



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, JUNE 17, 2019**

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

**BOARD MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Kenneth McCormick (Deputy Fire Chief), George Verry (Building Inspector), Mounir Tayara, Donald McGill, Douglas Bailey, Brian Murphy, Tyler Nims, Eoghan Kelley, Michael Riccardi, Jason Pithie, and others.

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

### **DISCUSSION ABOUT SUBDIVISION #1603 BRISAN WAY EXTENSION, AND DECISIONS TO APPROVE MINOR MODIFICATION AND TO SIGN BUILDING PERMITS**

When the meeting began, the board members present were Rebecca Coletta, Andrew Wandell, Thomas Irving, Daniel Smith, Jr., and James Noone.

Mounir Tayara, the developer of Subdivision #1603 Brisan Way Extension, came before the board to request that some minor changes to the subdivision design be allowed.

Ms. Coletta stated that she had a real estate client who previously moved into one of the houses at Brisan Way Extension, and asked if these changes would in any way impact the original home in the subdivision. Mr. Tayara said they would not, and thus Ms. Coletta said it was not necessary for her to recuse herself.

Mr. Tayara explained that the originally approved design for the subdivision has trees and lampposts placed in the grass strip between the sidewalk and roadway, and that it would be better to place the trees and lampposts on the other side of the sidewalk, and thus either on the private lots or very close to them. A discussion followed about the merits and drawbacks of various locations for the trees and lampposts, and the board was in general agreement that they should be relocated as a minor modification to the approved plan. The board members and Mr. Tayara talked about the ideal location of the trees and lampposts.

Mr. Noone made a motion that the trees and lampposts be relocated to be on the private lots, within five feet of the property boundaries between the private lots and the road layout. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Tayara explained that he wished to clear more of the trees on two lots in the subdivision, in order to provide larger back yards. The board discussed this, and agreed it would be acceptable provided the LCN calculations were appropriate. Mr. Tayara agreed to come to the board's meeting on June 24 with the LCN calculations.

Mr. Tayara had two building permit routing slips that needed to be signed, for lots in the subdivision which were previously released from the covenant.

Mr. Wandell made a motion that the board's clerk sign the building permit routing slips for lots 8 and 9 in Subdivision #1603 Brisan Way Extension. Mr. Smith seconded the motion, and the board voted unanimously in favor. Mr. Irving, the Clerk of the Planning Board, signed the two building permit routing slips.

#### **DECISION TO APPROVE SIGNAGE FOR COMMERCIAL TENANT AT SITE PLAN #SP1-17 AT 220 CENTER STREET**

Donald McGill, the developer of Site Plan #SP1-17, a mixed-use project at 220 Center Street, came before the board to request its permission for proposed signage for a new commercial tenant at the project.

Board member Daniel Taylor arrived at this time.

Mr. McGill explained that he previously received the board's approval for the size and location of the sign, but now he has a specific sign to propose since there is a tenant (a physical therapy company) moving in. The board and Mr. McGill discussed the design of the sign, particularly whether the colors would fit the historic requirements for signage in the Center Protection District.

Mr. Wandell made a motion to approve the sign as presented as acceptable within the Center Protection District rules, and to authorize Mr. Heins to confirm that the color being used on the sign matches the colors in the approved historical colors. Mr. Irving seconded the motion, and the board voted unanimously in favor.

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

Ms. Coletta re-opened the public hearing (continued from February 25, 2019, March 18, 2019, April 8, 2019, and May 20, 2019) 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.

Kenneth McCormick (Deputy Fire Chief) and George Verry (Building Inspector) were both present to update the board about the project. (Nobody representing the project was present.)

However, since board member John Scholl had not yet arrived, and he was part of the four-member quorum for this site plan's public hearing, it was deemed advisable to delay the hearing until he came.

Mr. Taylor made a motion to open the public hearing and continue it to 7:20 pm, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

**DECISION TO APPROVE FORM A (SUBDIVISION APPROVAL NOT REQUIRED) FOR 37 GORHAM AVENUE AND 43 GORHAM AVENUE**

Douglas Bailey, a surveyor with Grady Consulting, came before the board to present a Form A (Subdivision Approval Not Required) to adjust the boundary between the properties of 37 Gorham Avenue and 43 Gorham Avenue, in Residence District A.

Mr. Bailey showed the board the drawing for the proposed Form A, and explained that its purpose was to adjust the boundary between the two properties since the current boundary actually ran through one of the houses. The property that is currently conforming will remain conforming, and the lot that is nonconforming will become less nonconforming. After dialogue and questions, the board members were in agreement that the Form A was acceptable.

Mr. Noone made a motion that the board approve the Form A for the properties of 37 Gorham Avenue and 43 Gorham Avenue, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Irving signed multiple copies of the Form A drawing, and the board thereby endorsed (i.e., approved) the Form A.

**REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Wandell made a motion to approve the minutes for May 13, 2019, as presented, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to approve the minutes for May 20, 2019, as presented, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to approve the minutes for May 31, 2019, as presented, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

The board discussed the schedule of future board meetings, and decided when the public hearings for some recently submitted site plan applications would be.

The board reviewed a letter submitted by an abutter of the Bridges at Pembroke (Site Plan #SP4-16).

The board and Mr. Heins conversed about Site Plan #SP4-17 at 230 Water Street, currently under construction. The board agreed that the only item remaining to be received was the as-built plan. Kenneth McCormick (Deputy Fire Chief) and George Verry (Building Inspector) talked with the board about the issuance of the certificate of occupancy for this project. The general process for certificates of occupancy was discussed.

Mr. Taylor made a motion to re-open the public hearing for proposed Site Plan #SP2-19 at 171 Mattakeesett Street, and to continue it to 7:40 pm. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

**DISCUSSION ABOUT SUBDIVISION #8940 CORPORATE PARK AND SUBDIVISION #9628 CORPORATE PARK EXTENSION**

Brian Murphy, the developer of Subdivision #8940 Corporate Park and Subdivision #9628 Corporate Park Extension, both of which expired a few months ago, came before the board to discuss the return

of the remaining road bond funds for these subdivisions. The two subdivisions together comprise the full extent of Corporate Park Drive.

Mr. Heins explained that town counsel (KP Law) had advised that the decision to return the road bonds should be made on the basis of the originally approved engineering drawings and conditions for the subdivisions, and the engineering standards in effect when the subdivisions were approved. To accept the road as a public way, however, current engineering standards would apply.

The board and Mr. Heins talked about how the process of returning the remaining road bonds should be handled. It was agreed that the board's peer review engineer, Peter Palmieri, would review the as-built drawings and the finished condition of the project, and would evaluate whether the work conforms with the approved drawings and the engineering standards in effect when the subdivisions were approved. Mr. Murphy said that he already had the as-built drawings done, and could submit them.

#### **DISCUSSION ABOUT OCCUPANCY PERMIT FOR SITE PLAN #SP2-17 AT 260-280 OAK STREET**

Mr. Murphy and the board conversed about the process of issuing the certificate of occupancy for Site Plan #SP2-17 at 260-280 Oak Street. Mr. Murphy is the developer for this project, which is near the end of construction. The as-built plan has been submitted and is being reviewed by the board's peer review engineer, Peter Palmieri.

Board member John Scholl arrived at this time.

Mr. Noone made a motion that the board authorize the Planning Board Assistant, Mr. Heins, to "sign off" on the certificate of occupancy if the as-built plan is found to be acceptable. Mr. Irving seconded the motion. Ms. Coletta, Mr. Wandell, Mr. Noone, Mr. Irving, Mr. Taylor and Mr. Smith voted in favor, Mr. Scholl abstained, and the motion passed.

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

Ms. Coletta re-opened the public hearing (continued from February 25, 2019, March 18, 2019, April 8, 2019, and May 20, 2019, and technically from 7:00 pm and 7:20 pm of June 17, 2019) 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.

Kenneth McCormick (Deputy Fire Chief) and George Verry (Building Inspector) were present to update the board about the applicant's progress in resolving the building code violations and fire safety violations at the property. Nobody representing the project was present.

Mr. McCormick and Mr. Verry explained that substantial improvements had been made, though some issues remained to be fixed, and thus they were willing to allow the site plan review process to continue. The board, Mr. McCormick and Mr. Verry conversed about the site and the proposed project in detail, especially regarding the building code and the fire code.

The board, Mr. Heins, Mr. McCormick and Mr. Verry had a prolonged discussion about the parking of vehicles and the placement of equipment on the property, and about this issue in general for other projects also.

The board and Mr. Heins conferred about which variances and/or special permits are being sought from the Zoning Board of Appeals for the project.

The board decided to continue the public hearing to July 22, 2019, at 7:00 pm.

**DECISION TO SPECIFY AMOUNT OF REQUIRED ROAD BONDS FOR SUBDIVISION #1701 BRISTOL ESTATES**

Eoghan Kelley, representing Subdivision #1701 Bristol Estates, which is currently under construction, came before the board to discuss the payment to be required for the road bond account for the project.

Tyler Nims, the board's peer review engineer for this project, was also present. Mr. Nims distributed his prepared estimate of the amount of money that would be needed to complete the road and infrastructure for the subdivision. The estimate, including the 40% markup for contingency, was \$155,400.00.

Mr. Kelley explained that they wish to make the payment for the road bonds, and then to have the remaining three lots of the subdivision released. He presented a covenant release form to the board.

Mr. Wandell made a motion that the board require a road bond of \$155,400.00 for Subdivision #1701 Bristol Estates, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion that the board sign the covenant release form for the remaining three lots of the subdivision, that Mr. Heins hold the covenant release until receipt of the road bond payment has been verified, and that the clerk be authorized to sign the building permits for the lots when the covenant has been filed and the road bond payment has been received. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

The board members signed the covenant release form for the remaining three lots in the subdivision.

**DISCUSSION ABOUT ISSUES RELATING TO SUBDIVISION #1801 DOMINIC'S WAY**

A dialogue took place about various issues relating to Subdivision #1801 Dominic's Way, which was approved in 2018 but has not yet been constructed. Michael Riccardi, the developer of the project, and his attorney Jason Pithie were present.

Mr. McCormick confirmed that the trees on the property which had been deemed a hazard, because they were at risk of falling, had been taken down. Mr. Riccardi stated that five trees were taken down. Mr. Pithie explained that the Pembroke Department of Public Works removed the tree regarded as most dangerous, and Mr. Riccardi removed the other four.

Mr. Riccardi stated that he has not begun construction of the subdivision. He said that he had cleared many trees on the site, stumped the site, and put erosion control measures in place, but does not plan to actually build the subdivision. Mr. Pithie said that the intent, at this point in time, is to sell the entire subdivision, rather than building it and selling the individual lots.

The board, Mr. Pithie and Mr. Heins talked about the process of having the subdivision drawings recorded at the Registry of Deeds. It was explained that the town clerk needed to issue a letter stating that the definitive plan had not been modified, amended, changed or rescinded, since more

than six months had passed since the subdivision was approved. The town clerk wanted the Planning Board to confirm that the definitive plan had not been modified, amended, changed or rescinded.

Mr. Wandell made a motion that the board confirm to the town clerk that the definitive plan had not been modified, amended, changed or rescinded, and that there was no objection to the drawings being recorded at the Registry of Deeds at this stage. Mr. Irving seconded the motion, and the board voted unanimously in favor.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

The board discussed a notification letter from the state that a property in Pembroke was being used to cultivate hemp.

The board conversed about a letter received from the Accounting Department regarding the payroll expenses for overtime worked by Mr. Heins, the Planning Board Assistant. Ms. Coletta stated for the record that the board is no longer responsible for signing the pay forms or authorizing the overtime hours of the Planning Board Assistant, because he is now under the direction of the Town Manager's Office.

The board discussed the impending redevelopment of the Hanover Mall.

Ms. Coletta and Mr. Heins explained that the board will soon be asked to submit a letter of support for the Open Space Plan being prepared by the town.

The board discussed who would be the board's representative to the Old Colony Planning Council, and Ms. Coletta volunteered for this role.

Mr. Wandell made a motion that the board appoint Ms. Coletta as its representative to the Old Colony Planning Council, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

#### **REORGANIZATION OF THE PLANNING BOARD**

The board decided that the same board members would remain Chairman, Vice-Chairman, and Clerk of the board.

Mr. Taylor made a motion that the Planning Board reorganize, nominated Rebecca Coletta for Chairman, Andrew Wandell for Vice-Chairman, and Thomas Irving for Clerk, the Planning Board Assistant to be determined, and that the board meet on the second and fourth Mondays of each month.

It was noted that the Planning Board Assistant is no longer appointed by the board, so it was unclear if the board should vote on that position.

Mr. Wandell seconded the nominations.

Mr. Irving moved that nominations be closed, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion for the slate of nominations consisting of Rebecca Coletta for Chairman, Andrew Wandell for Vice-Chairman, and Thomas Irving for Clerk, and that the board meet on the second and fourth Mondays of each month at 6:30 pm in the Planning Board Office unless otherwise voted by the board. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion that the Chairman, Vice-Chairman and Clerk, singularly or collectively, be authorized to sign plans submitted to the Planning Board which are stamped “not subject to subdivision control,” and to certify any action of the board. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Noone made a motion to permit Mr. Heins to sign building permits as the Planning Board Assistant. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board members signed the reorganization form to be submitted to the Registry of Deeds.

Mr. Taylor 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