



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, JULY 8, 2019**

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

**BOARD MEMBERS ABSENT:** James Noone.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Peter Palmieri (Merrill Engineers and Land Surveyors), Mark McNamara, Sharon McNamara, John Duff, John Duff, III, Todd Szymczak, Robert W. Galvin, Tyler Nims, Eoghan Kelley, Kenneth Staffier, Edward Mullin, John Hernon, Michael Tyler, Scott Radwin, and others.

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

### **DECISION TO APPROVE PROPOSED FIRE PIT AT NORTH RIVER COMMUNITY CHURCH AS MINOR MODIFICATION TO EXISTING SITE PLAN**

Todd Szymczak, the executive pastor of North River Community Church, came before the board, along with John Duff and John Duff, III, to request they be allowed to construct a fire pit on the property of North River Community Church in Pembroke.

John Duff, III, who is a boy scout and would build the fire pit, described the project and how it would be constructed. He explained that it would not be close to any flammables. Mr. Duff and Mr. Szymczak answered a few questions from the board.

Mr. Wandell made a motion to approve the proposed fire pit as a minor modification to an existing site plan, which requires no additional information or work. 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 of June 24, 2019, and Mr. Wandell seconded the motion. Ms. Coletta, Mr. Wandell, Mr. Irving, Mr. Scholl and Mr. Taylor voted in favor, Mr. Smith abstained, and the motion passed.

Ms. Coletta noted that Mr. Heins would be on vacation from July 25 to July 29.

The board and Mr. Heins discussed Site Plan #SP4-18 at 212 Schoosett Street, the Magical Years Preschool, and the requirement that the board's peer review engineer do construction inspections. A

broader conversation took place about the construction process, what things should be mandated, and the purpose of the construction inspections.

The board and Mr. Heins also talked about Site Plan #SP2-17 at 260-280 Oak Street, currently near the end of construction, and the review of its as-built drawings. The board directed Mr. Heins to ask Brian Murphy (the developer) and Peter Palmieri (the peer review engineer) to attend the next board meeting to discuss certain as-built issues.

**DECISION TO APPROVE PROPOSED SIGNAGE, AND TO ALLOW NEW USE AS MINOR MODIFICATION TO EXISTING SITE PLAN, AT 19 MATTAKEESETT STREET**

Sharon McNamara came before the board to request approval for proposed signage at 19 Mattakeesett Street, and for the proposed new use at that building. Her real estate firm Boston Connect is moving its office to this location. Attorney Robert W. Galvin was representing her, and Mark McNamara was also present.

Mr. Galvin presented to the board images of the proposed signs for Boston Connect, and site drawings showing how the property is being modified slightly for this new use. The board, Ms. McNamara and Mr. Galvin discussed the site and the building, and talked about parking and handicapped access.

Mr. Taylor made a motion that the board approve the signs and their locations, and approve the new use and changes to the site as a minor modification to the existing site plan, at 19 Mattakeesett Street, as shown on the site plan drawing submitted. Mr. Irving seconded the motion, and the board voted unanimously in favor.

**DISCUSSION ABOUT PROPOSED SIGNAGE IN PARKING LOT OF STOP AND SHOP SUPERMARKET AT 24 MATTAKEESETT STREET**

The board discussed proposed signage for the parking lot of the Stop and Shop Supermarket located at 24 Mattakeesett Street in the Center Protection District.

The supermarket is creating a service to allow people to order ahead of time and have their groceries brought to their car outside, and so they wish to install several small directional signs in the parking lot to direct these customers to the “pick-up” parking spaces. Nobody was present representing Stop and Shop or the sign company.

The board and Mr. Heins discussed the proposed signs and how traffic going to the pick-up area would move through the parking lot. A conversation took place about how the zoning bylaws regulate signage in the Center Protection District, and the challenges of enforcing this.

The board directed Mr. Heins to communicate with the sign company, to ask that the signs conform with the verbiage of the zoning bylaw and/or that they come talk with the board at the next board meeting.

**DISCUSSION ABOUT CONSTRUCTION ISSUES AT SUBDIVISION #1701 BRISTOL ESTATES**

The board discussed some issues that had been identified with the ongoing construction at Subdivision #1701 Bristol Estates. Tyler Nims, the board’s peer review engineer for the project, was present, as was Eoghan Kelley of the development company.

Mr. Nims described an issue with the bituminous paving. The board and Mr. Kelley discussed the drainage systems. A lengthy conversation took place about the construction of the subdivision and various possible problems relating to it. Ms. Coletta asked several questions.

Mr. Nims noted that one house's driveway had been shifted, which complicates future access to the rain garden on the property. A discussion followed. The board, Mr. Kelley and Mr. Nims also talked extensively about subdivision construction in general and how to enforce proper stormwater management over the long term. They also discussed specific possible problems at Bristol Estates.

Mr. Kelley and Ms. Coletta discussed the legal language in the deeds requiring that the rain gardens on the lots be maintained.

**DISCUSSION ABOUT PROPOSED CHANGES TO SITE PLAN #SP5-18 URGENT CARE FACILITY AT 296 OLD OAK STREET**

The board discussed proposed changes to Site Plan #SP5-18 Urgent Care Facility at 296 Old Oak Street, currently under construction.

Kenneth Staffier (the civil engineer for the project), Edward Mullin (one of the property owners), and John Hernon (with the construction team) came before the board. They presented the proposed changes to the design of the project, and showed the board the engineering drawings. Peter Palmieri of Merrill Engineers and Land Surveyors, the board's peer review engineer for the project, was also present.

The need for the changes had become evident during the construction process. Mr. Staffier explained that they proposed to alter the design and configuration of the loading dock of the existing building on the property, which contains Sun and Ski Sports. He went over the drawings with the board. He also described where the dumpsters would now be located, and how large trucks would move through the site. The board and Mr. Staffier discussed all these issues.

Ms. Coletta expressed concern about some dumpsters being located at a spot in the parking area highly visible from Route 139. The siting of these dumpsters was discussed in detail by the board members, Mr. Staffier and Mr. Mullin. It was agreed to move them to a location less visible from Route 139. The location of another dumpster, close to Old Oak Street, was also discussed.

There was a conversation about the stormwater drainage at the site, and the need to change it given that the state government was now resistant to letting any water flow off the property through the state system.

The board and Mr. Staffier talked about how the reconfiguration of the parking lot would affect the number of parking spaces, reducing the quantity by three spaces. He explained that the applicant would need to return to the Zoning Board of Appeals to request that the variance which was previously granted for the number of parking spaces be modified to allow for three fewer parking spaces.

The board members and Mr. Staffier went over the proposed changes and came to tentative agreement about what modifications to make. It was agreed that Mr. Staffier would communicate with the fire department about whether fire trucks will be able to move through the redesigned parking areas. It was decided to approve the stormwater changes at this time, and to discuss and possibly approve the other proposed changes at the next board meeting.

Mr. Wandell made a motion that the board approve the proposed stormwater management revisions as a minor modification to the existing site plan, and that the board review the other proposed revisions at a later meeting. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Staffier said that the applicant wished to modify the precast concrete curbing of the original design in the portion of the parking lot closest to Route 3. The board agreed it would be acceptable to change it to Cape Cod berm in this area.

#### **DISCUSSION ABOUT EXISTING EASEMENT ON PROPERTY OF SUBDIVISION #1802 LISA'S LANE**

The board discussed certain issues relating to Subdivision #1802 Lisa's Lane (formerly known as Libby's Lane) with two abutters to the subdivision, Scott Radwin and Michael Tyler. The developer of Lisa's Lane was unable to attend. Mr. Palmieri was also present.

Mr. Radwin stated that there is an existing easement on the subdivision's property for the electric power line that runs from his house, and showed the board the old legal documents relating to this easement. He said that he believes the board is not enforcing condition #1 of its final conditions of approval for the subdivision, which specifies an easement the developer must create. Ms. Coletta explained that this condition has no connection to Mr. Radwin's easement.

Mr. Radwin noted that the engineering drawings for the subdivision show a "proposed easement" of 298 feet in length, while his existing easement is described in the legal document as being 330 feet long. The board members explained that the existing easement is not legally negated by any subsequent drawings or documents, but also agreed that the subdivision drawings should show the existing easement correctly.

Ms. Coletta directed Mr. Heins to communicate with the developer, so that Mr. Radwin's existing easement is shown on the drawings before any further permissions are granted. The board members agreed not to sign off on the building permit routing slip until the existing easement is shown on the drawings.

Mr. Wandell made a motion that the board will not sign off on the building permit until satisfactory evidence is received from the developer that the existing easement is reflected on the subdivision plan. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta noted that an additional tree had been removed along Taylor Street, as part of the Lisa's Lane subdivision construction, because it was deemed a safety hazard by the tree warden.

Mr. Heins explained that the developer had said he'll make the required payment into the sidewalk fund within the next week.

Mr. Tyler asked about certain lots in the subdivision having already been released by the board, and a conversation followed about this.

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

The board and Mr. Palmieri talked about the construction inspections that he typically does for site plans, and the conversation also encompassed the particular case of Site Plan #SP4-18 at 212 Schoosett Street, the Magical Years Preschool. A discussion followed about what other towns do to inspect, or otherwise assure the quality of, projects under construction.

**DISCUSSION ABOUT APPOINTING BOARD MEMBER AS DELEGATE TO AFFORDABLE HOUSING COMMITTEE**

Ms. Coletta explained that it had been requested that a Planning Board member be a delegate to the town's Affordable Housing Committee. The board discussed this, and agreed to ask one of the current members of the Affordable Housing Committee to come to a future board meeting to talk about what the committee does and when it meets.

**REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Heins explained that someone hopes to open a "cigar lounge" in Pembroke, and is trying to figure out whether the zoning bylaws allow this use. A conversation took place about this.

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