the tax consequences of various forms of residential development in general.

Martin Ford, a member of the public, asked how the figure of 150 single-family lots, as being the number of single-family lots that could fit on the country club property, was determined. A discussion followed about this. Mr. Ford asked whether the open space could be placed in conservation, and a conversation took place about this. Mr. Bristol said that roughly 140 or 150 single-family lots could fit on the property, most of which he stated is uplands. Mr. Ford asked about public safety and the number of units, and this was answered by the board.

Ms. Coletta went over the issues raised that could be altered in the language of the proposed zoning bylaw. The board members discussed the question of the property size on which cluster development would be allowed, and the board agreed to leave this at 30 acres. The board decided to eliminate the density bonus.

Ms. Coletta asked about the verbiage regarding density, and explained that the board preferred that the allowable number of units of a cluster development be the same as what would be allowed for a single-family subdivision, on a given property.

The board discussed mandating affordability in the verbiage of the bylaw with Ms. DeChristopher, and agreed to add language relating to this. Regarding the maximum average number of bedrooms per unit, the board decided to leave this at 2.25.

The minimum lot size in the verbiage of the bylaw was discussed by the board and Ms. DeChristopher.

The board members talked about including more stringent language to minimize the disturbances to the natural terrain, and Ms. DeChristopher agreed to add new verbiage for this. The issue of building height was also discussed, and Ms. DeChristopher described the definition currently in place in the town's zoning bylaws. The board agreed to change the verbiage to two-and-a-half stories rather than 35 feet.

The board members talked about the setback requirement, and Ms. DeChristopher clarified that this is set for 50 feet at the edge of a cluster development.

The board discussed the permanence of the open space, and Ms. DeChristopher said that the language in the bylaw is standard and has been widely used. Some issues were clarified.

A member of the public asked about open space, and particularly how it pertains to septic fields and drainage runoff structures. He stated that these should not count as open space. This issue was discussed. Ms. DeChristopher explained that the bylaw gives some flexibility about this. Another member of the public asked about stormwater runoff, and a conversation followed.

Mr. Wandell made a motion to continue the public hearing to 6:00 pm on Monday, April 8, 2019, Mr. Irving seconded the motion, and the board voted unanimously in favor.

PUBLIC HEARING FOR PROPOSED ZONING BYLAW AMENDMENT TO CREATE A NEW COMMUNITY CENTER REDEVELOPMENT OVERLAY DISTRICT

Ms. Coletta re-opened the public hearing (continued from March 25, 2019, or, strictly speaking, from earlier on April 1, 2019) for a proposed zoning bylaw amendment to create a new Community Center Redevelopment Overlay District, within which would be allowed by special permit multifamily residential, office, retail, medical, municipal, charitable, educational, restaurant and various other uses, in addition to the uses already allowed in the underlying zoning district. The proposed overlay district would consist of approximately 40 acres located off Center Street south of Town Hall, identified on Assessors' Map D9 as Lot 1, and Assessors' Map C9 as Lots 6, 34, 35, 42 and 46.

Edwin Thorne, the Town Manager, was present. He addressed the board, and said that at this time the plan for the new Community Center development is still in progress and many details haven't been finalized. He suggested therefore that the article be withdrawn, to be possibly submitted for fall town meeting instead.

Ms. Coletta and Ms. DeChristopher discussed how to handle this procedurally, and it was agreed to withdraw the proposed zoning bylaw amendment and start anew for fall town meeting.

Mr. Wandell made a motion to close the public hearing for the proposed zoning bylaw amendment to create a new Community Center Redevelopment Overlay District, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the board withdraw its proposed zoning bylaw for the Community Center Redevelopment Overlay District from town meeting, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Thorne said that he intends to continue developing the project, and believes there will be some state funding to help pay for it. The board and Mr. Thorne discussed other aspects of the project.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion to approve the minutes for March 18, 2019, Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board, Mr. Heins and Ms. DeChristopher discussed a preliminary subdivision application that was received, and how to handle it procedurally.

The board, Ms. DeChristopher and Mr. Heins talked about whether the zoning bylaw rules for setbacks apply to chicken coops and similar small farming structures, since the Board of Health Office had asked for the board's input about this. It was agreed that the setback rules do apply to these structures.

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