



PEMBROKE PLANNING BOARD MINUTES

MONDAY, JULY 13, 2020

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

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), David Klenert, Russell Field, John Danehey, Michael Bulman, and others.

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

OPENING THE MEETING

At 7:00 pm, Mr. Taylor opened the Planning Board meeting. He read a modified version of the Chairman's statement, adjusted for the circumstances of the coronavirus pandemic and remote participation:

This meeting of the Pembroke Planning Board on July 13 is now open. 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 on PACTV 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@townofpembroke.com or calling Matthew Heins at 781-709-1433. The public also has the option to participate interactively through the Zoom software application, if technically feasible. For the necessary Zoom access information, please email mheins@townofpembroke.com or call 781-709-1433.

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 Pembroke Planning Board enters or leaves the meeting, we will identify the board members participating and note the time.

DISCUSSION ABOUT POSSIBLE PROJECT TO IMPROVE CRESCENT AVENUE FOR IT TO MEET ADEQUACY OF THE WAY STANDARDS

David Klenert of Collins Engineering came before the board to discuss a possible construction project to improve Crescent Avenue in order for it to meet Adequacy of the Way standards. He explained that Crescent Avenue, located on the southern edge of Pembroke, is currently a very narrow and inaccessible dead-end road. Through the improvements to the road, they would seek to create three new buildable lots, bringing the total number of buildable lots on the road to five. There are currently three existing single-family houses on the road, one of which would be torn down and rebuilt.

Mr. Klenert explained that currently it is very difficult for emergency vehicles to access Crescent Avenue. He said that the subdivision rules and regulations would not apply, because the project would not subdivide any properties, as the lots all already exist and the private road already exists. He said that the road would be widened to 18 feet, with Cape Cod berms on either side. The entrance width, including the turning radius on either side, would be 61 feet, and there would be a turnaround for emergency vehicles. The road would be about 725 feet long.

Ms. Coletta opined that the project seems like a subdivision in essence, and Mr. Klenert explained why he believes it is not. Mr. Taylor commented on the issue, and further discussion followed.

It was clarified that an application to meet Adequacy of the Way standards would undergo engineering review. Mr. Klenert said the Fire Department would prefer the road have a width of 24 feet, but he argued that would be unnecessary. Mr. Irving asked about the provision of water, and conversation ensued.

Mr. Irving said it would be ideal to have a cul-de-sac (circular turning area) at the end of the road. Mr. Smith said that if two new houses are being added, the level of engineering and access should be reasonably close to what would be expected for a subdivision. Discussion took place about these issues, and about previous instances where paper streets or private ways were improved to meet Adequacy of the Way standards.

ROUTINE ADMINISTRATIVE MATTERS

A discussion had been scheduled about the possible alteration of Site Plan #SP1-09 King's Highway Park, to change the use of a projected building from commercial to multifamily residential, but the property owner was not present and so this was put off to a future board meeting.

Mr. Wandell made a motion to approve the minutes for June 29, 2020, as presented, Ms. Coletta seconded the motion, and the board voted unanimously in favor by roll call.

The board and Mr. Heins discussed the as-built drawings for Site Plan #SP2-18 Brigham & Women's Medical Center and Site Plan #SP1-18 Irving Oil Gas Station, and talked about the issuance of occupancy permits for these particular projects and in general.

VOTE ON DECISION GRANTING APPROVAL TO SITE PLAN #SP5-17 AT 240 & 258 OAK STREET

The board and Mr. Heins talked about the procedures to grant written approval for Site Plan #SP5-17 at 240 & 258 Oak Street, and reviewed the draft decision document (including the conditions) which Mr. Heins had prepared. The board had previously voted to approve the project and closed the public hearing, but the quorum was only four board members and one of those members (John

Scholl) had since left the board. Thus, there was no longer an adequate quorum to vote on and sign the decision.

This site plan consists 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 through a remand order. The property is located in Industrial District A and the Medical Marijuana Overlay District.

The applicant Russell Field (through 290 Oak Street Realty Trust) was present.

Mr. Heins explained that town counsel had given advice for handling the situation given the loss of the fourth member of the original quorum. Town counsel had advised that the three remaining members of the quorum (Ms. Coletta, Mr. Irving and Mr. Taylor) could vote to approve the decision document, and that either they or the entire board could vote to authorize the Chairman to sign the decision document on behalf of the board. Discussion followed. At this time, Mr. Field's attorney John Danehey joined the meeting.

Ms. Coletta made a motion that the board approve the waivers requested on the first sheet of the drawings entitled "Site Access Improvement Plan; Located at 240 & 258 Oak Street, Pembroke, Mass.; Prepared for 290 Oak Street Realty Trust; 25 James Way, Scituate, MA 02066," dated December 12, 2017, revised February 2, 2018, January 9, 2020, and February 20, 2020, and accepted by the Board on February 21, 2020. The waivers are:

- a. Section 4.4. Requirement for location of existing trees with 6" diameter or greater
- b. Section 4.7. Requirement for a Landscape Plan
- c. Section 4.15. Requirement of a Development Impact Statement
- d. Section 4.21. Requirement of a Photometric Plan
- e. Section 4.22. Requirement of a Traffic Impact Study
- f. Section 5.3. Drainage Requirements
- g. Section 5.6.1. Access Drive Construction
- h. Section 5.7.6. Requirement of an access leveling area at less than 1% grade for thirty feet from nearest exterior line of intersecting street
- i. Section 6. Development Impact Statement

Mr. Irving seconded the motion, and the board voted by roll call. Ms. Coletta, Mr. Irving and Mr. Taylor voted in favor. Per town counsel's advice, this was deemed sufficient in these circumstances for the motion to pass.

Ms. Coletta made a motion that the board approve the conditions of the decision set forth in the draft mailed to the board members on that date. Mr. Irving seconded the motion, and the board voted by roll call. Ms. Coletta, Mr. Irving and Mr. Taylor voted in favor. Per town counsel's advice, this was deemed sufficient in these circumstances for the motion to pass.

Ms. Coletta made a motion that the board authorize Mr. Taylor to sign, as a ministerial act, the decision of the board regarding Site Plan #SP5-17 at 240 & 258 Oak Street. She suggested the entire board vote on this motion. Mr. Irving seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Danehey thanked the board. He also specifically thanked Mr. Irving, who was on the verge of leaving the board, for his years of service.

Mr. Heins asked if the applicant should submit mylar drawings for the project, to be signed by the board and recorded at the Registry of Deeds, as per the current zoning bylaw. Ms. Coletta suggested this be done.

VOTE ON DECISION GRANTING APPROVAL TO SITE PLAN #SP1-20 AT 50 MATTAKEESETT STREET

The board considered the written draft decision (including conditions) which Mr. Heins had prepared granting site plan approval to Site Plan #SP1-20 at 50 Mattakeesett Street, this project consisting of a new building for garaging and/or storage. The board had previously voted to grant site plan approval to the project.

The property is located in the Center Protection District, Residence District A, and Water Resource and Groundwater Protection District. The proposed building would be behind the existing building and parking area at 50 Mattakeesett Street, and would be sited toward the rear of the property. It would be 4,000 square feet in size and one story high, and would consist of warehouse and storage space for the Jack Conway Company. The existing building on the property is an office building used in part by the Jack Conway Company, and the property is owned or co-owned by JCP/Pembroke Realty Trust.

The applicant Michael Bulman (actually co-applicant with Conway Family Properties, LLC) was present.

The board members and Mr. Bulman talked about a recent fire (which happened just a few days earlier) at another Jack Conway building in Hanover.

The board briefly discussed an email recently received from Mark and Kathy Savage regarding the project.

The board and Mr. Heins talked about the conditions in the draft decision document, in particular the one regarding the building's use for ancillary services.

Ms. Coletta made a motion that the board approve the waivers requested on the first sheet of the drawings entitled "Proposed Site Plan – 50 Mattakeesett Street; Center Protection & Residential A District Development; (Assessor's Parcel C9-23E); Pembroke, Massachusetts" by Morse Engineering Co., Inc., dated February 3, 2020, revised March 2, 2020, and revised May 28, 2020, and accepted by the Board on July 6, 2020:

- a. Section 4.7: Landscaping plan prepared by landscape architect
- b. Section 4.15 & 6: Submission of development impact statement
- c. Section 4.21: Submission of photometric plan
- d. Section 4.22: Submission of traffic impact study
- e. Section 5.1.2: Requirement of three-foot landscaping strip along foundation walls
- f. Section 5.1.6: Requirement of fifty-foot landscaped buffer strip adjacent to residential properties

Mr. Irving seconded the motion, and the board voted by roll call. Ms. Coletta, Mr. Irving, Mr. Noone and Mr. Taylor voted in favor, Mr. Wandell, Ms. Siciliano-Perry and Mr. Smith abstained, and the motion passed.

Ms. Coletta made a motion that the board approve the decision subject to the conditions printed in the draft order provided to the board on that day. Mr. Irving seconded the motion, and the board

voted by roll call. Ms. Coletta, Mr. Irving, Mr. Noone and Mr. Taylor voted in favor, Mr. Wandell, Ms. Siciliano-Perry and Mr. Smith abstained, and the motion passed.

The board members and Mr. Heins discussed the procedures for getting the decision signed, and also for getting the reorganization form (for the board's reorganization, which was done in a previous board meeting) signed and recorded at the Registry of Deeds.

ROUTINE ADMINISTRATIVE MATTERS

A possible vote had been scheduled to approve two proposed signs at 43 Mattakeesett Street in the Center Protection District, but there were problems with the digital files and the applicant was not present. So the board agreed to delay this for two weeks.

The board discussed Mr. Irving's impending departure from the board, and how it would impact the ongoing public hearing for Site Plan #SP2-17 at 260-280 Oak Street.

The board members discussed an email received from Andrew Timmis (a resident at the Bristol Estates subdivision on Taylor Street) which recommended that property boundary pins be required on new lots in subdivisions. The board was in general agreement that this was unnecessary. However, Ms. Coletta opined that the subdivision rules & regulations and site plan rules & regulations need to be updated at some point.

Mr. Heins noted that he could create a draft decision for Site Plan #SP2-17 at 260-280 Oak Street, for the upcoming continued public hearing on July 27.

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