



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 7, 2023

LOCATION: Room 6 (Veterans Hall), Pembroke Town Hall

STARTING TIME: 7:00 pm

BOARD MEMBERS PRESENT: Alysha Siciliano-Perry (Chairman), Stephan Roundtree (Clerk), Scott Martino, James Noone, Heather Tremblay, and Andrew Wandell.

BOARD MEMBERS ABSENT: Daniel Taylor (Vice-Chairman).

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Deborah Keller, Jerry Seelen, David Mitchell, Brandon Li, Matthew Dacey, Sarah Dacey, Maureen Josie, and others.

OPENING THE MEETING

Ms. Siciliano-Perry opened the meeting of the Pembroke Planning Board by reading the Chairman's statement: "Please note that this meeting is being made available to the public through an audio 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."

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP5-23 AT 33 RIVERSIDE DRIVE

Ms. Siciliano-Perry reopened the public hearing (continued from July 17, 2023) on the application of Rader Properties, Inc., 80 Washington Street, Building J-40, Norwell, MA 02061, 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 45,000-square-foot one-story building for industrial and/or warehouse uses. There is an existing building on the property which would remain. Additional paved areas for parking and vehicular movement would be built, and improvements would be made to the site's stormwater drainage system. A new subsurface sewage disposal system would be installed. The property is about 6.2 acres in size and is located at 33 Riverside Drive, Pembroke, MA 02359, in Industrial District B and the Medical Marijuana Overlay District, as shown on Assessors' Map F15, Lot 60. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

The project engineer Brandon Li and project architect Jerry Seelen were present, along with David Mitchell representing the developer Rader Properties.

Deborah Keller, the board's peer review engineer for this project, was also present.

Mr. Li described the changes made to the design in response to Ms. Keller's comments. These alterations were minor in nature, for the most part.

Mr. Li discussed the drainage easement on the property which grants the state of Massachusetts the right to drain stormwater from Route 3 onto the property. He explained that if the state exercises this right in the future, the project's stormwater system would be adjusted to handle the additional water.

Ms. Keller said that two possible conditions (for the site plan decision) had been discussed: two confirmatory soil test pits would be performed behind the building; and the stormwater pollution prevention plan would be provided prior to construction.

Ms. Siciliano-Perry gave members of the public the chance to comment, but nobody spoke.

Mr. Heins explained that two abutters had expressed concerns about the project in the Zoning Board of Appeals' recent public hearing for the special permit that the project needed. He noted that they had submitted a letter which he had distributed to the Planning Board. One option, Mr. Heins said, would be to require visual screening or other measures to ameliorate their concerns.

Mr. Heins explained that he had prepared a draft decision to approve the project (i.e., approve the site plan application), and he discussed some procedural issues with this.

Mr. Wandell and Mr. Li discussed the loading and unloading of trucks that would take place at the proposed building. The board members talked about how visible the building and other activities would be (to those living on Water Street and Packet Landing), and were in general agreement that the area of forest combined with the privacy fence would be sufficient.

Mr. Wandell made a motion to close the public hearing for proposed Site Plan #SP5-23 at 33 Riverside Drive. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Ms. Siciliano-Perry explained that it was now necessary to open the next public hearing at the proper time. The board and Mr. Heins discussed this briefly.

PUBLIC HEARINGS FOR PROPOSED SITE PLAN #SP3-22 AND SPECIAL PERMIT FOR COUNTRY CLUB CLUSTER HOUSING TO CONSTRUCT AN AGE-QUALIFIED CLUSTER DEVELOPMENT OF 172 RESIDENTIAL UNITS, CHANGES TO EXISTING GOLF COURSE, AND OTHER ALTERATIONS NEAR WEST ELM STREET AND DWELLEY STREET

Ms. Siciliano-Perry reopened the two public hearings (continued from September 12, 2022, October 24, 2022, November 14, 2022, January 30, 2023, March 27, 2023, and May 22, 2023) running concurrently on the applications of Weathervane at Pembroke Country Club, LLC, 190 Old Derby Street, Suite 311, Hingham, MA 02043, requesting Site Plan approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval) and requesting a Special Permit under the Zoning Bylaws of the Town of Pembroke Section V.13.1.A. (Special Permit From Planning Board Required for Age-Qualified Cluster Developments). The applicant proposes to construct an Age-Qualified Cluster Development consisting of 172 residential units, several access drives and interior roads, a driving range, golf cart paths, a stormwater drainage system, a wastewater treatment plant, reconfigurations to an existing 18-hole golf course, and extensive landscaping, on a property of about 244 acres. The residential units would consist of 163 new single-family houses, 2 renovated existing

single-family houses, and a multifamily building of 7 units. [However, the number of total, single-family and multifamily residential units is being adjusted through design revisions during the site plan review and public hearing process.] The access drives to the development would be off West Elm Street, Dwelley Street and Hazelwood Drive. The property is located at 94 West Elm Street, Pembroke, MA 02359, in Residence District A and the Water Resource and Groundwater Protection District, as shown on Assessors' Map B11, Lot 33. (This property formerly consisted of multiple lots, which before being merged were identified as 94 West Elm Street [Map B11, Lot 33], 0 West Elm Street [Map B10, Lot 4], 80 West Elm Street [Map B10, Lot 4A], 54 Dwelley Street [Map B12, Lot 39], 110 Dwelley Street [Map A12, Lot 47], part of 84 Hazelwood Drive [Map A11, Lot 32], and part of 58 West Elm Street [Map B10, Lot 3].) A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall. Certain application materials are also available at <https://www.pembroke-ma.gov/planning-board/pages/applications-received> (scroll down).

Ms. Siciliano-Perry explained that the public hearing was to be immediately continued to a future date with no discussion or testimony at this time. The board and Mr. Heins talked about what date to continue the public hearing to, and considered various factors.

Mr. Wandell made a motion that the board continue the public hearing for proposed Site Plan #SP3-22 and Special Permit for Country Club Cluster Housing Development to September 18, 2023, at 7:15 pm. Mr. Noone seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT PROPOSED SITE PLAN #SP5-23 AT 33 RIVERSIDE DRIVE AND VOTE TO APPROVE SITE PLAN

The board resumed consideration of proposed Site Plan #SP5-23 at 33 Riverside Drive.

The board members, Ms. Keller, Mr. Li, Mr. Seelen and Mr. Heins discussed what conditions to specify in a possible site plan approval decision for the project. In particular, they considered whether to require a higher fence for visual screening. Mr. Heins noted that Mr. Li had just submitted the new version of the engineering drawings.

The board and Mr. Heins talked about how to advance procedurally and whether to go ahead with a vote at this time. It was agreed that a vote was feasible, with the drawings to be signed in the near future.

Mr. Noone made a motion that the board approve Site Plan #SP5-23 at 33 Riverside Drive with the proposed conditions. Mr. Wandell seconded the motion. Ms. Siciliano-Perry, Mr. Roundtree, Mr. Noone and Mr. Wandell voted in favor, Ms. Tremblay and Mr. Martino abstained, and the motion passed.

Mr. Heins went to his office to finalize and print the decision document (granting site plan approval) for the board to sign.

DISCUSSION ABOUT POSSIBLE MODIFICATIONS TO SITE PLAN AT 204 CENTER STREET (A.K.A. PEMBROKE VILLAGE)

Matthew Dacey and Sarah Dacey came before the board to discuss a possible modification to the previously approved design for the Site Plan at 204 Center Street, also known as Pembroke Village (originally Zoning Board of Appeals Case #89-04 and later Zoning Board of Appeals Case #13-22). The

previously approved design (which was approved by a remand order but was not built) is to construct two new buildings in order to expand and complete an existing built project that consists of multiple townhouse residential units.

Mr. Dacey described the proposed redesign. There would still be two new buildings, of similar sizes and footprints as before, but the redesign would convert some of the projected commercial space into parking garages (in the rear of the two new buildings) for current residents of the townhouses and/or future residents of the two new buildings. Mr. Dacey explained that some of the townhouse residents had expressed interest in garages for parking.

A few board members said they were concerned that this redesign would alter the percentage of commercial versus residential square footage, as specified in the remand order. (The remand order resulted from a settlement in litigation between the Planning Board and the Zoning Board of Appeals.) Conversation followed.

Mr. Wandell noted the relevant legal questions, in light of the zoning bylaw change (made several years ago to eliminate mixed use) and the remand order. Mr. Dacey emphasized the difficulty of finding commercial tenants.

Mr. Wandell said it might be necessary to check this with town counsel. More discussion took place. Mr. Dacey described the redesign in more detail. The board members and Mr. Dacey discussed whether these garages would count as commercial or residential space. The board emphasized the need to determine whether this redesign would be in accordance with the terms of the remand order.

ROUTINE ADMINISTRATIVE MATTERS

Mr. Roundtree made a motion that the board accept the minutes for July 17, 2023. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the board take a five-minute recess, Mr. Noone seconded the motion, and the board voted unanimously in favor.

SIGNING OF DECISION FOR SITE PLAN #SP5-23 AT 33 RIVERSIDE DRIVE

About five minutes later, the board meeting resumed.

Mr. Heins returned, bringing the completed site plan approval decision document for Site Plan #SP5-23 at 33 Riverside Drive. Having voted to grant site plan approval to the project earlier, the appropriate board members now signed the document.

DISCUSSION ABOUT MBTA COMMUNITIES ZONING BYLAW AMENDMENT

Mr. Heins explained that the town's MBTA Communities zoning bylaw amendment, which was adopted at town meeting in May, was still being reviewed by the attorney general, who in fact had requested an extension of the deadline to decide on it.

Mr. Heins also explained that he had submitted a lengthy online form, to another office of the state government, verifying and documenting that the MBTA Communities zoning bylaw amendment meets the relevant requirements, and was waiting to receive the state's feedback on this.

Mr. Heins noted that the “help wanted” posting for his position (i.e., to hire his replacement) had been issued by the town. His employment with the town is ending on September 8. A short discussion followed.

Mr. Noone said that parking in the area around Towne Tavern (on Mattakeesett Street) has become a problem, due to overflow parking by patrons of the restaurant.

Mr. Wandell suggested that the developer who owns the former Shepherd funeral home be asked to trim the overgrown vegetation there, and Mr. Heins said he would communicate this request.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant