



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 26, 2019

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

BOARD MEMBERS ABSENT: Daniel Taylor.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Darren Grady, Michele Sullivan, Elaine Rankin, Wayne Rankin, Tracy Strautman, Kelly Donovan, Darren MacDonald, Anthony Johnson, Charles Kovacic, Christopher King, Patrick McLaughlin, Timothy Quinn, Deborah Griffin, Kristin McKay, and others.

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

DISCUSSION ABOUT POSSIBLE SUBDIVISION OF LAND TO CREATE BUILDABLE LOTS WITHOUT REQUIRED FRONTAGE AT 113 AND/OR 119 DWELLEY STREET

Wayne Rankin, Elaine Rankin and Michele Sullivan came before the board to discuss the possibility of doing a new subdivision of land at 113 and 119 Dwelley Street (in Residence District A), by adjusting the property boundary between the two lots (through a Form A, i.e., ANR subdivision) to create lots that would be defined as buildable even though one of them would lack the required frontage. Ms. Sullivan is the Rankins' daughter, and they live next to each other on these two lots.

Mr. Rankin showed the board a drawing of the two lots, and talked about the history of the lots and why he is concerned that their property will be hard to sell someday because their driveway goes through Ms. Sullivan's lot.

However, the board members explained that shifting the property boundary to create more frontage for his lot would reduce the adjacent lot's frontage to less than 150 feet, which is not allowed for a lot already containing a single-family house.

Board member James Noone arrived at this time.

The board members discussed the issues with Mr. Rankin, Mrs. Rankin and Ms. Sullivan, and Ms. Coletta suggested that an easement for the driveway would be a better way to resolve this. Further conversation followed. The legal issues surrounding hardships and variances were discussed, and it was clarified that both the Zoning Board of Appeals and the Planning Board would have to approve such a subdivision.

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, May 20, 2019, June 17, 2019, and July 22, 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.

Darren Grady, the project engineer, was present. Darren MacDonald, an abutter to the project, was also present.

Mr. Heins explained that the Zoning Board of Appeals had approved the project's request for a special permit, and imposed conditions regarding the allowable uses in the new buildings.

The board, Mr. Grady and Mr. MacDonald discussed the current condition of the site, and talked about where a truck was parked in the access drive.

Mr. Grady explained where the boats would be located in the new design, and a conversation followed. The board and Mr. Grady also discussed the proposed landscaping and vegetation. Mr. MacDonald expressed concern about how well the vegetation would function as visual screening. The board and Mr. MacDonald talked about the vegetation, the buffer area, and the retention pond in the area adjacent to Mr. MacDonald's property. The appearance, color and other characteristics of the proposed new buildings were discussed.

The board and Mr. Grady conversed about the issue of lot coverage (also known as site coverage), the calculations relevant to lot coverage, and whether gravel areas should count as paved areas.

A discussion took place about the ownership status of the property, about the uses that would be allowed in the new buildings, and about water protection and floor drains.

The board agreed to wait for advice from the board's peer review engineer for the project, Peter Palmieri, regarding certain issues, and also to clarify with the building inspector whether any type of floor drains are allowed.

There was a conversation about the trees proposed to be planted in the project.

Mr. Wandell made a motion to continue the public hearing for Site Plan #SP2-19 at 171 Mattakeesett Street to September 16, 2019, at 7:45 pm. Mr. Irving seconded the motion.

The board further discussed the issue of floor drains.

The motion being on the table, the board voted unanimously in favor.

DISCUSSION ABOUT FINANCIAL SURETY FOR DECOMMISSIONING COST OF SITE PLAN #SP5-19 HERRING BROOK SOLAR PROJECT

The board members discussed the form and the amount of the required financial surety to cover the decommissioning cost of proposed Site Plan #SP5-19 Herring Brook Solar Project. The board previously voted to grant site plan approval to the project, but has not yet issued the decision and conditions of approval. Anthony Johnson, Charles Kovacic and Christopher King, representing the project, were present.

The board and Mr. Johnson discussed the proposed amount of the financial surety that the development team had estimated as part of the site plan application, and Mr. Johnson explained some of the assumptions behind his calculations.

The board members talked about the preferable form of financial surety, and considered the relative merits of an escrow account, bond or letter of credit. Ms. Coletta emphasized the advantages of an escrow account. Mr. Johnson and Ms. Coletta discussed the issue.

The board members decided that \$25,000 would be a reasonable amount for financial surety. There was further discussion about the form of financial surety.

A conversation took place about the progress of the remaining items to be resolved before the decision granting site plan approval could be issued. Mr. King, the project engineer, described how he perceived the relevant issues.

The board agreed to vote on and sign the decision and conditions of approval for the site plan on September 16. Ms. Coletta directed Mr. Heins to prepare a draft of the decision and conditions of approval by roughly September 10, so it could be reviewed before September 16.

Mr. Wandell made a motion that the board require an escrow amount of \$25,000 for the financial surety to cover the decommissioning cost. Mr. Noone seconded the motion, and the board voted unanimously in favor.

The board, Mr. Kovacic and Mr. Johnson discussed the site plan decision process and at what point the granting of site plan approval is official.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion to approve the minutes of Monday, August 12, 2019, as presented. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board agreed that the Pembroke Recreation Department could request an extension of the deadline for completion for Site Plan #SP2-06 Mattakeesett Ball Fields.

DECISION TO CONSIDER PROPOSED CHANGES TO SITE PLAN #SP1-18 IRVING OIL GAS STATION, CURRENTLY UNDER CONSTRUCTION, TO BE A MINOR MODIFICATION

Patrick McLaughlin and Timothy Quinn, representing Site Plan #SP1-18 Irving Oil Gas Station, currently under construction, came before the board to discuss some small alterations they wished to make to the design.

Mr. McLaughlin, the project engineer, described the changes. They wanted to add several bollards in front of the convenience store for safety, to move the vac-air station to a different location on the site, and to build a small patio next to the convenience store at the edge of the property.

Mr. McLaughlin explained that the proposed patio would increase the impervious coverage from 81% to 81.5% of the site. A discussion ensued about whether a new variance for this would have to be granted by the Zoning Board of Appeals. The issue of whether a variance would be needed for the setback was also discussed.

Mr. McLaughlin explained that the board's peer review engineer for the project, Peter Palmieri, believed the proposed changes were feasible from an engineering standpoint.

The board members were of the general opinion that the proposed changes would constitute a minor modification to the site plan, and thus would not require a new public hearing.

Mr. Wandell made a motion that the board consider the proposed changes to be a minor modification to the site plan, subject to review by the board's peer review engineer for the project, and subject to review of the variances by the Zoning Board of Appeals and the zoning enforcement officer. Mr. Noone seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT PROPOSED DOG DAY CARE FACILITY AT 125 CENTER STREET

Deborah Griffin and Kristin McKay came before the board to discuss their proposed use of the lower level (rear entrance) of the building at 125 Center Street as a dog day care facility for the daily boarding, training and/or grooming of dogs.

Ms. Griffin and Ms. McKay described in detail the dog day care business they wish to operate, and explained that they both have extensive experience in various aspects of dog care as a business. They discussed how they would configure the interior space and create a small fenced area for the dogs to play outside, and explained the hours of operation and drop-off and pick-up arrangements.

The board conversed about whether such a use would be classified as a kennel (as defined in the zoning bylaw), and if so, what kind of kennel. The board members discussed the various kinds of kennels defined in the zoning bylaw, and considered whether boarding and/or grooming would be allowed. The board discussed whether it would be advisable to update the zoning bylaw, since it makes no provision for dog day care as a type of business distinct from a kennel.

The board members noted that this would be a change of use, which triggers site plan review, and agreed to require a limited site plan application with the fees waived.

The board recommended that Ms. Griffin and Ms. McKay apply for a use variance from the Zoning Board of Appeals to allow grooming in their dog day care business, because the zoning bylaw seems to allow the proposed use otherwise but prohibits grooming, and a use variance could resolve this. However, Ms. Coletta emphasized that the zoning bylaws were changed at spring town meeting to prohibit the granting of use variances, and that change would probably take effect very soon.

Mr. Wandell made a motion that the board waive the application fee for a potential site plan for the 125 Center Street building. Mr. Noone seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta explained that for Site Plan #SP3-18 at 340 Oak Street, the Wolves Den indoor sports facility, where site improvements and a new parking area are currently being constructed, they are proposing to create a new restaurant and bar inside the building. The board discussed the project, and considered whether it should go through site plan review. No decision was made.

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