



## PEMBROKE PLANNING BOARD MINUTES

MONDAY, NOVEMBER 16, 2020

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

**BOARD MEMBERS ABSENT:** Daniel Smith, Jr.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Kenneth McCormick (Fire Chief), Peter Palmieri, Roger Warren, David Klenert, Alan Dias, Brian Cook, Long Nguyen, Malaina Bowker, Linda McGrath, 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 November 16, 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](http://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](mailto:mheins@townofpembrokemass.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@townofpembrokemass.org](mailto:mheins@townofpembrokemass.org) 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 Planning Board enters or leaves the meeting, we will identify the board members participating and note the time.

## **PUBLIC HEARING FOR APPLICATION TO IMPROVE CRESCENT AVENUE TO MEET THE DEFINITION OF A WAY**

Mr. Taylor reopened the public hearing (continued from September 14, 2020, and October 19, 2020) for the application of Roger Warren, P.O. Box 2447, Basseterre, St. Kitts, West Indies, for Improvements to a Private Way or Paper Street to Meet the Definition of a Way under the Zoning Bylaws of the Town of Pembroke Section V.9. (Determination of Adequacy of the Way Policy and Procedures). The applicant proposes to improve Crescent Avenue, in order for it to meet the definition of a way, through improvements to its width, paving, grading, drainage, layout and configuration. Crescent Avenue is located in southwestern Pembroke in Residence District A near the border with Halifax. The properties adjacent to it are 439 Plymouth Street, 445 Plymouth Street, 10 Crescent Avenue, 9 Crescent Avenue, 0 Crescent Avenue, 0 Crescent Avenue, 0 Thompson Street, 0 Crescent Avenue (Halifax), and 0 Thompson Street, as shown on Assessors' Map B2, Lot 47, Lot 48, Lot 2594, Lot 2390, Lot 2262, Lot 2459, Lot 2446, Lot 27 and Lot 2533. A copy of the application is available in the Office of the Planning Board.

The project engineer David Klenert (Collins Civil Engineering Group) was present, along with the applicant Roger Warren, and also Alan Dias who is associated with the project. The board's peer review engineer for the project, Peter Palmieri (Merrill Engineers and Land Surveyors), was present as well. Kenneth McCormick, the town's Fire Chief, was also present.

Mr. Heins briefly summarized Mr. Palmieri's most recent review letter, and Mr. Wandell noted the issue of the width of the entrance to the proposed road, i.e., the opening to the street. Mr. Klenert noted that this would be a substantial improvement from the existing condition, though it might not meet normal requirements.

Mr. Palmieri mentioned that the illicit discharge statement still needed to be signed, and that a 200-foot setback would be required from the lake to the septic leaching field. He noted the latter issue would be within the Board of Health's purview, not the Planning Board. A conversation followed about the illicit discharge statement.

Ms. Coletta asked whether the new road would be completed before construction begins on the new houses. Mr. Klenert said most of the road would be constructed first, but the houses would be built before the final pavement is put on the road. Ms. Coletta explained that for a subdivision in this situation a road bond would be required. An extended discussion about these issues took place.

Mr. Noone made a motion to close the public hearing.

Brian Cook, a member of the public, expressed his objections to the project. He explained that he and/or his family owns some land very near the proposed road, and he requested that the board not vote at this time (i.e., continue the public hearing to a future date) until his concerns could be discussed further. Argument ensued about the abutter letters and possible litigation, and Mr. Cook left the meeting. The board members agreed to proceed regardless of Mr. Cook's concerns.

The motion to close the public hearing having been made, Ms. Siciliano-Perry seconded the motion.

The board again discussed the timing of the road's construction versus the building of the new houses. Mr. Klenert suggested that it be required that the final paving of the road be done before the last house is sold, and the board members agreed.

The motion to close the public hearing having been made and seconded, the board voted unanimously in favor by roll call.

The board members, Mr. Heins and Mr. Klenert agreed on the language of the condition requiring the road's construction be completed before the last house is sold and/or receives a certificate of occupancy.

Mr. Noone made a motion that the board approve the project [the proposed improvements to Crescent Avenue in order for it to meet the definition of a way]. Mr. Wandell seconded the motion, and the board voted unanimously in favor by roll call.

The board and Mr. Heins briefly discussed the conditions in the decision document.

Mr. Wandell made a motion that the board approve the conditions for Crescent Avenue as written and presented this evening, and that the board sign those conditions of approval and the decision. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

**VOTE TO APPROVE TRAILER STRUCTURE FOR COVID-19 TESTING AT SITE PLAN #SP2-18 BRIGHAM & WOMEN'S MEDICAL BUILDING**

Long Nguyen, Malaina Bowker and Linda McGrath of Brigham & Women's Hospital came before the board to request permission to install a trailer structure for rapid COVID-19 testing at the Brigham & Women's Medical Building (Site Plan #SP2-18) at 15 Corporate Park Drive.

Ms. Bowker briefly summarized the project, and Mr. Nguyen described it in more detail. He explained that currently they have a drive-through testing facility with a small trailer and tent, and this arrangement causes most of the work to be outside. With winter coming, they wish to bring staff and patients inside, and so they propose to install a larger trailer (which would be built off-site and then hauled in). The trailer would be temporary, but the length of time is hard to predict at this point.

The board members agreed they had no objections to the trailer, provided it is approved by the Building Department and by Mr. McCormick (the Fire Chief). Mr. McCormick talked briefly about the fire code requirements.

Ms. Coletta made a motion to approve the proposed trailer as a minor modification to an existing site plan that does not necessitate site plan review. Mr. Wandell seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor thanked the people from Brigham & Women's for the work they are doing.

**VOTE ON DECISION DENYING PROPOSED AMENDMENT TO SITE PLAN #SP2-17 AT 260-280 OAK STREET**

The board considered a draft decision document prepared by Mr. Heins for the board's previous vote on September 28, 2020, to deny a proposed amendment (major modification) to Site Plan #SP2-17 at 260-280 Oak Street. This site plan, which was previously approved, is to build two industrial buildings totaling 20,000 square feet of modular units occupied by multiple users. However, the project was built differently from the design in the approved site plan, and the proposed amendment would have changed the approved site plan to more closely match the project as built, while also specifying certain alterations to be made to the built project. The amendment's proposed changes related

especially to the access drive, parking areas, drainage system, landscaping, grading, fencing, retaining walls, vegetation, building interiors, and building entrances.

Mr. Wandell made a motion that the board approve the decision [denying the proposed amendment to Site Plan #SP2-17 at 260-280 Oak Street] of the Planning Board as written, and as presented to the board. Ms. Coletta seconded the motion. Mr. Taylor, Ms. Coletta and Mr. Wandell voted in favor, and the motion passed.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Ms. Coletta made a motion to accept the minutes for October 19, 2020, Mr. Wandell seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board return the engineering review account balance for Site Plan #SP2-13 Jefferson Square at 593-595 Washington Street. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

The board, Mr. McCormick and Mr. Heins discussed the Dunkin' Donuts at 152 Center Street (in town center), and several board members expressed concern about the pink-colored curbing on the edges of the parking lot and access drive, especially given that the property is in the Center Protection District. It was agreed that the building inspector and Mr. McCormick would pursue this.

The board and Mr. Heins discussed the impending deadline for completion for Site Plan #SP1-09 King's Highway Park, which has already been extended many times. It was agreed to communicate with the property owner and/or developer to offer him the chance to request another extension of the deadline.

This being Ms. Coletta's last board meeting before her anticipated resignation, the board members and Mr. Heins wished her well and thanked her for her years of service. Ms. Coletta is now on the Select Board, and she discussed how she is the designated liaison between the two boards.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant