



PEMBROKE PLANNING BOARD MINUTES

MONDAY, FEBRUARY 10, 2020

BOARD MEMBERS PRESENT: Rebecca Coletta (Chairman) (present by remote participation), Thomas Irving (Clerk), John Scholl, Daniel Taylor and Daniel Smith, Jr.

BOARD MEMBERS ABSENT: Andrew Wandell (Vice-Chairman) and James Noone.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), George Verry (Building Inspector and Zoning Enforcement Officer), Peter Palmieri, James Lampke, Matthew Dacey, Stacy Minihane, Jonathan Cohen, Katie Allen, Robert Allen, Pamela Laiasa, John Laiasa, Douglas Tressel, Kellene Falco, Tracey Carter, James Carter, Donald Bryant, Paul Seaberg, Stephen Saia, Bruce Nichols, Nicholas Evano, Stephanie Demetro, Russell Field, Kathy Field and others.

Clerk Thomas Irving opened the meeting by reading the Chairman's statement.

VOTE TO APPROVE AND SIGN DECISION GRANTING SITE PLAN APPROVAL TO SITE PLAN #SP7-19 CAMP PEMBROKE YURT VILLAGE

Board members Mr. Irving, Mr. Scholl, Mr. Smith and Mr. Taylor were physically present.

The board members and Mr. Heins talked about how to have board member Rebecca Coletta participate remotely in the meeting. Mr. Heins contacted Ms. Coletta by phone, and put her on speakerphone so she could participate fully.

Mr. Irving stated that board member Rebecca Coletta was participating by remote participation in accordance with the requirements of 940 CMR 29.10 via speakerphone due to geographic distance. He explained that all votes would be made by roll call.

The board reviewed the draft decision documents (including conditions) prepared by Mr. Heins for Site Plan #SP7-19 Camp Pembroke Yurt Village. The site plan was previously approved and now it was necessary to vote on and sign the decision documents and drawings. Stacy Minihane, of Beals and Thomas, and Jonathan Cohen, president of the Cohen Camps (which owns and runs Camp Pembroke), were present to represent the project.

Ms. Minihane asked the board to clarify the requirement that arbor vitae be planted along one side of the camp's recreation building, and also asked that dxf digital files of the drawings not be required. The board agreed to these requests. Ms. Minihane explained that the soil testing had been done, and Mr. Heins went over some of the verbiage in the draft decision.

Mr. Scholl made a motion to grant the following waivers:

- a. Section 2.5: Written permission from owner of property if applicant is not owner
- b. Section 4.7: Preparation of landscaping plan by landscape architect
- c. Section 4.22: Requirement for a traffic impact study
- d. Section 5.1.2: Requirement for a three-foot landscaping strip along foundations

Mr. Smith seconded the motion. The board voted by roll call on the motion:

Mr. Irving: yes
Ms. Coletta: yes
Mr. Smith: yes
Mr. Scholl: yes
Mr. Taylor: abstain

The motion passed.

Mr. Scholl made a motion to approve Case #SP7-19 Camp Pembroke Yurt Village for site plan approval, Mr. Smith seconded the motion, and the board voted by roll call on the motion:

Mr. Irving: yes
Ms. Coletta: yes
Mr. Smith: yes
Mr. Scholl: yes
Mr. Taylor: abstain

The motion passed.

At this time, Ms. Coletta ended the phone call, and thus was no longer participating remotely. From this point forward, the board members present and participating were Mr. Irving, Mr. Scholl, Mr. Smith and Mr. Taylor.

The board members, Mr. Heins, Mr. Cohen and Ms. Minihane briefly conferred about the remaining paperwork to be done.

ENTERING EXECUTIVE SESSION

James Lampke, the board's attorney in its ongoing litigation with the Zoning Board of Appeals, was present.

Mr. Taylor made a motion that the board go into executive session pursuant to G.L. c. 30A, Section 21(a), for these purposes:

- Purpose number 3: "To discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body and the chair so declares." Specifically, the Board will discuss and take appropriate action with respect to the matter of Town of Pembroke Planning Board, et al. v. Town of Pembroke Board of Zoning and Building Law Appeals, et al., Plymouth County Superior Court Case No. 1983CV00239 regarding Pembroke Center Street, LLC, and the property located at 204 Center Street in Pembroke. Further, the Chair declares that having such discussion in open session would have a detrimental effect on the Planning Board's litigating position.

Mr. Irving stated that the board would return to open session at the conclusion of executive session.

Mr. Irving declared that having such discussion in open session would have a detrimental effect on the Planning Board's litigating position.

Mr. Smith seconded the motion. The board voted by roll call on whether to enter executive session:

Mr. Irving: yes

Mr. Smith: yes

Mr. Scholl: yes

Mr. Taylor: yes

The motion passed.

Any people present left the room, other than the Planning Board members, Mr. Lampke and Mr. Heins. All recording devices were turned off.

The board entered executive session.

The minutes of executive session are a separate document.

PUBLIC HEARING FOR PROPOSED SUBDIVISION #2001 OLD CART PATH LANE EXTENSION

The board returned to open session.

Mr. Irving opened the public hearing for proposed Subdivision #2001 Old Cart Path Lane Extension. It is through the application of Stephen Saia, 70 Old Cart Path Lane, Pembroke, MA 02359, for a Definitive Subdivision entitled Old Cart Path Lane Extension. The proposed subdivision is located at 70 Old Cart Path Lane, Pembroke, MA 02359, and would consist of three new single-family houses, one existing single-family house, and a new cul-de-sac road. The property is located in the Residential A Zoning District on Assessors' Map D8, Lot 5B. A copy of the application is available in the Office of the Planning Board.

The project engineer, Paul Seaberg of Grady Consulting, was present, as was the project developer and/or landowner Stephen Saia. Peter Palmieri of Merrill Engineers and Land Surveyors, the board's peer review engineer for the project, was also present.

Mr. Seaberg described the subdivision's design, including the infrastructure and stormwater system. He explained that they are requesting three waivers.

Mr. Seaberg replied to some questions from the board about the existing conditions and the stormwater drainage design.

Mr. Taylor asked Mr. Palmieri about the deck of the existing house protruding into a setback. He explained that the most recent letter from Grady Consulting proposes to remove that portion of the deck. He described a few other issues he mentioned in his review letter, and the replies of Grady Consulting.

Mr. Taylor asked about the location of one of the houses, and this was clarified.

The board members discussed the waivers being requested, in particular for sidewalks on both sides of the road.

John Laiasa, an abutter to the project, asked about drainage and the possibility of water running onto his property, and Mr. Seaberg described the stormwater system and grading in more detail.

Bruce Nichols, an abutter to the project, asked about whether the fire road that goes through the property will still be accessible, and Mr. Irving said that the bituminous curbing would allow trucks to access the fire road.

Tracey Carter, an abutter to the project, asked about where the sidewalk would go near her property, and about drainage. Mr. Seaberg answered her questions.

Kellene Falco, an abutter to the project, asked Mr. Saia how large the new houses would be, and he said he wasn't sure yet.

Mr. Taylor made a motion to continue the public hearing to March 9 at 6:30 pm, Mr. Scholl seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT POSSIBLE USE OF 300 CENTER STREET AS RESTAURANT, SINGLE-FAMILY HOUSE AND OFFICE

Nicholas Evano and Stephanie Demetro came before the board to discuss their proposed use of the property and existing buildings at 300 Center Street as a restaurant, single-family house and office-studio. George Verry, the town's building inspector and zoning enforcement officer, was also present.

Mr. Heins summarized the advice received from town counsel regarding the proposed use.

Mr. Verry described the history of the property and the previous uses on it. The board and Mr. Verry discussed the situation. Some board members and Mr. Evano discussed the septic system on the property. Mr. Verry was of the opinion that this proposed use can be allowed as a continuation of the previous uses that have long been on the property. Given this, the board members felt a site plan application was unnecessary.

Mr. Heins noted that town counsel had advised that the proposed use should go before the Zoning Board of Appeals, as an application for a special permit for an alteration of a preexisting nonconforming use, and this led to further discussion.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion to approve the minutes for January 27, 2020, Mr. Scholl seconded the motion, and the board voted unanimously in favor.

DECISION TO ENDORSE (I.E., APPROVE) A.N.R. SUBDIVISION APPLICATION (FORM A) FOR PROPERTIES AT 96 AND 104 FOREST STREET

Paul Seaberg of Grady Consulting, on behalf of K&G Development, came before the board with the drawings for an Approval Not Required (A.N.R.) Subdivision application (i.e., Form A) for properties at 96 and 104 Forest Street. He explained that this subdivision would reconfigure two current lots into four lots.

The board and Mr. Seaberg discussed the subdivision and the board members were satisfied that it was done correctly.

Mr. Taylor made a motion that the board's clerk sign the drawings for the Approval Not Required Subdivision application for 96 and 104 Forest Street. Mr. Scholl seconded the motion, and the board voted unanimously in favor.

Mr. Irving, the Clerk of the Planning Board, signed the drawings, thereby endorsing (i.e., approving) the Approval Not Required Subdivision.

DECISION TO WAIVE OR REDUCE CERTAIN FEES AND DOCUMENTS FOR UPCOMING SITE PLAN AT 240 & 258 OAK STREET

Mr. Heins explained that Site Plan #SP5-17 at 240 and 258 Oak Street would be coming to the board for a new public hearing for site plan review, as per the anticipated remand order of a judge in land court. Given that the project previously received site plan approval, and that this proposed revised design will be almost identical to the previous design except for two very small alterations, Mr. Heins explained the board had the option to waive or reduce the application fee and engineering fee, and to waive certain documents normally required in a site plan application.

At this time, Russell Field and Kathy Field, who own the property through an entity, arrived. Mr. Field showed the board the drawings that he anticipates submitting for the new public hearing.

Mr. Taylor made a motion to reduce the application fee to two hundred dollars [for the anticipated application for a new public hearing for Site Plan #SP5-17 at 240 and 258 Oak Street], Mr. Scholl seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion to waive the engineering review deposit and the requirement for a stormwater report [for the anticipated application for a new public hearing for Site Plan #SP5-17 at 240 and 258 Oak Street], Mr. Smith seconded the motion, and the board voted unanimously in favor.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant