



PEMBROKE PLANNING BOARD MINUTES

MONDAY, APRIL 27, 2020

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

BOARD MEMBERS ABSENT: Daniel Smith, Jr., Daniel Taylor, and James Noone.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant) and Sabrina Chilcott (Assistant Town Manager).

Due to the coronavirus pandemic, this meeting of the Planning Board was held through remote participation using the internet and telephone, with nobody in physical proximity.

TWELVE PUBLIC HEARINGS FOR TWELVE PROPOSED ZONING BYLAW AMENDMENTS

Chairman Rebecca Coletta called the Office of the Planning Board by telephone at 6:30 pm to open the meeting. Ms. Coletta opened the meeting by reading the Chairman's statement. At this time, only Ms. Coletta and Mr. Heins (the Planning Board Assistant) were present and participating in the meeting.

Ms. Coletta re-opened the twelve public hearings running concurrently (continued from March 16, 2020, though that entire meeting was immediately continued) for the twelve proposed amendments to the zoning bylaws, which are twelve articles on the warrant for annual town meeting. Ms. Coletta explained that the purpose of opening the hearings was to continue them to later, since the broadcast and live stream of the Planning Board meeting would begin at 7:00 pm.

Ms. Coletta stated that the twelve proposed zoning bylaw amendments are titled (in the legal advertisements) as follows: Definition: Residential Affordable Housing Development; Industrial District A, Residential Affordable Housing; Industrial District B, Residential Affordable Housing; Residential Affordable Housing, Special Permit; Flood Plain District; Industrial District A, Prohibition of Houses; Industrial District B, Prohibition of Houses; Industrial District A, Prohibition of Accessory Dwelling Units; Industrial District B, Prohibition of Accessory Dwelling Units; Water Resource and Groundwater Protection District; Kennels; and Center Protection District, Mixed-Use.

Ms. Coletta noted that only herself and Mr. Heins were present. She continued the twelve public hearings to 7:30 pm.

Ms. Coletta adjourned the meeting of the Planning Board to 7:00 pm.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

At 7:00 pm, Ms. Coletta re-opened the Planning Board meeting. At this time, board members Rebecca Coletta, Andrew Wandell, Thomas Irving, and John Scholl were present, along with Matthew Heins (Planning Board Assistant) and Sabrina Chilcott (Assistant Town Manager). From this point forward, all those present were participating remotely via the Zoom software platform arranged by PACTV. The broadcast and live stream of the meeting by PACTV also began at 7:00 pm.

Ms. Coletta explained that the meeting had opened at 6:30 pm and been adjourned to 7:00 pm.

Ms. Coletta read a modified version of the Chairman's statement, adjusted for the circumstances of the coronavirus pandemic and remote participation:

Please note that this meeting is being made available to the public through an audio and/or video recording which will be used to ensure an accurate record of proceedings produced in the minutes of the meeting. All comments made in open session will be recorded.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020, Order imposing strict limitations on the number of people that may gather in one place, this public meeting of the Pembroke Planning Board is being conducted via remote participation.

No in-person attendance of members of the public will be permitted, but the public can view and listen to this meeting while in progress. PACTV is providing this service live on Comcast Government Access Channel 15, and for those without cable, on their PRIME streaming channel by visiting www.pactv.org/live.

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, in real time, during the portion of any public hearing designated for public comment, by emailing selectmen@townofpembroke.mass.org or calling 781-293-3844.

All votes taken during this meeting will be roll call votes.

Ms. Coletta noted that the board members present and participating were Rebecca Coletta, Andrew Wandell, Thomas Irving, and John Scholl.

Ms. Coletta discussed the Planning Board's inability to meet during the past several weeks, due to the outbreak of the coronavirus pandemic in the U.S. and the need to arrange for legally viable remote participation. She asked the board members for their feedback as to whether certain public hearings (for proposed site plan and subdivision projects) should be held during the state of emergency or rescheduled until after it is lifted, given that the governor's order grants flexibility.

The board and Ms. Chilcott discussed the need to hold the public hearings for the proposed zoning bylaw amendments before town meeting, and in particular the proposed zoning bylaw amendment updating the flood plain map references.

Ms. Coletta, the board, and Ms. Chilcott talked about whether and how greater public participation could take place through the Zoom platform. Ms. Coletta emphasized the benefits of allowing real time participation by members of the public in public hearings. She noted that the meetings are being broadcast and live streamed, and mentioned the email and telephone options for people to submit comments and questions.

The board members were in agreement that it made sense to hold the public hearings for proposed site plan and subdivision projects in the near future, rather than waiting until the state of emergency is lifted.

Mr. Scholl made a motion to approve the minutes for February 24, 2020, Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion to approve the minutes for March 23, 2020, Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

TWELVE PUBLIC HEARINGS FOR TWELVE PROPOSED ZONING BYLAW AMENDMENTS

Ms. Coletta re-opened the twelve public hearings running concurrently (continued from March 16, 2020, and from 6:30 pm) for the twelve proposed amendments to the zoning bylaws, which are twelve articles on the warrant for annual town meeting.

Ms. Coletta stated that the twelve proposed zoning bylaw amendments are titled (in the legal advertisements) as follows: Definition: Residential Affordable Housing Development; Industrial District A, Residential Affordable Housing; Industrial District B, Residential Affordable Housing; Residential Affordable Housing, Special Permit; Flood Plain District; Industrial District A, Prohibition of Houses; Industrial District B, Prohibition of Houses; Industrial District A, Prohibition of Accessory Dwelling Units; Industrial District B, Prohibition of Accessory Dwelling Units; Water Resource and Groundwater Protection District; Kennels; and Center Protection District, Mixed-Use.

Ms. Coletta noted that a comment was received from a member of the public who is concerned about the zoning bylaw change to update the flood plain map references. The board discussed this amendment, and how FEMA updates the maps periodically. It was clarified that if the town doesn't update the map references, many property owners in Pembroke would lose their flood insurance because the town would no longer be participating in the National Flood Insurance Program (NFIP).

Ms. Coletta noted for the record that Mr. Scholl had left the meeting because he lost his internet connection. About a minute later, he rejoined the meeting.

Ms. Chilcott said the town had heard from a few residents around Furnace Pond who were told that their flood insurance would become more expensive under the new maps. Ms. Coletta talked about the broader issues relating to flood plain maps and how FEMA's program works. The board members discussed how the new maps are likely to impact Pembroke.

The board members agreed that it is necessary for the town to update the map references, and that it made sense to close the public hearing for this proposed zoning bylaw amendment (titled "Flood Plain District") and to officially recommend that the town pass the warrant article.

Mr. Wandell made a motion to close the public hearing titled "Flood Plain District" (while leaving the other eleven public hearings open). Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell discussed the proposed zoning bylaw changes that would allow multifamily residential projects to be built in Industrial Districts A and B by special permit, with provisions for affordability. A conversation followed as the board members talked about the details of this, and its benefits and drawbacks. It was agreed to have a member of the Affordable Housing Committee join the next session of the public hearings to discuss the idea.

Mr. Wandell made a motion to continue the eleven public hearings for the proposed zoning bylaw amendments (i.e., all these public hearings except the one titled "Flood Plain District"), running

concurrently, to Monday, May 4, at 7:50 pm. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

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

Ms. Coletta re-opened the public hearing (continued from February 10, 2020, March 9, 2020, and March 16, 2020) 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.

Ms. Coletta explained that this public hearing was being continued immediately with no testimony taken.

Mr. Wandell made a motion to continue the public hearing to Monday, May 18, at 7:30 pm. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

VOTE TO SUPPORT PASSAGE OF PROPOSED ZONING BYLAW CHANGE "FLOOD PLAIN DISTRICT"

Mr. Scholl made a motion that the board recommend passage of the proposed zoning bylaw change titled "Flood Plain District," consistent with state requirements for passage of the bylaw change. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

DISCUSSION ABOUT, AND VOTE TO AUTHORIZE SIGNING OF, CHAPTER 91 WATERWAYS APPLICATION FOR 2 WASHINGTON STREET

Ms. Coletta and Mr. Heins explained that the board had received a copy of a Chapter 91 Waterways application for a property at 2 Washington Street, to build a private stairway and dock. The Chapter 91 applications are submitted to the Department of Environmental Protection, which decides on them, and planning boards get a copy because they must acknowledge receipt of it and do have the opportunity to provide comments. The Section H in the application, a form which must be signed to acknowledge receipt, can be signed, per its instructions, by either a municipal clerk or appropriate municipal official.

Mr. Scholl was able to use Zoom's screen share function to display the proposed plan associated with this application.

Mr. Wandell made a motion to authorize Mr. Heins to sign the form [Section H] to acknowledge receipt by the board of the Chapter 91 application. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

PUBLIC HEARING FOR PROPOSED MAJOR MODIFICATION TO SITE PLAN #SP2-17 AT 260-280 OAK STREET

Ms. Coletta re-opened the public hearing (continued from December 16, 2019, January 27, 2020, February 24, 2020, March 9, 2020, and March 16, 2020) for the proposed major modification (amendment) to Site Plan #SP2-17 at 260-280 Oak Street. The site plan is to build two industrial buildings totaling 20,000 square feet of modular units occupied by multiple users, on property

located in Industrial District A and the Medical Marijuana Overlay District, and its construction is nearly complete. The major modification makes various changes to the site plan, generally reflecting what has actually been built, especially regarding the access drive, parking areas, drainage system, landscaping, grading, fencing, retaining walls, vegetation, building interiors, and building entrances.

Ms. Coletta explained that this public hearing was being continued immediately with no testimony taken.

Mr. Wandell made a motion to continue the public hearing to Monday, May 18, at 8:30 pm. Mr. Scholl seconded the motion, and the board voted unanimously in favor by roll call.

VOTE TO EXTEND DEADLINE FOR COMPLETION FOR SUBDIVISION #1603 BRISAN WAY EXTENSION

Ms. Coletta explained that the developer of Subdivision #1603 Brisan Way Extension, currently under construction, had signed a form requesting that the deadline for completion be extended by a year, from May 8, 2020, to May 8, 2021.

Mr. Irving made a motion to extend the deadline for completion for Subdivision #1603 Brisan Way Extension to May 8, 2021. Mr. Scholl seconded the motion, and the board voted unanimously in favor by roll call.

Ms. Chilcott said that no questions or comments had been submitted by members of the public during the meeting.

Mr. Wandell made a motion to adjourn the meeting, Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

Respectfully submitted,

Matthew Heins, Planning Board Assistant