



PEMBROKE PLANNING BOARD MINUTES

MONDAY, SEPTEMBER 30, 2019

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

BOARD MEMBERS ABSENT: Daniel Taylor.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Kenneth McCormick, Peter Palmieri, Kevin Welch, Darren Grady, Darren MacDonald, Paul Overgaag, Tyler Nims, John Poirier, Robert DeMarzo, Thomas Dacey, Matthew Dacey, Gary Trongone, Daniel Murphy, John Hanna, Gerald Esposito, Deborah Griffin, Kristin McKay, and others.

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

DISCUSSION ABOUT PROPOSED RESTAURANT WITHIN EXISTING BUILDING AT 340 OAK STREET, WOLVES DEN SPORTS COMPLEX

Paul Overgaag and John Poirier came before the board to discuss the proposed changes to the Wolves Den Sports Complex at 340 Oak Street, which would include a new restaurant within the existing building. Construction is currently ongoing for Site Plan #SP3-18 at this property, which improves the parking area and stormwater drainage. Tyler Nims, the board's peer review engineer for this project, was also present.

The main alteration would be the new restaurant (replacing an existing snack bar in the building), but the new design also proposes some adjustments to the floor plan and the way in which people would enter the building.

There was general agreement that the amount of parking would need to be expanded, since the restaurant will bring slightly more people and also cause some people to stay longer. The board talked about whether a new site plan review would be necessary for the project, given that the use is changing to some degree.

The board suggested that additional parking spaces be gained from the parking lots of adjacent properties (Tomasi Nurseries, Brigham & Women's Medical, etc.), if those property owners are willing.

The board members agreed the project could be considered as a minor modification to the existing site plan, with information to be submitted regarding parking and the pathways from the satellite

parking areas to the building. The idea of using the parking lot of the Brigham & Women's Medical building was discussed. It was agreed that a few more handicapped parking spaces would be added.

DISCUSSION ABOUT ONGOING CONSTRUCTION OF SITE PLAN #SP3-18 AT 340 OAK STREET, WOLVES DEN SPORTS COMPLEX

Paul Overgaag and John Poirier remained to discuss the ongoing construction for Site Plan #SP3-18 at 340 Oak Street, the Wolves Den Sports Complex, which will improve the parking area and stormwater drainage. The project's engineer, Peter Palmieri of Merrill Engineers and Land Surveyors, was present, as was the board's peer review engineer for the project, Tyler Nims.

A discussion took place about some problems with the construction process that Mr. Nims had raised, especially a utility pole whose guy wire is obstructing the access drive.

Ms. Coletta noted that the board would not support issuing a certificate of occupancy for the proposed restaurant in the building until an as-built drawing is submitted that satisfies the site plan conditions, along with the new conditions for the restaurant. A conversation followed between Mr. Palmieri and the board.

DECISION TO SUPPORT PEMBROKE OPEN SPACE AND RECREATION PLAN

Ms. Coletta noted that the board had the option to vote in support of the final draft of the Pembroke Open Space and Recreation Plan. The board's official support is necessary for the plan to be submitted to the state of Massachusetts.

Mr. Wandell made a motion that the board support the Pembroke Open Space and Recreation Plan, as presented to the board. Mr. Scholl seconded the motion. Ms. Coletta, Mr. Wandell, Mr. Irving, Mr. Scholl and Mr. Noone voted in favor, Mr. Smith abstained, and the motion passed.

Ms. Coletta signed a letter stating that the board had reviewed the final draft of the Pembroke Open Space and Recreation Plan, and had voted to support it.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion to extend the deadline for completion for Subdivision #1701 entitled Bristol Estates until November 13, 2020. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board and Mr. Heins discussed the construction progress of Site Plan #SP5-18 Urgent Care Facility at 296 Old Oak Street. Robert DeMarzo, a member of the public, mentioned that the size of the signage on the building had caused some controversy, and this led to further conversation.

VOTE ON DECISION GRANTING SITE PLAN APPROVAL TO PROPOSED SITE PLAN #SP6-19 AT 345 OAK STREET

The board considered the draft of the decision, prepared by Mr. Heins, granting site plan approval to proposed Site Plan #SP6-19 at 345 Oak Street. The board had previously voted to approve this site plan. Matthew Dacey and Thomas Dacey, the developers, were present, as was Darren Grady, one of the project engineers. The board's peer review engineer for the project, Mr. Palmieri, was also present. Kenneth McCormick, the Deputy Fire Chief, was present too.

The board and Mr. Palmieri discussed how the stormwater drainage is being proposed to connect into an existing system, a pipe and drop inlet, that appears to be owned by the town's D.P.W. But if the pipe and drop inlet's owner refuses to allow the connection, the stormwater system would need to be redesigned. Ms. Coletta emphasized that if this problem arises, it must be worked out before a certificate of occupancy can be granted, and Matthew Dacey agreed. The board discussed what sort of condition to put in the decision granting site plan approval to cover this. Some of the other conditions in the decision granting site plan approval were also discussed.

The developer showed the board the elevation drawings for the proposed garage, which is part of the project. A discussion ensued about garage doors and tight tanks.

Mr. Wandell made a motion that for the Site Plan at 345 Oak Street, Pembroke, Massachusetts, with reference to the waivers requested on the first sheet of the drawings, the board grant the following waivers:

- a. Section 4.22: Traffic Study
- b. Section 5.1.2: Three-Foot-Wide Landscaping Strip Along All Foundation Walls
- c. Section 5.4 (Parking and Loading): Parking to Be Located Between the Proposed Building and Street Layout
- d. Section 5.4 (Parking and Loading): Curbing to Be Cape Cod Berm at Access Drive Radii
- e. Section 5.6.2: Curbing Shall Not Be Bituminous Concrete
- f. Section 5.7.1: Access Connection Spacing
- g. Section 5.7.2: Width of Access Connection
- h. Section 5.7.3: 45-Foot Depth Between the Property Line and the Beginning of Any Parking Areas

Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the board approve the decision of the Planning Board on the petition of Champion Builders for Site Plan #SP6-19 at 345 Oak Street, Pembroke, with the conditions as presented. Mr. Noone seconded the motion, and the board voted unanimously in favor.

A quorum of the board signed the decision granting site plan approval to the project.

A conversation took place about the new requirement to record approved site plans at the Registry of Deeds.

SIGNING OF DRAWINGS FOR SITE PLAN #SP5-19 HERRING BROOK SOLAR PROJECT

A quorum of the board signed the final engineering drawings for recently approved Site Plan #SP5-19 Herring Brook Solar Project.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board discussed Site Plan #SP5-18 Urgent Care Facility at 296 Old Oak Street, currently under construction, and the growing trend toward the use of such urgent care facilities.

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, July 22, 2019, August 26, 2019, and September 16, 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 of Grady Consulting, the project engineer, was present, as was Kevin Welch, the project's developer who currently leases the property. The board's peer review engineer for the project, Mr. Palmieri, was present. Mr. McCormick was also present.

Mr. Grady showed the board the revised drawings he had prepared for the project, and described some minor changes that had been made. A discussion took place about what areas would be paved versus gravel, and how the coverage calculations should be computed.

Mr. McCormick mentioned the concerns of the Fire Department about the types of activities taking place in the proposed buildings, and the lack of fire sprinklers in the design. It was stressed in particular that boat repair businesses, and other high hazard uses, would not be allowed. Discussion followed about these issues. Ms. Coletta noted the limits on allowed uses imposed in the Zoning Board of Appeals decision for the project.

Darren MacDonald, an abutter to the project who had spoken at previous public hearings for the project, indicated he had no further comments.

Mr. Wandell made a motion to close the public hearing for the Site Plan at 171 Mattakeesett Street, and Mr. Irving seconded the motion.

Mr. Palmieri said there was no documentation of the site's soil conditions, and it was agreed this could be made a condition in the decision granting site plan approval.

The motion to close the public hearing being on the table, the board voted unanimously in favor.

Mr. Wandell made a motion that the board approve 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, in Business District A and the Water Resource and Groundwater Protection Overlay District, with the plans submitted on September 30, 2019, with conditions to be written and approved at a later date. Mr. Scholl seconded the motion. Rebecca Coletta, Andrew Wandell, Thomas Irving and John Scholl voted in favor, Daniel Smith, Jr., and James Noone abstained, and the motion passed.

A short conversation followed about the recommended verbiage of certain conditions in the decision granting site plan approval, and when the decision would be ready for the board.

DISCUSSION ABOUT PROPOSED EXPANSION OF WAREHOUSE AND OFFICE BUILDING AT 7 RIVERSIDE DRIVE

Gary Trongone and Daniel Murphy came before the board to discuss the proposed expansion of a warehouse and office building at 7 Riverside Drive. Mr. Murphy is the owner and/or occupant of the property, and Mr. Trongone would be involved in the construction. They explained that the proposed expansion would be on an existing foundation and slab, where a portion of the building (a glass structure) once stood before a heavy snowfall caused it to collapse. This would be a relatively small expansion relative to the size of the entire building, which is about 19,000 square feet.

Mr. Irving asked if there was a drawing of the existing property, and Mr. Murphy said he had one in his possession and could bring it to the board. It was confirmed that the project would not involve any change of use. The stormwater runoff was discussed; given the existing foundation and slab are concrete, the expansion won't change the drainage.

The board agreed to discuss the project again at the next board meeting, once a drawing of the existing property had been submitted. The board members were in general agreement that a full site plan review process would not be necessary.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board discussed the schedule of future board meetings, in particular the upcoming meeting on October 21.

DISCUSSION ABOUT SUBDIVISION #0408 STONE MEADOW FARM, REGARDING CONSTRUCTION ISSUES AND EXPIRATION OF DEADLINE FOR COMPLETION

John Hanna and Gerald Esposito came before the board to discuss construction issues and the recent expiration of the deadline for completion for Subdivision #0408 Stone Meadow Farm. Mr. Hanna is the developer and Mr. Esposito is a construction manager.

It was explained that the deadline for completion for the subdivision had recently expired (i.e., it was not extended by the board). The subdivision is not quite complete, as some construction remains for the paving, curbing, landscaping and other items, but all the lots have been released and sold, and most have been built on. Mr. Hanna and the board conversed about the current status of the project and what construction remains to be done.

The board members discussed how to deal with the expiration of the deadline for completion from a procedural point of view, and it was agreed that construction could continue since the project is approaching completion and all the lots have been released.

Mr. Wandell made a motion that the board advise Subdivision #0408 Stone Meadow Farm to continue work on completing the road and other necessary items to be completed, and to present the board with an as-built drawing toward the process of road acceptance. Mr. Irving seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT PROPOSED USE OF 125 CENTER STREET BUILDING, LOWER LEVEL, AS A DOG DAY CARE FACILITY, AND DECISION TO WAIVE REQUIREMENT FOR SITE PLAN REVIEW

Deborah Griffin and Kristin McKay came before the board to discuss the proposed use of the 125 Center Street building, lower level (entry from the rear), as a dog day care facility for the daily boarding, grooming and training of dogs. The property lies in the Center Protection District and Residence District A, but the building itself and the portion of the property likely to be used are in the Center Protection District.

Ms. Griffin and Ms. McKay had previously talked with the board about the project. They also had a public hearing with the Zoning Board of Appeals, which was unwilling to grant a variance for dog grooming. They explained that they wished to confirm that their proposed use (with or without the dog grooming) would be allowed under the zoning bylaws, and to discuss any necessary parts of the site plan review process.

A conversation took place about whether grooming is allowed in such a project, and whether the zoning bylaws should be updated to clarify what sorts of kennels and dog day care facilities are allowed. It was generally agreed that grooming has become an acceptable use in dog day care facilities in town, and that the requirement for site plan review could be waived since the use would not be objectionable at that location. The project does not involve any changes to the building footprint or the exterior of the building, or to the property other than some fencing to enclose a small area.

Mr. Noone made a motion that the board waive the requirement for site plan review for the proposed project, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Irving 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