



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 24, 2020

BOARD MEMBERS PRESENT: Daniel Taylor (Chairman), Rebecca Coletta, James Noone, and Daniel Smith, Jr.

BOARD MEMBERS ABSENT: Andrew Wandell (Vice-Chairman) and Alysha Siciliano-Perry (Clerk).

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), William Chenard (Town Manager), Kenneth McCormick (Fire Chief), Peter Palmieri, Jeffrey Perette, Robert DeMarzo, Gregory Morse, Scott Ventura, Michelle Fotev, Nicholas Leing, Heather Tremblay, 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 August 24, 2020, 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. 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@townofpembroke.org 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.org or call 781-709-1433.

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

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP3-20 AT 43 MATTAKEESETT STREET

Mr. Taylor opened the public hearing for the application of Jeffrey Perette/Old Salt Realty Trust, 387 Main Street, Plympton, MA 02367, requesting Site Plan approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval). The applicant proposes to construct a building with a footprint of 18,750 square feet and height of up to 47 feet, primarily for the storage of boats, and possibly also for other types of storage and office space. The building would be in the rear of the property. The existing buildings, access drive and parking areas on the property would generally remain. The project also includes the construction of a new stormwater system and landscaping. The property is located in the Center Protection District and Residence District A, at 43 Mattakeesett Street, Pembroke, MA 02359, as shown on Assessors' Map C9, Lot 17. A copy of the application is available in the Office of the Planning Board.

Mr. Smith stated that, as the former owner of the property at 43 Mattakeesett Street, he intended to abstain from voting on the site plan. He said he was also willing to recuse himself from the public hearing if the other board members preferred. A discussion followed. It was agreed that Mr. Smith would attend the public hearings.

Gregory Morse (of Morse Engineering), the project engineer, introduced the project. The applicant, Jeffrey Perette, was also present. The board's peer review engineer for the project, Peter Palmieri (of Merrill Engineers and Land Surveyors) was present too.

Mr. Morse explained that Mr. Perette's business, East Coast Marine Services (and fiberglass services) is on the property. Mr. Morse said this business does boat maintenance, boat repair and boat storage. Ms. Coletta asked about the nature of the boat maintenance and repair being done, and Mr. Morse said it was buffing, waxing, cleaning and detailing of boats, not engine repairs.

Mr. Morse described the property, discussed its existing buildings and current condition, and noted it lies in two zoning districts. He explained that the project proposes to construct a new building, 125 feet wide by 150 feet long, to be used for boat storage. It would be a metal building and would be 39 feet high. He said that Mr. Perette had obtained a variance from the Zoning Board of Appeals to allow the project. Ms. Coletta clarified that permission had been given by that board to expand a prior nonconforming use, not a variance.

Mr. Morse explained that a new septic system would be installed, and a new drainage system would be built. Portions of the parking lot would be restriped, to accommodate a total of 13 parking spaces. The new building's façade would be white with black trim, to match the color scheme of the existing (front) building. Some trees would be planted to shield the new building.

Mr. Palmieri went over the two unresolved issues in his most recent engineering review report. The plan proposed that the side and rear of the property remain gravel boat storage areas, and he suggested the board should decide on whether that is acceptable. With regard to TSS (total suspended solids) removal, he recommended that the check dam locations be shown and TSS removal calculations be submitted.

Ms. Coletta said she was troubled by the idea of boat storage outside the proposed building, by the size of the building, and by its visibility from the road. She noted that it was previously her impression that all the boat storage would be within the new building, not outside. She said she felt the new building should not be metal, given its proximity to the Center Protection District and its

visibility, and she expressed concern about waiving the required 50-foot buffer to adjacent residential properties.

Mr. Smith asked where the grass swale would be located, and Mr. Morse said it would be near the back of the property.

Kenneth McCormick, the Fire Chief, said the proposed gravel areas should be paved or hard-packed. He said the cistern or storage tank would be acceptable but would need to be engineered. He said he would need to check the distances between the buildings to ensure proper space for fire access. He said there could not be any office space in the new building due to the hazard of boat storage. He also said they would need to access three sides of the building for fire suppression.

A neighbor to the property, Scott Ventura, noted his fears of encroachment, and asked whether any fiberglass repairs would be done on the site.

Mr. Perette said he did not intend to store any boats outside, and that he was willing to pave the proposed gravel areas if necessary. He stated that the proposed building would not contain any offices; it would only be for indoor boat storage. Regarding repairs, he said he would do detailing and touch-up on boats as needed, but he would not do major fiberglass repair work.

Ms. Coletta emphasized her concerns again, and conversation ensued among the board members. The issue of the requested waiver of the required three-foot landscaping strip along the edge of the building was discussed.

Robert DeMarzo, the owner of a property across the street, began to talk but his audio connection was lost, apparently due to technical problems.

Mr. Morse noted that the existing building is only 20 feet from the property line, but Ms. Coletta expressed concern about the new building being so large and so close to the adjacent property.

Mr. Ventura said that during the winter, when the trees have lost their leaves, it is possible to see the property (and any buildings on it) from his property.

Ms. Coletta made a motion to continue the public hearing for Site Plan #SP3-20 at 43 Mattakeesett Street to September 14, 2020, at 7:45 pm. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta made a motion to approve the minutes for August 10, 2020, Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor noted that the board needed to return the balance of the engineering review account for Site Plan #SP1-18 Irving Oil Gas Station, and had received a letter requesting its return.

Mr. Noone made a motion that the board return the remaining balance of the engineering review account for Site Plan #SP1-18 Irving Oil Gas Station. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor mentioned that the zoning bylaw amendment warrant articles had been returned and would need to be resubmitted for the next town meeting.

VOTE TO ENDORSE (I.E., APPROVE) APPROVAL NOT REQUIRED SUBDIVISION (FORM A) FOR 289, 291 AND 293 OLDHAM STREET

Michelle Fotev came before the board with a Form A application (i.e., Approval Not Required Subdivision) for the properties at 289, 291 and 293 Oldham Street. The drawings show that the rear portions of the 291 and 293 Oldham Street properties would be transferred to the 289 Oldham Street property (owned by Ms. Fotev). The properties are all preexisting nonconforming, but the change would not make them any more nonconforming.

Ms. Fotev explained that the 291 and 293 Oldham Street properties are owned by family members, and that they do not intend to build any new structures. The board members examined the drawings and were in agreement that it was an acceptable Form A.

Ms. Coletta made a motion that the board endorse the Form A (Approval Not Required Subdivision) for the properties at 289, 291 and 293 Oldham Street. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

ROUTINE ADMINISTRATIVE MATTERS

The board members discussed the proposed zoning bylaw amendment warrant articles and the delayed process for bringing them to town meeting due to the coronavirus pandemic.

The board members conversed about the need to fill the current open seat on the board and also the anticipated open seat. Nicholas Leing (of Grady Consulting), who was present for the upcoming public hearing, said he might be interested in the position, and a discussion ensued.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP4-20 TOWN LANDING (AT 187 WAMPATUCK STREET)

Mr. Taylor opened the public hearing for the application of the Town of Pembroke, 100 Center Street, Pembroke, MA 02359, requesting Site Plan approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval). The applicant proposes to make improvements to the "Town Landing" beach, recreation and swimming area on Oldham Pond, the work to include the demolition of the existing building and construction of a new building about 625 square feet in size and one story high, various alterations to the design, configuration and landscaping of the site to make it ADA-accessible, and other changes. The property is located in Residence District A and the Water Resource and Groundwater Protection Overlay District, at 187 Wampatuck Street, Pembroke, MA 02359, as shown on Assessors' Map B8 Lot 72. A copy of the application is available in the Office of the Planning Board.

William Chenard, the Town Manager, was present, as was the project's engineer Nicholas Leing (of Grady Consulting). Mr. Chenard summarized the project, which would improve Town Landing by making the area ADA (handicapped) accessible, and by demolishing the existing "guard building" and constructing a new building to replace it.

Ms. Coletta asked about the playground on the site, and Mr. Chenard said they will install poured-in-place rubber there. Mr. Smith asked about the septic system, and Mr. Chenard said he did not expect any problems with it. Mr. Leing described some of the improvements to the site to meet ADA requirements.

The board members were in general agreement that the project could be approved.

Ms. Coletta made a motion to close the public hearing for Site Plan #SP4-20 Town Landing at 187 Wampatuck Street. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Noone made a motion that the board approve Site Plan #SP4-20 Town Landing at 187 Wampatuck Street. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins explained that a draft decision document had been distributed to the board members, and the board reviewed it.

Ms. Coletta made a motion that the board approve the waivers requested on the first sheet of the drawings entitled "Site Plan; Town Landing; #187 Wampatuck Street; Pembroke, Massachusetts" by Grady Consulting, L.L.C., dated September 20, 2019, revised March 9, 2020, and revised August 10, 2020, and accepted by the Board tonight on August 17, 2020. We grant the following waivers:

- a. Section 4.2: Driveways and curb cuts within 300 feet
- b. Section 4.4: Zoning district boundary lines and other features within 200 feet
- c. Section 4.7: Landscaping plan
- d. Section 4.15: Development impact statement
- e. Section 4.20: Height, size, and lighting of existing and proposed signs
- f. Section 4.21: Photometric plan
- g. Section 4.22: Traffic impact study
- h. Section 5.1.2: 3-foot-wide landscaping strip along non-residential foundation walls
- i. Section 5.1.5: Trees and landscaping within parking areas
- j. Section 5.1.6: Buffer strip along residential properties
- k. Section 5.2: Site lighting
- l. Section 5.4: Parking and loading
- m. Section 5.5: Service facilities screening
- n. Section 5.6: Construction
- o. Section 5.7: Access connections
- p. Section 6: Development impact statement

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

Mr. Heins and the board agreed to change a minor bit of verbiage on the second page of the decision document (i.e., the record of proceedings).

Ms. Coletta noted that the word "accepted," in the verbiage that the engineering drawings were "accepted by the Board," was potentially confusing. The board agreed to substitute the word "received" wherever this verbiage was present in the decision document, and Mr. Heins carried out this change.

Mr. Noone made a motion that the board approve the conditions as printed in the decision document for Site Plan #SP4-20 Town Landing at 187 Wampanatuck Street. Ms. Coletta seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor reminded the board members that they would need to go to town hall to sign the decision document.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant