



PEMBROKE PLANNING BOARD MINUTES

MONDAY, MAY 4, 2020

BOARD MEMBERS PRESENT: Rebecca Coletta (Chairman), Thomas Irving (Clerk), Daniel Taylor, and John Scholl.

BOARD MEMBERS ABSENT: Andrew Wandell (Vice-Chairman), Daniel Smith, Jr., and James Noone.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Russell Field, John Danehey, Michael Bulman, Greg Morse, and Judy Parks (Affordable Housing Committee).

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

OPENING THE MEETING

At 7:00 pm, Ms. Coletta opened the Planning Board meeting. She 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, during the portion of any public hearing designated for public comment, by emailing mheins@townofpembrokemass.org or calling 781-293-3844.

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

At the start of this meeting, and at any time when a member of the Planning Board enters or leaves the meeting, we will be identifying the board members participating.

Ms. Coletta noted that the board members present at the start of the meeting were Rebecca Coletta, Thomas Irving, John Scholl and Daniel Taylor.

Ms. Coletta explained that this meeting of the board was continued from March 23, 2020, [that meeting being continued in its entirety without taking place due to the coronavirus pandemic] with some changes through an amended agenda.

PUBLIC HEARING FOR SITE PLAN #SP5-17 AT 240 & 258 OAK STREET

Ms. Coletta reopened the public hearing for Site Plan #SP5-17 at 240 & 258 Oak Street (continued from March 23, 2020), consisting of a new curb cut and gravel access drive, to provide access to operations on the site, the storage of empty dumpster containers, through the site's frontage. This modifies a previously approved Site Plan, as ordered by Massachusetts Land Court. The property is located in Industrial District A.

The applicant Russell Field (through 290 Oak Street Realty Trust) and his attorney John Danehey were present.

Ms. Coletta explained that there is ongoing litigation between 290 Oak Street Realty Trust and an abutting property owner, whose attorney had requested the public hearing be continued.

Mr. Danehey summarized the current status of the litigation. He explained that the Site Plan is before the board due a remand order from Massachusetts Land Court, which sends the original application of 2017 back to the board with some very minor changes. He described the history of the litigation, including the special permit approval granted by the Zoning Board of Appeals (ZBA), and explained that the Land Court judge had specified that 40% of the area of each setback must be landscaped or left in a natural state. Hence the revised engineering drawings presented with the new application show that 40% of the rear setback is landscaped or left in a natural state. The new Site Plan will also be submitted to the ZBA, he explained. He said that the abutter's attorney had submitted a letter pointing out that the remand order had not been officially issued. This was true when the letter was submitted, but Mr. Danehey explained that in the afternoon of this day (May 4) the remand order was officially issued. Thus, he argued, the abutter's attorney's objection is moot.

Ms. Coletta said that due to the constraints of the virtual meeting by remote participation, the abutter's attorney (or other members of the public) could not join the Zoom platform to participate interactively in the discussion, but could send an email or make a phone call to ask questions or make comments in real time. She gave the appropriate email address and telephone numbers.

Mr. Taylor asked for clarification. Ms. Coletta explained that the site plan was previously approved, and then appealed by the abutter, and so it is now before the board again with minor changes before it returns to litigation. A conversation followed about the technical parts of the process, and it was explained that this is a new public hearing with the entire site plan to be scrutinized. The new engineering drawings were displayed on the screen to viewers.

Mr. Danehey explained that a few more trees to serve as buffer were added to the design when it was before the ZBA, and showed where they were located on the drawings. He and Ms. Coletta also went over the small area to be altered to meet the 40% requirement that the rear setback is landscaped or left in a natural state.

Ms. Coletta described the board's procedural options at this point. A discussion followed among the board members. Mr. Taylor felt that the changes from the previously approved site plan were so minor, it would be appropriate to close the public hearing and make a decision at this point. Mr.

Scholl agreed. Mr. Danehey suggested the board decide at this time, rather than continue the hearing.

Mr. Heins said that he had just talked with the abutter's attorney, Kimberly Kroha, on the phone, and also just got an email from her. He explained that she had no objection to the hearing going forward, as the remand order was indeed issued. But she objected to granting site plan approval, largely due to the same issues the abutter has identified ever since the original application in 2017: the nature of the use, the proximity of the dumpster containers to the boundary, the lack of fencing, etc.

Mr. Taylor made a motion to close the public hearing, Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor made a motion to approve Site Plan #SP5-17 at 240 & 258 Oak Street, as shown on the drawings revised February 20, 2020. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Irving made a motion to approve the minutes for April 27, 2020, Mr. Scholl seconded the motion, and the board voted unanimously in favor by roll call.

A discussion took place about the possibility of Mr. Irving receiving engineering drawings in hard copy.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP2-20 AT 715-737 WASHINGTON STREET

Ms. Coletta reopened the public hearing for proposed Site Plan #SP2-20 at 715-737 Washington Street (continued from March 23, 2020), consisting of a new building for light industrial use with a footprint of about 12,000 square feet, and new access drive, parking areas, and other improvements to the site. The property is located in the Residential-Commercial District.

Mr. Heins explained that the applicant had requested to withdraw the application without prejudice, and that the unused portion of the engineering review account balance be returned.

Mr. Taylor made a motion that the board approve the withdrawal of the application without prejudice, and return any unused balance in the engineering review account, for proposed Site Plan #SP2-20 at 715-737 Washington Street. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board and Mr. Heins briefly discussed the upcoming public hearings.

ELEVEN PUBLIC HEARINGS FOR ELEVEN PROPOSED ZONING BYLAW AMENDMENTS

Ms. Coletta reopened eleven public hearings running concurrently (continued from March 16, 2020, and April 27, 2020) for eleven proposed amendments to the zoning bylaws, which are eleven articles on the warrant for annual town meeting. (There are twelve proposed amendments to the zoning bylaws on the warrant for annual town meeting, and so there were originally twelve public hearings, but the public hearing titled Flood Plain District was closed on April 27, 2020.)

Ms. Coletta stated that the eleven 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; 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 annual town meeting has been shifted to June, with the possibility that it could be streamlined into a short town meeting for essential items, with another town meeting taking place a few months later.

At this time, Judy Parks of the Affordable Housing Committee joined the meeting.

Ms. Parks described the work of this committee and the town's need for affordable housing, and stated they are hoping to raise the town's 40b calculation of affordable housing to 15%. She discussed the proposed zoning bylaw changes (Definition: Residential Affordable Housing Development; Industrial District A, Residential Affordable Housing; Industrial District B, Residential Affordable Housing; Residential Affordable Housing, Special Permit) that would allow multifamily residential projects, with some affordable units, to be built in Industrial Districts A and B by special permit.

Ms. Parks explained why Industrial Districts A and B were logical areas to locate multifamily housing, and noted that rental units are particularly good from the viewpoint of 40b calculations. She said that there are a few parcels in those districts which seem promising for multifamily residential projects. The Residential-Commercial District is another zone, she noted, which could hold more multifamily housing than it currently has, given its rather low density. She mentioned a few other possible approaches to affordability.

Mr. Scholl said he feels an incremental approach is best, and noted that more sweeping changes could generate opposition.

Ms. Coletta and Ms. Parks went over the text of the relevant proposed zoning bylaw amendments, in particular "Residential Affordable Housing, Special Permit" which contains the key details about what projects could be built. They talked about the need for more affordable housing, both in the Boston region and specifically in Pembroke.

The board and Ms. Parks discussed what would be the ideal percentage of affordable units to specify in the bylaw, or if a range should be given. They also conversed about the maximum height to allow.

Ms. Coletta and Ms. Parks discussed the possibility of creating an affordable housing trust, which is a proposed town bylaw amendment for town meeting. Ms. Parks described some other strategies for developing affordable housing.

Mr. Taylor made a motion to continue the eleven public hearings for the proposed zoning bylaw amendments, running concurrently, to Monday, June 8, at 7:00 pm. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

At this time, the board took a five-minute break, to reconvene with the public hearing at 8:30 pm for Site Plan #SP1-20 at 50 Mattakeesett Street.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP1-20 AT 50 MATTAKEESETT STREET

Ms. Coletta reopened the public hearing for proposed Site Plan #SP1-20 at 50 Mattakeesett Street (continued from March 9, 2020, and March 23, 2020), consisting of a new building for garaging and/or storage, behind the existing building on the site. The property is located in the Center Protection District, Residence District A, and the Water Resource and Groundwater Protection District.

The applicant Michael Bulman (actually co-applicant with Conway Family Properties, LLC) and his engineer Greg Morse (of Morse Engineering) were present.

Ms. Coletta noted that the board's peer review engineer for the project, Peter Palmieri of Merrill Engineers and Land Surveyors, was not present.

Ms. Coletta stated that any member of the public with questions or comments could send an email or make a phone call to be involved in the public hearing as it happens. She gave the appropriate email address and telephone numbers.

Mr. Morse introduced the project. The building currently on the property is an office building used in part by the Jack Conway Company, and owned by JPC Pembroke Realty Trust. The new proposed building would be behind the existing building and toward the rear of the property, and would be 4,000 square feet in size and one story high. It would be used for warehouse and storage space for the Jack Conway Company. Mr. Morse explained this proposal differs from the previous proposed site plan for the property (submitted and withdrawn about a year ago) in that it would serve as storage for the company only, and has a different design.

Mr. Morse said the building would be over 50 feet from the residential property line to the west, and complies with all zoning setbacks. It would have electrical and water service. It would be wood-framed; the front façade facing Mattakeesett Street would have wooden shakes, and the other sides would have vinyl siding. He also described the stormwater drainage system, which would include a rain garden, and the vegetation to be planted for screening. Access to the building would be off the existing parking lot (which is behind the existing building). Mr. Morse said he believes he has satisfactorily addressed nearly all of the items raised by Mr. Palmieri's review letters.

Mr. Heins explained that Mr. Palmieri could not be present because the engineering review account balance for the project was at zero.

Mr. Bulman discussed some aspects of the project, and how it had been changed in response to the board's feedback when he talked with the board several months ago.

Ms. Coletta displayed the current engineering drawings and architectural drawings on the screen to viewers, and she and Mr. Morse discussed some of the details. Mr. Morse described the waivers from the site plan rules & regulations that are being requested.

Ms. Coletta again stated that any member of the public with questions or comments could send an email or make a phone call to be involved in the public hearing as it happens, and she gave the appropriate email address and telephone numbers.

Mr. Scholl asked about the proposed building's use, and Mr. Bulman said it would be entirely for storage of the Jack Conway Company, and would allow them to move some items out of the existing

building's basement where they are currently stored. The project would not be used by the company's customers or members of the public, he explained.

In reply to Ms. Coletta's question, Mr. Bulman said the Jack Conway Company has an office upstairs in the existing building, but not in the basement. Ms. Coletta noted that it seems the project's proposed storage use could only be allowed in the Center Protection District as being ancillary to the office use in the existing building. Discussion ensued. Mr. Morse explained that no variances are being requested from the zoning bylaws.

The board members and Mr. Bulman discussed the question of use, and the issue of ancillary use. Mr. Bulman suggested it could be a condition of site plan approval that the new building always be an ancillary use to the Jack Conway Company's existing office use on the site.

Mr. Heins said there had been no participation from members of the public thus far in this public hearing. He explained that some of the neighbors had communicated concerns to him a few months ago, after the notices to abutters were mailed out. Mr. Bulman explained how this design and use, in his view, are less objectionable to neighbors than the previous site plan submitted for the property.

The gravel access drive running alongside and behind the building was discussed, and Mr. Bulman said it was primarily for fire access. A conversation took place about whether it should be paved, and Mr. Heins said he would check with the Fire Department.

The board members, Mr. Heins, Mr. Bulman and Mr. Morse discussed some changes that needed to be made to the project's engineering and architectural drawings, and further problems that might arise. Ms. Coletta went over some of the issues identified in Mr. Palmieri's most recent peer review letter, and the waivers being requested. The issue of soil testing was discussed.

The board members, Mr. Heins, Mr. Bulman and Mr. Morse discussed the project going forward, and Mr. Bulman agreed to submit a new payment toward engineering review.

Mr. Bulman asked about the colors to use for the building façade, and conversation ensued. Mr. Heins agreed to send the approved paint colors for the Center Protection District to him.

Mr. Taylor made a motion to continue the public hearing to Monday, June 8, at 8:00 pm, Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Heins mentioned that the board needed to decide how to sign documents in this period of remote work and distancing caused by the coronavirus.

Mr. Heins noted that the site plan of the Bridges at Pembroke is complete. He and the board members discussed whether the remaining engineering review balance could be returned, and if an approved as-built plan existed for the project.

Mr. Taylor 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