



PEMBROKE PLANNING BOARD MINUTES

MONDAY, FEBRUARY 27, 2017

PRESENT: Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Matthew Heins (Planning Board Assistant), Donald McGill, Robert Galvin (Attorney), Kevin Sealund, Matthew Dacey, Susan Fitzgibbons, Debra McCarthy, Gerald Dutson, James Stone, Pamela Girouard, John Poirier, Tyler Nims, Deborah Keller, Eoghan Kelley, Kara Connolly and Sarah Cloud.

Chairman Daniel Taylor opened the meeting by reading the Chairman's statement.

PUBLIC HEARING FOR PROPOSED ZONING BYLAW AMENDMENT REGARDING THE SPATIAL EXTENT OF THE CENTER PROTECTION DISTRICT

Mr. Taylor opened the public hearing. This public hearing was for a proposed zoning bylaw amendment that would specify that the distance of the Center Protection District's extent from the relevant ways is exactly 300 feet and no greater than 300 feet.

Mr. Taylor and Mr. VanRiper gave a brief introduction of the proposed amendment and the reasons for the change. Mr. VanRiper explained that most of the town's zoning districts are specified in a geographically precise way, whereas the current definition of the Center Protection District specifies its spatial extent as 300' back from the relevant ways or the size of parcels fronting on the relevant ways, whichever is greater.

Debra McCarthy asked the board whether the proposed change would help or hinder businesses, and what the reasons were for the change. Ms. Coletta explained that the change would provide more precision to how the district's area is defined, and create a reasonable spatial limit. Under the current bylaw, it seems as though a parcel of any depth from a relevant way would be entirely within the district (in theory, at least), and this means that extremely deep parcels potentially could create serious problems.

Robert Galvin asked if anyone knows why the district was originally defined spatially in this manner. He also asked how many parcels of land this change would affect. In addition, he asked what would happen to a lot that becomes divided into two zones by the rule change.

Mr. VanRiper further described the proposed bylaw change, and explained that he was on the committee that originally drafted these bylaws. He feels that the original intent was for the district's extent to simply be 300' back from the relevant ways. With regard to Mr. Galvin's third question, a discussion ensued about when the change would take effect, and the spatial limitations it would impose on developments.

Another member of the audience asked about what would happen to anything further than 300' back from the ways. A discussion followed, which veered into the issue of mixed use (the subject of the next public hearing). The audience member expressed concern that eliminating the mixed use option would restrict the possibility of townhouse residential development, which he argued is a logical type of development for the area since commercial development is not happening there currently.

A discussion took place about the history of the Stop & Shop development. Ms. Coletta emphasized that the lack of specificity for the distance of the district's extent is problematic. An audience member asked how many deep parcels (i.e., deeper than 300') this would actually impact. Mr. Galvin stated that he counts thirteen parcels in the district with a depth greater than 300'.

Susan Fitzgibbons said that she was also on the committee that originally drafted these bylaws, and she recalls it was their intent to specify the distance of 300'. Donald McGill asked about the current process of zoning changes being less thorough than what was previously done, and it was noted that these alterations are much less extensive.

Mr. VanRiper described how the original intent of the mixed use option was to create a "carrot" where the appeal of including residential use would help motivate developers to create commercial space. Then the Stop & Shop was built, and the situation changed somewhat.

Another audience member noted that the Center Protection District was created before the mixed use option was added.

PUBLIC HEARING FOR PROPOSED ZONING BYLAW AMENDMENT TO DISALLOW THE MIXED USE OPTION IN THE CENTER PROTECTION DISTRICT

Mr. Taylor opened the public hearing. This public hearing was for a proposed zoning bylaw amendment that would eliminate the mixed use development option in the Center Protection District.

Ms. Coletta summarized the uses that are currently allowed in the Center Protection District, and the issues surrounding the mixed use development option. She outlined what the results would be of eliminating mixed use.

A member of the audience asked what the benefit would be of eliminating mixed use and thus restricting residential development, especially inasmuch as the town is working to promote the town center as a walkable area. Ms. Coletta pointed out that the bylaw currently specifies an allowable

residential percentage for mixed use projects of 30% to 50%, but developments as built or proposed are tending to far exceed that percentage. The audience member expressed concern that residential uses would be limited at a time when there is little demand for commercial space.

Kevin Sealund described his own partially built project in the Center Protection District (from about 10-15 years ago) and talked about the difficulty in finding commercial tenants. He emphasized that the residential component of a mixed use project is a valuable “carrot” to developers. Ms. Coletta noted that in this case the commercial component of the project still has not been built.

Matthew Dacey, also involved in Mr. Sealund’s project, described in further detail the difficulties they had in attracting a commercial tenant. Mr. VanRiper, Mr. Dacey and Mr. Sealund had a conversation about these issues, the history of that particular project, and the way commercial development can work. Ms. Coletta emphasized the value of having business development in the town center.

Mr. McGill explained that most of those living near his proposed project are opposed to commercial development. This led to a back-and-forth conversation among several audience members and board members about the merits, drawbacks and challenges of various forms of commercial use.

Mr. VanRiper emphasized that the intent of the mixed use option was never to allow developments that are predominantly residential. Mr. McGill, Mr. VanRiper and Ms. Coletta discussed the problems relating to dense housing and commercial development, and their relative impacts on the tax base.

Gerald Dutson stressed that his experience has also been that there is no demand at present for commercial space. Mr. VanRiper described the challenges of gradually encouraging commercial development and improving the town center.

A discussion took place about the possible drawbacks of setting a fixed 300’ extent of the Center Protection District from the relevant ways. Mr. VanRiper described how the town center has grown over time, and explained that the Planning Board is willing to work cooperatively with developers.

Mr. Galvin and the board members discussed various issues relating to a possible 300’ distance as the Center Protection District’s extent, and the implications of this versus a potentially unlimited depth. Mr. McGill asked what the effect of such a change would be on his proposed project, and a conversation followed between Mr. VanRiper, Mr. Galvin and Mr. McGill.

Mr. Galvin stated that in the town center there is no market for commercial uses, and that the consequences of these proposed zoning changes should be explored further before any decision is made. He expressed his concern that the proposed changes may be a reaction to Mr. McGill’s proposed project. He mentioned that such changes would have an impact on the development potential of those lots that extend beyond 300’ back from the roads. He also explained that somewhat denser “village-style” housing is now being promoted in the central areas of many towns in the region, and it tends to lead to more pedestrians and thus eventually a greater demand for commercial uses.

Mr. VanRiper stressed that the proposed amendments are not a reaction to Mr. McGill's project, but are meant to address longstanding issues. He stated that these proposed changes have been under discussion for more than a year. Mr. Galvin suggested that any proposed projects currently under review could be exempted from the bylaw changes. Ms. Coletta emphasized that the bylaw changes are not aimed at Mr. McGill's project, and that the board has been open to working with developers. A discussion followed between Mr. Galvin, Ms. Coletta and Mr. VanRiper.

Mr. VanRiper made a motion to continue the two public hearings regarding the Center Protection District zoning changes to Monday, March 6, 2017, to both run concurrently starting at 7:00 pm. Mr. Irving seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Irving made a motion to accept the minutes for February 13, 2017, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

DISCUSSION OF PARKING ISSUES AND DEVELOPMENT OPTIONS AT WOLVES DEN FIELD HOUSE

John Poirier came before the board to discuss the parking lot he proposes to build at the Wolves Den Field House. This would be constructed of "reground" asphalt, would consist of about 100 parking spaces, and would be an addition to the existing parking area at the site. He is hoping for the board to grant temporary approval for construction of the lot.

Some board members expressed their concerns about water draining off the site, which Ms. Coletta noted is happening currently.

A lengthy conversation ensued. The board members were generally doubtful about the advisability of granting temporary approval without going through full site plan review, especially since in the past things given temporary approval often became long-term problems. Ms. Coletta raised the question of whether the board even has the authority to issue temporary permission without carrying out site plan review.

No approvals or permissions were granted. It was suggested by some board members that Mr. Poirier return with more detailed drawings, but no decision was made as to how the board will ultimately deal with the proposed project.

PUBLIC HEARING FOR PROPOSED BRISTOL ESTATES SUBDIVISION

Mr. Taylor opened the public hearing for the proposed Bristol Estates subdivision #1701 at 73 Taylor Street, which would consist of six single-family houses. Eoghan Kelley of the development team, and Deborah Keller of Merrill Engineering, were present to describe the project.

Ms. Keller gave a brief introduction to the proposed project. There will be a stormwater infiltration basin and rain gardens to handle water runoff. She described the easement through a short portion

of the property, which allows for a gravel driveway that will continue to serve two nearby properties. Mr. Irving and Ms. Keller discussed the details of the topography and the proposed grading.

Ms. Keller described how the design has been adjusted to meet the engineering review comments of Tyler Nims, and explained the waivers they will seek from the board. Mr. Irving noted that if a sidewalk is built on only one side of the road, the developer must make a payment into the town's sidewalk fund. There was also a conversation about where granite curbing and Cape Cod berms will be built along the road's edge. Mr. Kelley explained that some form of documentation will be created to ensure the long-term maintenance of the rain gardens.

An abutter of the project talked about problems with water runoff in the street, which becomes a sheet of ice in the winter and causes serious safety issues. This led to a discussion of how drainage can be improved. Another abutter asked about how the project will affect her property and its development potential.

Another abutter, Kara Connolly, who lives at 81 Taylor Street and uses the driveway easement that goes through the property, asked about the project's possible impact on her property. She also expressed concern about trees being cut down, a possible loss of privacy, and the inconveniences caused by construction.

A discussion took place about the exact location of the property boundaries, how close the neighbors' houses are to the project, whether a buffer or screening will be necessary, and if the easement and its driveway could be relocated.

To gain a better understanding of the site and these issues, the board decided to conduct a site walk at 73 Taylor Street on Sunday, March 5, 2017 at 10:00 am.

Mr. VanRiper made a motion to continue the public hearing to Monday, March 27, 2017 at 7:00 pm, Mr. Irving seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Heins explained that the board needed to vote to support the road acceptance of Equestrian Way and part of Pheasant Lane at the spring town meeting (since that was implied but not stated in a previous vote). Mr. VanRiper made a motion that the board support the road acceptance of Equestrian Way and part of Pheasant Lane, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Heins explained that Edwin Thorne, the town administrator, is trying to persuade the developers of the Hobomock solar project to make the payment they are legally obligated to make to an escrow account for possible screening of the project. A discussion followed about this situation.

Mr. Heins said that a right-to-farm bylaw (a town bylaw, not a zoning bylaw) has been proposed and will be an article at town meeting. It would have repercussions for land use.

Mr. Heins explained that a zoning bylaw to prohibit a range of marijuana-related uses (essentially any marijuana-related establishment) has been proposed, and if the Selectmen approve it then it will go onto the warrant for the spring town meeting. In that case, the Planning Board would need to hold a public hearing on the proposed bylaw.

Mr. Heins explained that the state of the site plan review of 300 Center Street (Arrow Restaurant) needed to be clarified, now that the engineering review balance has been paid, the fence along Hobomock Street has been built, and the developer wishes to proceed with further construction work. The board members were of the opinion that the decision and conditions could be signed and officially issued.

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

The next regular meeting of the Planning Board will be held on Monday, March 6, 2017 at 7:00 pm. The Planning Board will also hold a site walk at 73 Taylor Street on Sunday, March 5, 2017 at 10:00 am.

Respectfully submitted,

Matthew Heins, Planning Board Assistant