

**PEMBROKE PLANNING BOARD MINUTES**  
**TUESDAY, FEBRUARY 16, 2016**

**PRESENT:** Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving, Brian VanRiper, Paul Whitman, Andrew Wandell, Jennifer Smith, Adam Doucette, Brian Murphy, Atty. Robert Galvin, Brad McKenzie, Don McGill, Doug Arsham, Keith Deshler, Liam Govostes and Marilyn Zechello.

**PLANS:**

Meeting with Town Administrator Ed Thorne-Postponed  
Seltsam Way Residents-Up-date on Trees  
Zoning By-law Change Industrial A  
Site Plan #SP3-15-590 Washington Street-Conditions of Approval  
Informal Site Plan with National Development  
Old Business:  
Extension for Site Plan #SP3-13 Panera Bread & Taco Bell  
Discussion concerning 476 Center Street non-conforming lot  
Discussion concerning site plan for 220 Center Street

Rebecca Coletta (Vice-Chairman) opened the meeting by reading the Chairman's Statement.

**MINUTES:** Mr. Wandell moved, seconded by Mr. VanRiper, "That the Planning Board minutes dated Monday, November 23, 2015 are accepted as printed." Voted unanimously  
Mr. VanRiper moved, seconded by Mr. Whitman, "That the Planning Board minutes dated Monday, January 11, 2016 are accepted as printed." Voted unanimously  
Mr. Whitman moved, seconded by Mr. Wandell, "That the Planning Board minutes dated Monday, January 25, 2016 are accepted as printed." Voted unanimously

**MEETING WITH TOWN ADMINISTRATOR ED THORNE-POSTPONED.**

**SELTSAM WAY RESIDENTS UP-DATE ON TREES:** The residents from Seltsam Way came before the Board for an update as to when the new trees will be planted. The Board had signed a contract with a contractor to remove and replace 38 dead trees. They will be replaced with Pyrus Calleriana/ Cleveland Select and will provide care instructions for the trees for each resident. There are nine trees that will be staying and the work will start in the spring.

**ZONING BY-LAW CHANGE FOR INDUSTRIAL A:** The Board met with Brian Murphy to review changes that will be made to the zoning by-law. Mr. Murphy is purposing to change under Dimensional Regulations Section D.5 Side Yards to read: All buildings, structures, and paved areas other than parking and access ways shall be set back a minimum of 20 feet (instead of 10 feet) from the lot side lot line.

Section D.6 Rear Yards to read: All buildings, structures, and paved areas other than parking and access ways shall be set back a minimum of 20 feet (instead of 10 feet) from the rear lot line.

After a lengthy discussion concerning Section D.3. Minimum Lot Perimeter Ratio the Board felt that this should be deleted in its entirety from Industrial District A and Industrial District B. Section D.12. Building Floor Area will not be changed and kept at forty-five percent of the total site area.

Section D 13. Coverage will read: The sum of the ground area of the lot covered, or to be covered, by all buildings or structures and all paved areas, to include walkways, patios, roadways, access ways, turnarounds, loading areas, and parking areas shall not exceed eighty percent of the total site area.

Ms. Coletta moved, seconded by Mr. VanRiper, "That the Planning Board votes to modify Industrial District A place an article on the warrant for the annual town meeting by changing Section 5., Sub-section D. Dimensional Regulations 5. Side Yards: from ten feet to twenty feet, 6. Rear Yards: from ten feet to twenty feet and 13. Coverage: from sixty feet to eighty feet." Voted unanimously

Mr. Wandell moved, seconded by Mr. VanRiper, "That the Planning Board votes to delete D.3 Minimum Lot Perimeter Ratio from Industrial District A and Industrial District B."

Voting in favor: Wandell, VanRiper, Whitman, Taylor and Irving

Opposed: No one

Abstaining: Coletta

**SITE PLAN #SP3-15-590 WASHINGTON STREET- CONDITIONS OF APPROVAL:** Mr. McGill came before the Board to have Conditions of Approval written for 590 Washington Street. The Board voted on the waivers that were requested by McKenzie Engineering Group, Inc. dated February 1, 2016.

Mr. VanRiper moved, seconded by Mr. Wandell, "That the Planning Board votes to grant the following waivers requested for Site Plan #SP3-15 entitled 590 Washington Street.

**Section IV. Site Plan Content**

4.7 Requirement of Landscaping Plan.-Granted

4.15 Requirement of a Development Impact Statement.-Granted

## Section V. Requirements

5.1 Requirement of Site Landscaping.-Granted

5.2 Requirement of Site Lighting.-Granted

## Section VI. Development Impact Statement.-Granted”

Voted: 5-0-1: Voting in favor: Coletta, Taylor, Wandell, Irving and VanRiper

Opposed: No one

Abstaining: Whitman

The Board then wrote the following conditions.

### FINDINGS OF THE BOARD:

The Board hereby moves that the proposed project as designed and subject to the conditions that the Board is going to adopt that it will not be injurious, noxious, offensive or detrimental to the neighborhood.

The Board’s site plan approval is based on the following reasons:

- The Board hereby determines that the petitioner has submitted substantial and credible evidence that, subject to the conditions imposed by this decision, the foregoing project, a permitted use in the Residential-Commercial District has been designed in such a manner as to reasonably protect the abutting properties and neighborhoods, as well as the community of Pembroke, to minimize any alleged offensive or detrimental uses resulting from the development, and to provide traffic safety and access, adequate waste disposal, drainage, parking and environmental protection.
- The Board hereby determines that the approved project, including without limitation, the site plans, Board recommendations and abutter concerns, demonstrates and promotes the convenience and safety of vehicular and pedestrian movement within the site and in relation to abutting ways and properties.
- The Board hereby determines that the project includes and provides for adequate refuse and other waste disposal, proper facilities for drainage of surface water and protection for wetlands, water resource protection areas, flood plains, watersheds, aquifers and well areas.
- The Board hereby determines that the project, as approved, makes adequate provision for lighting, off-street parking, loading and unloading of vehicles and internal traffic controls.

### CONDITIONS:

Site plan approval is subject to the following conditions:

1. All work shall be done in conformance with the stamped plans prepared by McKenzie Engineering Group, Inc., dated December 10, 2015 and revised January 21, 2016 and to be amended with the latest revision date of January 29, 2016. The Planning Board voted the plan be amended and voted to accepted the plan on January 25, 2016 and it is to be submitted to the Board before condition are written, as well as the following additional conditions.

2. All businesses occupying the buildings approved herewith must be listed on a sign clearly visible to the travelers on Washington Street. Said sign must comply with all applicable provisions of the Town's by-laws and regulations.
3. The petitioner shall plant and maintain the landscape as submitted on the plan dated January 29, 2016 not further than ten (10) feet from the lot line and not closer than ten (10) feet from the way line.
4. All vegetation planted in accordance with this decision shall be reasonably watered and maintained until established. Should any vegetation die off, the petitioner shall plant replacements.
5. The developer shall provide for water as per the regulations of the Department of Public Works.
6. The petitioner shall submit an As-built Plan with a written statement, approved by the Board, that all the conditions of this vote have been complied with before an occupancy permit may be issued.
7. All site work must comply with existing regulatory town bylaws as to times work may commence and end and to days of week when site work can be conducted."

If substantial use of the rights authorized by this site plan approval are not exercised within two (2) years of the date on which a copy of this decision is filed with the Town Clerk, then this site Plan approval shall expire.

Voted 5-0-1: Voting in favor: VanRiper, Wandell, Irving, Coletta and Taylor

Opposed: No one

Abstaining: Whitman

**NATIONAL DEVELOPMENT INFORMAL SITE PLAN:** Attorney Galvin and Doug Arsham came before the Board to discuss the progress on the "memory care facility" the plan is being worked on and should be ready soon for site plan submission. At the fall town meeting a change was made in the zoning by-laws and map to allow this use in the by-laws. Mr. Arsham stated he has preliminary site drawing here tonight for your comments and if you want to change anything this could be done now before submittal. This will be 48 units with 54 beds for the residents. The main area is the reception area with offices with three households designed off this area. The kitchen is also in this area where the food is cooked and delivered to the three households. There are no kitchens in any of the units. There are sixteen units with one or two bedrooms and they each have their own bathrooms. The entire facility is secure and locked. Traffic impact will be very light. The Board asked about when the project should be started and how long it should take. They will be going before the Conservation Commission and will be meeting with the Fire Department. They are estimating that they should be able to start working on the ground in May. It should take about twelve months to complete and then another month for inspections and certification will be needed before they open. The size of the project is about thirteen acres including wetlands. The Board reviewed the plans and had no changes that they felt needed to be done before the submittal.

**SITE PLAN #SP5-13-TACO BELL & PANERA BREAD:** RK Centers requested an extension of time for completion and to prepare the final traffic study for Site Plan #SP5-13 entitled Panera Bread and Taco Bell until June 26, 2016.

Mr. VanRiper moved, seconded by Ms. Coletta, "That relative to Site Plan #SP5-13 entitled Panera Bread and Taco Bell the Board votes to grant the request of the developer an Extension of Time for Completion and to prepare the final Traffic Study until June 26, 2016." Voted unanimously

**476 CENTER STREET DISCUSSION CONCERNING NON-CONFORMING LOT:** The Board had a conference call with Town Counsel concerning the non-conforming lot at 476 Center Street. The Board informed the owner that the best solution is to make application to the Zoning Board of Appeals to seek a legal non-conforming lot to address the access issue. The Board will be sending a letter to the ZBA concerning the conference call made to Town Counsel.

**220 CENTER STREET:** Atty. Galvin asked to speak to the Board concerning 220 Center Street. Don McGill will be purchasing the property soon. Since the original project was submitted, additional land has become available. Mr. McGill stated that just to be clear he is buying the property not the project. He would like to get a feel as to what the Board would like to see more commercial or more residential. It was stated that whatever was submitted and approved the commercial would be built first. A variance would be required for the frontage. The Board felt it should be more conformed to the intent of the by-law as to mixed use development. Perhaps, a low impact development or professional office spaces to enlarge the commercial area. One issue to be looked at is the traffic flow on Center Street. After a lengthy discussion concerning the best use for that area, the developer stated that he would be back with a site plan after looking at all the options.

A motion was made and seconded that the Planning Board meeting be adjourned at 9:45 p.m.

The next regular meeting of the Planning Board will be held on Monday, February 22, 2016 at 6:30 p.m.

Respectfully submitted,  
Marilyn A. Zechello-Planning Board Assistant