



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, JUNE 24, 2019**

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

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

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), John Brown (Selectman), Sabrina Chilcott (Selectmen's Office), Brandon Gulnick (Selectmen's Office), Peter Palmieri (Merrill Engineers and Land Surveyors), Gordon Martin, Mounir Tayara, Sandra Dunleavey, Brian Logan, James Fitzgerald, Robert Gosselin, Mary Julian Hays, Douglas Letourneau, Jerry Rogers, Mark Hayes, Beth Bailey, Frederic C. Bailey, Michael McKennar, John Macleod, Treasa Downey, John Kelley, Emily Coyne, John Coyne, Cindy Adleman, Anthony Somers, Patrick Jackson, Timothy Angle, Robert Chandler, Stephanie Falvey, Patty Cuozzi, Matthew Leidner, Daniel Robinson, Mark McNamara, Sharon McNamara, and others.

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

### **DECISION TO RELEASE THREE LOTS FROM COVENANT AT SUBDIVISION #1802 LISA'S LANE**

Robert Gosselin, the developer of Subdivision #1802 Lisa's Lane (formerly known as Libby's Lane), came before the board to request that the board release three of the lots in the subdivision from the covenant which otherwise restricts them from being released.

The board discussed the subdivision with Mr. Gosselin and Mr. Heins, and agreed that it was appropriate to release the three lots at this time. The other two lots will remain under the covenant until a road bond is paid.

Mr. Wandell made a motion that the board release Lots 3A, 4A and 7 for Subdivision #1802 Lisa's Lane, that Mr. Heins be authorized to sign the building permits for these lots, and that the board sign the covenant release form that had been presented to it. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Heins noted that the lots to be released were actually 3B, 4A and 7.

Mr. Wandell made a motion to replace the approval previously voted on with an approval for Lots 3B, 4A and 7. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

A quorum of the board signed the covenant release form presented by Mr. Gosselin for Lots 3B, 4A and 7.

**DECISION TO APPROVE CLEARING OF ADDITIONAL TREES AT SUBDIVISION #1603 BRISAN WAY EXTENSION**

Mounir Tayara, the developer of Subdivision #1603 Brisan Way Extension, came before the board to request that the clearing of additional trees on certain lots in the subdivision, in order to create larger backyards, be allowed. This had previously been discussed at the board meeting on June 17, and Mr. Tayara had agreed to return with LCN calculations for the lots.

Mr. Tayara showed the board revised drawings indicating which areas would be cleared, and he explained that the LCN calculations that had been done demonstrated that clearing the trees was acceptable.

Mr. Wandell made a motion that the board approve the removal of additional trees in the backyards of certain lots in Subdivision #1603 Brisan Way Extension, in accordance with the drawing titled "Landscape Plan #1" received and date-stamped on June 24, 2019. Mr. Irving seconded the motion, and the board voted unanimously in favor.

**REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Taylor made a motion to approve the minutes for June 17, 2019, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained that the applicant for Site Plan #SP6-19 at 345 Oak Street had agreed to request a 30-day extension of the deadline, so the public hearing could be held in early August. Thus the board needed to vote to grant this extension of the deadline.

Mr. Wandell made a motion that the board extend the deadline for Site Plan #SP6-19 at 345 Oak Street by 30 days. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

The board agreed that its meetings in August would be on August 12 and August 26.

The board and Mr. Heins discussed the construction ongoing at Subdivision #1701 Bristol Estates, and looked at the recent peer review report for the construction inspections of Tyler Nims, the board's peer review engineer for this project. The board talked about some of the issues raised in Mr. Nims' letter, especially regarding drainage stormwater infrastructure.

The board directed Mr. Heins to ask Mr. Nims and Eoghan Kelley (representing the developer of the project) to come to the board meeting on July 8, to discuss these possible problems.

The board and Mr. Heins discussed whether proposed new signage at the Stop and Shop supermarket at 24 Mattakeesett Street, for a pick-up area for customers, would require board approval.

**PUBLIC HEARING FOR PROPOSED SITE PLAN #SP4-19 VALLEY STREET SOLAR PROJECT**

Ms. Coletta opened the public hearing, for proposed Site Plan #SP4-19 Valley Street Solar Project, on the application of Valley Road Solar, LLC, 200 Marcy Street, Suite 102, Portsmouth, NH 03801, requesting Site Plan Approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval) and Section V.12. (Solar Photovoltaic Installations). The applicant proposes to

construct a large-scale ground-mounted solar facility of 26.15 acres, with the solar panels to cover 17.72 acres, which would generate 6.14 megawatts of direct current electricity. The property is located in the Residence District A zone, at 221 Valley Street, Pembroke, MA 02359, as shown on Assessors' Map F4, Lot 2. A copy of the application is available in the Office of the Planning Board.

Patrick Jackson, with Valley Road Solar, LLC, (and of SunRaise Investments) and representing the project, summarized the proposed solar facility. He explained that it would qualify as a "community solar" project and thus the electricity would be meant for small commercial accounts with National Grid. He also said they plan to provide tax revenue to the town over a 20-year period.

Anthony Somers, with SWCA Environmental Consultants, described the engineering drawings of the project in detail. He discussed the former cranberry bog areas and showed where the solar arrays would be located.

Ms. Coletta asked about the density of the vegetation surrounding the project, and whether it would be sufficient to screen the solar panels from the road and from neighboring properties. Mr. Somers went over the solar array's distance from various adjacent properties. A discussion ensued about the importance of visually screening the solar array through appropriate vegetation.

Mr. Jackson described the grass and perennials that would be planted within the solar array. The board and Mr. Jackson talked about where the solar panels would be located, and where certain trees would need to be cut down around the edges of the solar array. Mr. Jackson described the access drives that already exist or will be built to serve the project.

Matthew Leidner, with Civil Design Group, described the drainage system and stormwater analysis. He explained that a solar array doesn't significantly alter the stormwater drainage patterns, and said that the project will not increase the runoff.

Peter Palmieri of Merrill Engineers and Land Surveyors, who is the board's peer review engineer for the project, addressed the board. He said that a landscape plan stamped by a landscape architect should be submitted. He also mentioned that the zoning bylaw is ambiguous regarding how much of a vegetated border is required around a solar array and/or site plan project. He noted that the regulations require the access drive be paved, but in this case it might be appropriate for a waiver to be granted so it can be gravel.

The board and Mr. Palmieri discussed the issue of visual screening and vegetated buffers. Mr. Jackson said the developer would be willing to submit a landscape plan, and that they could mitigate the buffer through appropriate vegetation. Ms. Coletta and Mr. Jackson discussed how visual screening through vegetation could be done. Mr. Jackson explained that from a scientific environmental perspective, it is worth cutting down trees to build solar projects.

In reply to a question from Mr. Irving, Mr. Somers said that no fill would be taken from or brought to the site. Mr. Irving asked if cranberries will be grown between the solar panels, and Mr. Somers said that is not currently the intent.

Mr. Irving asked about the taxation of the solar array area, and Mr. Jackson said the footprint of the solar project would be removed from the agricultural 61A tax exemption, and would go into an agreement made with the Assessors and the Board of Selectmen, which would provide significantly more revenue to the town. In reply to Ms. Coletta's question, Mr. Jackson explained that towns and

solar developers in Massachusetts typically reach an agreement for payment in lieu of taxes (PILOT) for 20 years, based on a tax assessment of the project. Mr. Jackson described some of the legal nuances relating to taxation.

Ms. Coletta opened the floor to members of the public. Treasa Downey, a Duxbury resident on Valley Street, said that last year when the property was discussed with the Board of Selectmen, the neighbors were given the impression that the land would become a cranberry farm, and she asked how long the plan to build the solar array had been in development. Ms. Coletta explained that the board wasn't part of those discussions and cannot answer that question.

Beth Bailey, an abutter to the project, said that she is in favor of solar power. However, she asked what would happen regarding the ongoing earth removal in the gravel pit—formerly West Chandler Pond—directly west of the proposed solar array. She explained that gravel removal has been taking place, with trucks coming and going, and that the long-term plan was for cranberry bogs to be created and for cranberry cultivation to begin again on the property. She expressed concern about the earth removal and the logging operations on the property, and described the amount of trucking on Valley Street.

Ms. Bailey asked about the 750 trees that are going to be cut down for the solar project, and how they will be handled. She also asked about what will happen on the rest of the property.

Ms. Coletta said that the board would seek to get more information from other town boards and departments, to gain a better sense of what is happening on the rest of the site. She asked the development team if they had any information or drawings showing what would happen elsewhere on the property. Mr. Somers said that the solar project is separate from things existing elsewhere on the property, but Ms. Coletta explained that a site plan application typically is judged with an understanding of the entire property, even if only one area is being developed.

The board discussed whether the property owner should be present to explain the situation for the whole property. At this point, the property owner's attorney, Timothy Angley, addressed the board. He described the spatial configuration of the property ownership. He also stated that once the gravel removal is done, the pond will be allowed to fill back up. He said that he was told the removal of earth will be complete in late 2020 or early 2021.

Ms. Coletta said that the gravel removal and the solar construction taking place simultaneously might be an excessive impact on the neighborhood. Mr. Jackson explained that the solar construction will probably take about five months, from start to finish. Ms. Coletta asked whether the 750 trees would be processed on-site or off-site, and Mr. Jackson said he wasn't sure. Mr. Angley said the property owner's contract with Landers (the company doing the gravel removal) would not specifically require that the trees be processed on-site.

Robert Chandler, an abutter to the project, said that the neighbors and Board of Selectmen were originally told that West Chandler Pond had to be excavated for the water needed for six acres of cranberry cultivation. He opined that the real purpose of the excavation is to sell the gravel.

Mr. Chandler explained that a tree cutting service brings logs onto the property to be ground up and chipped. He also mentioned that hydroseeders take water from the pond. He stated that he feels the land is now being used industrially and commercially under the guise of agriculture, in order to maximize the revenue to be gained from it.

Mr. Chandler said that a 100-foot buffer should be required from the solar project to the boundary of his property, and this led to a conversation about buffer requirements.

Michael McKennar, an abutter to the project, asked about the orientation of the panels, and was told they would be aimed south. He asked how many feet below grade the excavated area (formerly West Chandler Pond) goes down, and the answer from Mr. Angley was 20 feet. A conversation followed about the proposed solar project's drainage system.

Mr. McKennar asked about the potential for flooding once the project is complete, and a discussion followed. Mr. McKennar said that a diesel pump currently runs at all hours to move water, and he worries that ultimately once the pond fills there will be flooding problems.

Mr. Palmieri described the complexity of water control on cranberry bogs, and said the proposed project would mimic the existing condition of stormwater flows on the site. A detailed discussion took place among several people, referring to engineering drawings, about stormwater drainage on the property. A conversation ensued about which board is responsible for groundwater and stormwater.

Ms. Coletta emphasized that the board needed to get more information about how the solar project fits with what is happening on the property on the whole. Some other board members agreed.

John Macleod, an abutter to the project, encouraged the board to take into account what is happening on the entire property. He opined that the gravel removal has not been serving its claimed purpose, the eventual return of cranberry cultivation, and so the neighbors have been suffering from the trucking and other negative impacts for no good reason. He said that if the solar project is approved then the other activities on the property—the excavation, logging, wood processing, etc.—should cease.

Douglas Letourneau, an abutter to the project, asked where the solar array would be in relation to his property, and what the view towards it would be from his property. A discussion followed about the solar array's location, the distance from it to Mr. Letourneau's land, its likely visibility, and the vegetation in between.

Mr. Taylor made a motion to continue the public hearing for proposed Site Plan #SP4-19 Valley Street Solar Project to August 12, 2019, at 7:00 pm, Mr. Noone seconded the motion, and the board voted unanimously in favor.

#### **DISCUSSION ABOUT PROPOSED IMPROVEMENTS TO VETERANS MEMORIAL PARK IN TOWN CENTER, AND DECISION TO WAIVE REQUIREMENT FOR SITE PLAN REVIEW**

Brandon Gulnick, of the Selectmen's Office, came before the board to describe the proposed improvements to the veterans memorial park in town center, located along Center Street adjacent to First Church in Pembroke.

Mr. Gulnick explained that a transition plan was previously approved for the veterans memorial park, to help upgrade it to meet ADA (Americans with Disabilities Act) requirements. He talked about how the park currently doesn't meet ADA standards, which means the monuments in the park are not accessible to someone in a wheelchair. Mr. Gulnick described the improvements being proposed for the park, which primarily consist of replacing some walkways, building a few new walkways, and some other small landscaping changes.

Mr. Gulnick requested that the board waive the requirement for site plan review, in consideration of the minor nature of the proposed changes. The board members discussed whether the project should go through the site plan review process.

The board and Mr. Gulnick clarified what phase 1 and phase 2 of the project would consist of, phase 1 being what was proposed at this time. Mr. Gulnick agreed that phase 2, which potentially includes a gazebo, would require site plan review. The board and Mr. Gulnick discussed the park's history, and talked about the proposed design in more detail.

Mr. Noone made a motion that the board waive site plan review for phase 1 of the proposed improvements to the veterans memorial park in town center, with it being stated for the record that phase 1 does not include the gazebo. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

#### **DISCUSSION ABOUT PROPOSED SIGNAGE AT EXISTING BUILDING AT 19 MATTAKEESETT STREET**

Sharon McNamara, of the real estate firm Boston Connect, came before the board to discuss the proposed signage at the existing building at 19 Mattakeesett Street (in the Center Protection District), which is now being renovated to serve as an office for Boston Connect.

Ms. Coletta asked why site plan review was not being done for the project, given that the building had not been occupied for the past few years and there is another use happening at 19A Mattakeesett Street which lies on the same property. Ms. McNamara noted that the building was previously used for offices. A discussion about these issues ensued. Ms. McNamara described how the building will be used by Boston Connect and what activities will take place within it. She also described the way the site is configured for parking, and how the property will be shared with the rear building (19A Mattakeesett Street).

The board and Ms. McNamara agreed that she would present a sketch of the building and/or site at the next board meeting on July 8, and then the board could consider whether the proposed use qualifies as a minor modification to the existing (previous) site plan.

Mr. Wandell disclosed for the record that his wife works for Boston Connect as an independent contractor.

Ms. McNamara showed the board drawings of her proposed signage for 19 Mattakeesett Street, and presented different options she was considering. The board and Ms. McNamara discussed the appearance of the signs and where they would be placed on the property. It was agreed that the board could approve the proposed signage on July 8.

The history of the property, and the two buildings on it, was discussed.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant