



PEMBROKE PLANNING BOARD MINUTES

MONDAY, DECEMBER 20, 2021

LOCATION: Remote Participation with Zoom Software

STARTING TIME: 7:00 pm

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

BOARD MEMBERS ABSENT: Heather Tremblay and Daniel Smith, Jr.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), William Chenard (Town Manager), Sabrina Chilcott (Assistant Town Manager), Jeffrey De Lisi, Kevin Grady, George Thibeault, Donald Nagle, Michael Cohen, Robert DeMarzo, "James," Valerie Johnson, John Naples, Michael Giaimo, Kristen Spirou, Martin Lavin, Brian Ross, Jordan Phillips, John Menezes, Heather King, "Pratt Family," Lauren Payne, Erminio Lima, Jr., Allyson Mahar, Bryan Jarvis, Joel Bargmann, Glen Daly, Brad McCord, Kyle Zick, Dana Altobello, 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

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 December 20, 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, s. 18, as amended June 16, 2021, and extended to April 1, 2022, 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, via livestream with the link accessible at <https://www.pactv.org/pactv/towns/pembroke> or www.pactv.org/pactv/watch/meetings-streamed-live-youtube.

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 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. 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 #SP2-21 AT 715 WASHINGTON STREET

Mr. Taylor opened the public hearing for proposed Site Plan #SP2-21 at 715 Washington Street, being the application of George Thibeault, 599 Summer Street, Marshfield, MA 02050, 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 two-story building (one floor plus mezzanine) with a footprint of 10,000 square feet consisting of five separate contractor's bays, a.k.a. tradesmen's units. Each unit would contain a first-floor garage workshop and second-floor (mezzanine) office. There would also be a paved parking area and access drive. The property is located in the Residential-Commercial Zoning District, at 715 Washington Street, Pembroke, MA 02359, as shown on Assessors' Map F9, Lot 24.

Attorney Jeffrey De Lisi was present, representing the project, along with the project's engineer Kevin Grady. The applicant George Thibeault was also present.

Mr. De Lisi explained that they believe this proposed use would be a good fit for the neighborhood and is in accordance with the zoning bylaws. (Mr. Thibeault's previous site plan application for the property was denied by the board.) He described the project, which consists of one building with five office units. The units would be accessible on the ground floor through garage doors. This use, he said, would have no significant negative impacts for the abutters and would not cause a great deal of traffic. There would be one entrance and exit point providing access from Route 53 (Washington Street).

Since Mr. Grady was having technical problems, Mr. De Lisi went over the engineering drawings. He said that the project did not require any variances, and that the building met the setback rules. Mr. Grady returned at this point and provided further details. He noted that the lower level of each unit would be for storage and garaging and be 2,000 square feet, while the upper mezzanine would be for office space and be 1,000 square feet. The access drive from Washington Street would be 24 feet wide, with adequate turning radii for emergency vehicles and dump trucks. There would be 25 parking spaces, and Mr. Grady explained that he calculated 19 parking spaces were required by the zoning bylaw.

Mr. Grady described the traffic analysis and calculations, and said that this portion of Washington Street could accommodate the traffic likely to be caused by the project. He explained that there would be an on-site septic system, and noted that the new plans show a fire hydrant on the site. He said that he had discussed the project with the Deputy Fire Chief, and that the building would be sprinklered.

Mr. Grady described the proposed stormwater drainage system, and explained how stormwater would drain away and be absorbed.

In reply to Mr. Wandell's question, Mr. Grady described the distance of the building from various abutters and confirmed that the building meets all the zoning setbacks. He also explained that landscape buffers are provided around the perimeter of the building.

Mr. Noone noted that the abutting houses are at least 350 feet away, and generally around 400 or 500 feet away.

Mr. Heins said that he believed a waiver would be needed for a rule in the site plan rules & regulations that requires a 50-foot landscaped buffer adjacent to residential properties. This led to further discussion.

Mr. Grady described some elements of the proposed landscaping and the lighting plan. He explained that most of the lamps would shed light downwards and not toward the sky.

Mr. Taylor said that time was running out since there was another public hearing at 7:30. Discussion followed. Mr. Noone suggested pushing the hearing at 7:30 back 15 minutes.

Mr. Wandell made a motion to postpone the 7:30 public hearing to 7:45, and Mr. Noone seconded the motion. The board voted unanimously in favor by roll call.

Mr. Wandell suggested taking comments and questions from the public at this time, and Mr. Taylor agreed.

Attorney Donald Nagle explained that he was representing abutter James Smith at 697 Washington Street. He noted that much of the site is wetlands and a brook. He stated that the project does not meet the minimum lot size, exclusive of wetlands, of 120,000 square feet specified in the zoning bylaw, since the drawings indicate the lot has about 102,000 square feet of uplands.

In reply to Mr. Wandell's question, Mr. Grady explained that the Conservation Commission approved the previous application for the property, and he was confident they would approve this application too since the limit of work is unchanged.

Mr. Nagle emphasized the key issue of the lot size. He expressed concern that many waivers were being requested, in particular the requirement for a traffic study. He discussed the possible traffic impacts. He said he only counted 15 parking spaces, and he noted the risks of using Cape Cod berms instead of vertical granite curbing. He discussed the lot perimeter ratio. He questioned whether the project is an allowed use, and raised the possibility that trucks could be stored, repaired and maintained on the site. He said that noise is a concern.

Michael Cohen, an abutter, expressed his concerns about the proposed building's visibility from his property. He said that the stream runs regularly and is not intermittent, and questioned the hundred-foot buffer. He argued that the project seems industrial and should be in the town's industrial zones. He suggested the building could be moved closer to the street.

Mr. Wandell made a motion to continue the public hearing to January 24, 2022, at 7:00 pm. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP5-20 CELL TOWER AT 85 WASHINGTON STREET

Mr. Taylor said that there was a quorum problem for the public hearing for the proposed cell tower at 85 Washington Street, since board member Heather Tremblay was absent, and so it would be necessary to continue the hearing without deliberating. Mr. Wandell said he would catch up (to qualify for the quorum) using the Mullin Rule soon.

Michael Giaimo, Kristen Spirou, Brian Ross, Jordan Phillips, Martin Lavin and John Menezes, working on behalf of the project in various capacities, were present.

Mr. Taylor reopened the public hearing (continued from January 11, 2021, February 1, 2021, March 1, 2021, April 12, 2021, May 10, 2021, June 14, 2021, July 12, 2021, July 26, 2021, September 13, 2021, October 25, 2021, and November 15, 2021) 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. Wandell made a motion to continue the public hearing to January 24, 2022, at 8:15 pm. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Siciliano-Perry made a motion to accept the minutes for November 15, 2021. 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 remaining balance (in the engineering review account) of \$41.76 for Site Plan #SP6-16 at 56 Pembroke Woods Drive. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board return the remaining balance (in the engineering review account) of \$582.50, to be refunded to James Costello, for the Site Plan at 300 Center Street. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board return the remaining balance (in the engineering review account) for Site Plan #SP4-19 Valley Street Solar Project in the amount of what is remaining in the account. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board extend the deadline for completion for Site Plan #SP1-9 entitled King’s Highway Park until the date of January 11, 2023. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board extend the time for completion for Site Plan #SP7-19 entitled Camp Pembroke Yurt Village until February 19, 2023, and extend the time by which the project, as approved under the site plan approval, must be completed in its entirety until the date of February 19, 2025. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

VOTE TO APPROVE PROPOSED BUTCHER-DELI AND SMALL GROCERY STORE AT 256 CHURCH STREET AS MINOR MODIFICATION TO EXISTING SITE PLAN

Erminio Lima, Jr., came before the board to request the board’s approval for a proposed butcher-deli and small grocery store in the existing building at 256 Church Street. This structure was formerly a preschool.

Mr. Lima explained that this would essentially be a small grocery store (“market”) including a butcher-deli, and that they have already progressed with the approval process by talking to the building inspector and Fire Department. He said that since the occupied square footage would be 2,500 square feet, they calculate that 25 parking spaces are needed for customers and a few more for employees. He stated that there are currently 33 parking spaces on the site (including both paved and gravel areas), which should be sufficient.

The board members went over the floor plan and site plan drawing which Mr. Lima had submitted, and discussed it with him. Mr. Lima described the parking layout and answered questions from Mr. Taylor.

Mr. Heins mentioned that it might be advisable to pave the gravel parking areas, and discussion ensued. The board members were in general agreement that having some gravel parking areas was acceptable, and that the project could be approved.

Mr. Wandell made a motion that the board approve the proposed small grocery store in the existing building at 256 Church Street as a minor modification to an existing site plan, with no requirement for additional site plan review. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

VOTE TO SUBMIT WARRANT ARTICLE FOR SUBDIVISION #1802 LISA’S LANE ROAD ACCEPTANCE TO ANNUAL TOWN MEETING

The board considered whether to officially submit the warrant article for the road acceptance of Lisa’s Lane (Subdivision #1802) to annual town meeting. The board had previously voted to support the road acceptance of Lisa’s Lane.

Sabrina Chilcott, the Assistant Town Manager, was present, and she explained to the board that customarily the Planning Board does submit the warrant articles regarding road acceptances. Mr. Wandell described the key role the board plays in the process of road acceptance. Further conversation took place.

Ms. Chilcott asked if the board would allow the town manager to have a dialogue with the developer about plowing the road in the winter, and Mr. Wandell said the developer should plow the road until it is accepted by the town.

Mr. Wandell made a motion that the board submit a warrant article to annual town meeting regarding Lisa’s Lane, Subdivision #1802, road acceptance. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

REORGANIZATION OF THE PLANNING BOARD

The board decided to reorganize, since Mr. Taylor was interested in stepping down as Chairman and Ms. Siciliano-Perry was willing to move into that role. Mr. Taylor announced that he was officially resigning as Chairman of the Planning Board.

Mr. Taylor made a motion that the Planning Board reorganize and consider nominations for the following positions: Chairman and Vice-Chairman; and take any action on the following: meeting nights and signature plans. Mr. Wandell seconded the motion.

Mr. Taylor made a motion to nominate Alysha Siciliano-Perry for Chairman of the Planning Board, and Mr. Wandell seconded the motion. The board voted unanimously in favor by roll call.

Mr. Wandell made a motion to nominate Daniel Taylor for Vice-Chairman of the Planning Board, and Ms. Siciliano-Perry seconded the motion. The board voted unanimously in favor by roll call.

Mr. Wandell made a motion to close all the nominations for Chairman and Vice-Chairman, and Mr. Taylor seconded the motion. The board voted unanimously in favor by roll call.

DISCUSSION ABOUT PROPOSED NEW COMMUNITY CENTER BUILDING AT 128 CENTER STREET

William Chenard, the Town Manager, explained that the town is proposing to build a new community center building at 128 Center Street. The existing community center (the former school building) at that location would be torn down.

Mr. Chenard introduced Allyson Mahar and Bryan Jarvis of Compass Project Management, Joel Bargmann, Glen Daly and Brad McCord of Bargmann Hendrie + Archetype (Architects), Dana Altobello of Merrill Engineers, and Kyle Zick of Kyle Zick Landscape Architecture. These people are all working on the project in various ways.

Mr. Jarvis explained that they are in the design-development stage, and hope to have the bid documents prepared in the spring with construction to start in mid-summer.

Mr. Bargmann described the proposed design of the building, referring to site plan and architectural drawings which he displayed to the board. He said that the new building would be on approximately the same footprint as the existing building, and would have a square footage of about 30,000 square feet. It would contain the town's senior center and recreation department, among other activities. There would be a large multi-purpose room. The building would also serve as a shelter during weather emergencies and/or power outages. There would be a gymnasium with a walking track raised above it.

Mr. Zick explained that their goal is to tie the public buildings together, and to activate the town green and make it a more well-used space. Referring to site plan drawings that were displayed, he described how the movement of vehicles and people would happen throughout the site, and noted where certain mechanical and infrastructural elements would be located. He discussed the design of the town green and the activities that would take place on it.

Mr. Altobello briefly described the current drainage of the site. He discussed how the proposed design would handle stormwater drainage, where the septic system would be located, and the necessary utility connections.

Mr. Bargmann said that the project would comply with the zoning requirements. Mr. McCord described how they had calculated the necessary number of parking spaces, and went into detail about some of the activities that would happen in the building. He mentioned that overflow parking could be handled at the library and town hall parking areas.

Mr. Bargmann asked about the allowable building height, and explained that the building is two stories but higher than 36 feet.

Mr. Wandell asked some questions about the landscape design and the size of the town green, which Mr. Zick answered. Mr. Taylor asked about the parking spaces near the playground and Mr. Wandell asked about the possibility of relocating memorials, and Mr. Zick talked about these topics.

Mr. Wandell asked about the proposed exterior lighting for the project, and Mr. Bargmann described where the lights would be.

Mr. Bargmann asked if the board had any comments about the methodology used to calculate the number of parking spaces. Mr. Noone said that in the past sometimes overflow parking from town hall would occupy the parking spaces at the community center. He asked if they had considered upgrading the roadway connecting the town hall, police station and community center, which currently is rather narrow. He also mentioned that people using the outdoor basketball courts often park in the community center parking area. This led to further discussion.

Mr. Bargmann asked if the building height would be a problem, and conversation followed. Mr. Wandell and Mr. Roundtree said they felt it would be acceptable. Regarding how the zoning bylaws regulate height in different zones, Mr. Heins said that the site appears to lie within Residence District A and the Historic Overlay District.

Mr. Wandell asked if the project would include any solar panels, and Mr. Bargmann and Mr. Chenard discussed this.

Mr. Chenard said he anticipates demolition of the existing building will happen in March, adding that he is making sure of the new building's cost before proceeding with demolition.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Heins mentioned that the Herring Brook Solar Project (on Hobomock Street, behind the ice arena), whose site plan application was approved a few years ago, appears to be advancing.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant