



PEMBROKE PLANNING BOARD MINUTES

MONDAY, JANUARY 11, 2021

BOARD MEMBERS PRESENT: Daniel Taylor (Chairman), Andrew Wandell (Vice-Chairman), Alysha Siciliano-Perry (Clerk), James Noone, Daniel Smith, Jr., Heather Tremblay, and Stephan Roundtree.

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Peter Palmieri, Michael Giaimo, Kristen Elia, Brian Ross, Jonathan Simmons, Robert Galvin, Martin Lavin, Harold Tubman, Jordan Phillips, Heather King, Ron Tam, "Pratt Family," "Mike's iPad," Andrew Timmis, Eoghan Kelley, Thomas Pozerski, Tyler Nims, David Meyerovitz, 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 January 11, 2021, 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@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 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 PROPOSED SITE PLAN #SP5-20 CELL TOWER AT 85 WASHINGTON STREET

Mr. Taylor opened the public hearing for proposed Site Plan #SP5-20 Cell Tower at 85 Washington Street, being the application of Cellco Partnership d/b/a Verizon Wireless, 118 Flanders Road, 3rd Floor, Westborough, MA 01581, 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 cell phone tower ("personal wireless service facility") of a monopole design with a height of about 120 feet, with some additional equipment on the ground and enclosed within a 50-foot by 50-foot fenced area. The tower would be in the rear of the property, and a gravel drive would be constructed to provide access to it. The existing building, access drive and parking area on the property would remain. The property is located in Business District B, Residence District A, and the Historic Overlay District, at 85 Washington Street, Pembroke, MA 02359, as shown on Assessors' Map D14 Lot 38.

Mr. Taylor explained that in this first session of the public hearing, the applicant would present the project at the start and then the board members would ask questions. He noted the project requires approval from the Historical Commission, and so the public hearing would need to be continued to after the Historical Commission's hearing.

Since the public hearing will extend over multiple sessions, members of the public will have the opportunity to ask questions and make comments at future sessions of the hearing.

Michael Giaimo, the attorney representing the project, gave a summary of the site plan. He explained that currently the surrounding area does not have good cell phone service, which this tower would remedy. He said the tower would be a monopole design with a height of 120 feet, in a 50-foot by 50-foot fenced area with some additional equipment, in the wooded area behind the existing building and parking area on the property. He stated that the tower (which is being proposed by Verizon) could accommodate other cell phone carriers also.

Mr. Giaimo said they hoped to schedule a balloon test, which would demonstrate the tower's height and visibility, at this time. He noted that they needed to do this before going before the Historical Commission.

Martin Lavin, appearing on behalf of the project, displayed maps of current and projected cell phone coverage in Pembroke, to show how the tower would improve cell phone service in the vicinity. He and Mr. Giaimo described some technical aspects of cell phone service and how the tower would be beneficial.

Mr. Giaimo said they were requesting waivers from the development impact statement and traffic impact study requirements, as well as a few technical waivers.

Mr. Taylor asked about how a cell tower is allowable under the zoning bylaws, and Mr. Giaimo said that cell towers in Pembroke have received site plan approval in the past. He noted that Pembroke, unlike most towns in Massachusetts, does not have a wireless bylaw regarding cell towers. The federal government, he explained, prevents local governments from prohibiting cell coverage.

Mr. Noone said that in the past, when cell towers have been proposed, the board's assumption has been that cell towers cannot be banned. Mr. Wandell agreed, and added that it was good that the applicant was going through site plan approval.

Mr. Wandell and Mr. Taylor discussed when to take questions from the public, and Mr. Taylor indicated it would make sense to wait until a future session of the public hearing, after the Historical Commission's hearing and the balloon test.

Mr. Wandell and Mr. Giaimo talked about how visible the tower would be, and Mr. Wandell mentioned that currently this area has very poor cellular service.

Ms. Tremblay asked how many customers would be served by the tower, and Mr. Giaimo (referring to a report submitted with the application) replied that about 1,000 additional structures would be served, about 800 additional employees would be served, and about 2,000 additional residents would be served. He also described the geographical extent which would be served.

Mr. Roundtree asked about the elevation of the base of the tower versus the parking lot, and Mr. Giaimo said the difference is about eight feet. Mr. Roundtree expressed concern about the tower's visibility.

Mr. Taylor asked about the date of the balloon test, and Brian Ross, the property's real estate manager, suggested the balloon test could be done on Saturday, January 23, for a period of four hours. This was acceptable to the board members, and so it was agreed to hold the balloon test on that date from 8 am to 12 noon, and to post an agenda for it.

Discussion followed, and it was agreed to continue the public hearing to February 1, with the expectation that the Historical Commission would have reviewed the project by then.

Mr. Wandell made a motion to continue the public hearing for the proposed cell tower to February 1 at 7:30 pm. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

It was agreed that the alternate date for the balloon test, in the event of bad weather on January 23, would be January 24 from 8 am to 12 noon.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion to approve the minutes for December 7, 2020. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor mentioned that the reorganization form needed to be signed by five board members (two board members having already signed it), and a brief conversation followed.

Mr. Taylor noted that a new site plan is anticipated for a 3,000-square-foot expansion of the Lowe's store in Pembroke, and mentioned some upcoming Zoning Board of Appeals public hearings. Mr. Heins said that a new site plan is anticipated for a light industrial project at 715 Washington Street.

DISCUSSION ABOUT PROBLEMS WITH RAIN GARDENS AND STORMWATER DRAINAGE AT SUBDIVISION #1701 BRISTOL ESTATES

A discussion took place about some issues with the rain gardens and stormwater drainage at Subdivision #1701 Bristol Estates (Bristol Road). Andrew Timmis, a resident of the subdivision, was present. Eoghan Kelley was present to represent the developer, along with the project's engineer Thomas Pozerski. The board's peer review engineer for the project, Tyler Nims, was also present.

Mr. Timmis described his concerns with the rain garden on his property being insufficient to handle the stormwater runoff, and what changes will be made to fix it.

Mr. Pozerski went over the engineering issues in detail, described why the drainage has been troublesome, discussed the project's construction history, and explained how he believed the problems on Mr. Timmis's property should be corrected. Mr. Nims noted the need to handle drainage at the edge of the driveway on the property. Discussion followed.

Mr. Kelley emphasized the need to reach a common agreement on the solution, so that he could carry out the needed improvements. Mr. Timmis gave his perspective on the possible solutions.

It was decided that Mr. Pozerski, Mr. Nims, Mr. Kelley and Mr. Timmis would agree on how to solve the problems and what new construction work would be done. Mr. Smith offered to assist with the process if necessary.

DISCUSSION ABOUT PROPOSED CHANGE IN PROPORTION OF USES TO EXISTING MIXED-USE BUILDING AT 8 MAIN STREET

David Meyerovitz came before the board to discuss making changes to the mixed-use building he owns at 8 Main Street. The building contains a mixture of commercial and multifamily residential (apartments) space, and he wishes to increase the proportion of residential space by converting some of the existing commercial space into two new apartments. The size of the building would remain unchanged, with the changes consisting of interior alterations and possibly some alterations to the façade. The change in use presumably would affect parking and traffic patterns.

As a change in use, the project requires the Planning Board's approval. (The project also needs approval from the Zoning Board of Appeals.)

Mr. Meyerovitz showed the board a proposed site plan drawing which showed where new parking spaces would be delineated in the rear parking area behind the building, as well as the existing parking spaces in front of the building. Discussion took place.

Mr. Noone pointed out that a few of the parking spaces in front of the building overlap the road right-of-way, i.e., they are not contained within the property of 8 Main Street. He suggested that the board's peer review engineer (Peter Palmieri) look at the drawings, to determine what is legal and safe in terms of parking and vehicular flow, and some of the other board members agreed. Conversation followed.

It was agreed that Mr. Palmieri would review the drawings, and then Mr. Meyerovitz would come back before the board to seek approval for the project at a future date.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant