



PEMBROKE PLANNING BOARD MINUTES

MONDAY, MAY 8, 2017

PRESENT: Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Andrew Wandell (Board Member), Paul Whitman (Board Member), James Noone (Board Member), Matthew Heins (Planning Board Assistant), Peter Palmieri (Merrill Engineering), Lewis Stone (Chairman, Board of Selectmen), Susan Spratt (McKenzie Engineering), Brad McKenzie (McKenzie Engineering), Bonnie Pajic (Pembroke Town News), Kenneth McCormick (Deputy Chief, Fire Department), Brian Murphy, Russell Field and William Holt.

Vice-Chairman Rebecca Coletta opened the meeting by reading the Chairman's statement.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP2-17 AT 260-280 OAK STREET

Ms. Coletta opened the public hearing on the application of Grissom Park Company, LLP, of 293R Washington Street, Norwell, Massachusetts, requesting site plan approval under the zoning bylaws of the Town of Pembroke, Section V.7. Site Plan Approval, for two industrial buildings totaling 20,000 square feet, consisting of 14 modular units. The property is located in the Industrial A Zoning District at 260-280 Oak Street, Pembroke, Massachusetts.

Brian Murphy, the developer of the proposed project (Site Plan #SP2-17), provided a basic description of the project. The project does not cover the entire parcel, but only the rear portion farther back from Oak Street. (The portion of the parcel along Oak Street would be left empty until phase 2 of the project.) It would use an existing entrance to another portion of the Corporate Park complex, off Corporate Park Drive. One of the buildings would be used as a shop for Unicorn Realty and/or W.J. Murphy Construction (i.e., the developer's companies). The other building would contain modular units for contractors and other users.

The board members and Mr. Murphy talked about the site's current traffic issues and how the project would impact traffic.

Susan Spratt, of McKenzie Engineering, described the engineering design of the project. She discussed the underground utilities, subsurface infiltration chambers, septic systems, and drainage in general. The board members and Ms. Spratt talked about drainage issues, the soil's capacity for

infiltration, and the grading that would be done. Ms. Spratt described how the parking would be provided.

Ms. Coletta opened the hearing to comments from abutters. Lewis Stone spoke, and expressed his concern over how the property's appearance has been degraded by the recent clear-cutting of the woods that previously covered the property. A discussion ensued. Ms. Spratt explained that the developer intends to plant temporary grass on the portion of the property along Oak Street, in order to improve its appearance. Mr. Murphy discussed some landscaping he might put in place on the site. A discussion followed between Mr. Stone and Mr. Murphy.

Various board members recommended that the site be landscaped appropriately, and discussed the idea of setting a condition that this be done before the construction of the buildings.

The row of dumpsters currently located on an adjacent property, and highly visible from Oak Street (due to the clear-cutting of the trees that once shielded them), was discussed. Russell Field, the owner of this property, explained that he had requested an eight-foot fence be built along the edge of the property, and Mr. Murphy agreed that this will be done. There was a back-and-forth discussion about this planned fence and whether it is shown or should be shown on the drawings, and whether it should be made part of the conditions for this project. This segued into a conversation about how the property was clear-cut. The board members also discussed the project's possible traffic problems, the likely traffic patterns it would create, and the configuration of the entrances.

Mr. VanRiper made a motion to continue the public hearing for Site Plan #SP2-17 to Monday, May 22, 2017 at 8:00 pm, and Mr. Whitman seconded the motion.

Mr. Stone noted the current traffic issues at this curve along Oak Street, and asked the board to be aware of how a new driveway on Oak Street could affect traffic or pose a danger.

Mr. Palmieri explained that the project as currently designed might violate the zoning bylaw's ban on a common driveway serving more than one lot, and so a variance might be needed. The board members discussed this issue.

The board decided to do a site walk of the property on Saturday, May 20, 2017 at 9:00 am.

The motion being on the floor to continue the public hearing to May 22, 2017 at 8:00 pm, the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board and Mr. Heins talked about the budget of the Planning Board, and the current deficit in the overtime line item (i.e., overtime paid to the Planning Board Assistant) for fiscal year 2017. The figure of \$1,150 originally used for this line item has turned out to be insufficient.

Ms. Coletta explained that a form had been prepared requesting a transfer from the reserve fund. She read out the explanation written on the form: "An insufficient amount of \$1,150 was estimated for overtime for FY2017. The position of Planning Board Assistant was previously salaried, and was

changed to hourly (union) with the new hire in July 2016, and so whoever made the original estimate did not have anything to base it on. Therefore, the original balance of \$1,150 placed in the account for overtime turned out to be too low. The overtime paid out is already \$599.36 over this amount, and there are still two months remaining in FY2017. The amount requested of \$1,500 should be enough to cover this \$599.36 plus the anticipated future overtime in FY2017. Thank you.”

Mr. Whitman added the clarification that the former Planning Board Assistant received comp. time for the overtime she worked.

Mr. VanRiper made a motion that the Vice-Chairman of the Planning Board be authorized to sign the form requesting a transfer from the reserve fund for additional overtime payments to the Planning Board Assistant. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper made a motion to accept the minutes of Monday, May 1, 2017, as printed. Mr. Irving seconded the motion, Mr. Wandell and Ms. Coletta voted in favor, Mr. Whitman and Mr. Noone abstained (not having been present at the meeting), and the motion passed.

Mr. VanRiper made a motion to grant a 60-day extension of the deadline for the subdivision plan #1701 entitled Bristol Estates from May 20, 2017, to July 19, 2017. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Heins explained that Kenneth Fries of RK Centers is exploring the possibility of reimbursing the D.O.T. to cut down some trees along Route 3, and the opinion of the Planning Board is being requested. The board decided to meet with Mr. Fries at a future date.

WAIVERS AND CONDITIONS FOR PROPOSED BRISAN WAY EXTENSION SUBDIVISION #1603

The board members, Mr. Palmieri and Mr. Heins discussed the draft of the final conditions of approval that Mr. Heins had prepared for Brisan Way Extension Subdivision #1603, and agreed that it was acceptable.

Mr. Wandell made a motion to grant the following waivers for Brisan Way Extension Subdivision #1603: Section IV.C.4.a.: Length of dead-end streets, Section V.D.1.: Sidewalks required on both sides of the street, and Plate No. 4 Typical Roadway Section. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper made a motion that:

That relative to Subdivision Plan #1603 entitled Brisan Way Extension, dated April 12, 2016, revised July 5, 2016, revised October 13, 2016, revised December 1, 2016, revised December 9, 2016, revised January 20, 2017, and revised March 17, 2017, the Planning Board votes the FINAL CONDITIONS OF APPROVAL with the following conditions.

1. Prior to the release of any lots the developer will execute and record an easement to the Town of Pembroke on behalf of itself and its assigns granting the Town perpetual access for repair and maintenance if necessary and a covenant to the Town not to fill or alter the drainage or other easement areas.

2. A stop sign shall be placed at the intersection of the subdivision roadway and Old Washington Street.
3. Note that the developer and its successors and assigns are responsible for maintenance of the roadway according to Section IV.C.5. of the Town of Pembroke Rules and Regulations Governing the Subdivision of Land.
4. Except as waived by the Board, all applicable rules and regulations governing the construction of roadways in the Town of Pembroke and Massachusetts D.O.T. standards shall apply to construction of this roadway.
5. The developer shall provide for water as per the regulations of the Department of Public Works.
6. The developer will provide drainage calculations reflecting any revisions to the Planning Board prior to endorsement.
7. The subdivision entitled Brisan Way Extension is limited to thirteen (13) residential lots, consisting of twelve (12) proposed new single-family houses and one (1) existing single-family house, as shown as Lots 1A, 2A and 1 through 11 on the subdivision plan. The Open Space Lot and the Drainage Easement area shown on the subdivision plan shall not be built upon.
8. Correctness of plans is the responsibility of the developer and will include its successors and assigns.
9. After endorsement but prior to the release of any lots the developer shall obtain written approval of the subdivision plan's proposed construction from National Grid. Any changes to the design must be submitted to the Planning Board. No trees or bushes will be planted around transformers or over underground utility lines.
10. Except insofar as specifically waived by these conditions, all current Planning Board rules and regulations shall apply to this subdivision.
11. Prior to installing driveway aprons the developer must contact the Department of Public Works.
12. Accurate as-built plans and profiles of all subsurface utilities (including but not limited to water, gas, sewer, drainage, electric, telephone, CATV) showing horizontal and vertical location to +/- 1.0 foot shall be filed with the Planning Board and the Department of Public Works.
13. The owner/contractor shall comply with the following special construction procedures:
 - a. The contractor shall provide a detailed sequencing of construction to the Board and its engineer at approximately two (2) week intervals.
 - b. The contractor is required to notify the Planning Board's engineer and the Planning Board by phone or fax 48 hours prior to required inspections and to call immediately should he or she deviate from the schedule submitted.
14. With reference to the waivers requested on the cover page of the drawings by Stenbeck and Taylor, dated April 12, 2016, revised July 5, 2016, revised October 13, 2016, revised December 1, 2016, revised December 9, 2016, revised January 20, 2017, and revised March 17, 2017, the Board grants the following waivers, as previously voted and approved by this board:
 - a. Section IV.C.4.a. (Length of dead-end streets)
 - b. Section V.D.1. (Sidewalks required on both sides of the street)
 - c. Plate No. 4 Typical Roadway Section
15. The developer shall pay a sum equal to the cost of construction of the sidewalk on one side of the roadway for which the developer has been granted a waiver, as specified in Section V.D.1. of the Town of Pembroke Rules and Regulations Governing the Subdivision of Land. This payment must be received by the Planning Board prior to the release of any lots. The initial

estimate of this amount by Merrill Engineering is \$15,568, as given in a letter dated January 17, 2017.

16. A certification by a registered Professional Engineer shall be provided to the Planning Board stating that the roof stormwater recharge system for each of the homes has been designed and constructed as shown on the plans and in conformance with the Massachusetts D.E.P. Stormwater Regulations.
17. The relocated trailhead access shown on the plans shall be constructed as part of the subdivision, and the existing Donation Wall and benches on the existing trailhead access shall be relocated to the newly constructed access.
18. The developer will address and comply with all the concerns contained in the Merrill Associates letters dated November 14, 2016, February 7, 2017, March 29, 2017 and May 8, 2017.
19. This approval by the Planning Board is conditioned upon the construction of ways and installation of municipal services being completed by two years from the date of approval. If the construction of ways and installation of municipal services is not completed by May 8, 2019, then approval shall be automatically terminated.

Mr. Wandell seconded the motion, and the board voted unanimously in favor.

DISCUSSION OF PROPOSED ZONING BYLAW CHANGES ON THE WARRANT FOR ANNUAL TOWN MEETING

Ms. Coletta noted that the board has received an email from Robert Galvin, attorney for the developer of a project at 220 Center Street which the board has approved in part, expressing concern that if the two proposed zoning bylaw changes (for the Center Protection District) are passed at annual town meeting, then this project will be prohibited by the new bylaws.

The board discussed the situation regarding the proposed zoning bylaws, which are Articles 18 and 19 on the warrant for annual town meeting. Ms. Coletta emphasized the challenges the bylaws may face at town meeting. The board members agreed that the ideal solution was to have the new bylaws take effect on January 1, 2018. The board discussed how an effective date would impact projects submitted, but not approved, before that date.

The board also discussed whether to modify the 300-foot extent of the depth from the relevant ways that is specified in one of the proposed bylaws. The board considered other options for this, but decided to stick with the straightforward 300-foot depth.

The board decided to ask Mr. Galvin to suggest language to modify Articles 18 and 19 to “grandfather” any project for which a completed application is submitted before January 1, 2018. The board tasked Mr. Heins to contact Mr. Galvin as soon as possible.

DISCUSSION OF PROPOSED DEPARTMENT OF MUNICIPAL INSPECTIONS

The board talked about the article on the warrant for annual town meeting to create a new Department of Municipal Inspections. Various opinions were voiced.

DISCUSSION OF POSSIBLE REORGANIZATION OF THE PLANNING BOARD

The board discussed the possibility of reorganizing, but decided to wait until after the elections.

PREPARATION FOR ANNUAL TOWN MEETING

The board talked about how to approach annual town meeting on May 9, 2017, and how to handle possible amendments to the proposed zoning bylaws.

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

The next regular meeting of the Planning Board will be held on Monday, May 15, 2017 at 7:00 pm. The Planning Board will also meet for the site walk at 260-280 Oak Street on Saturday, May 20, 2017 at 9:00 am.

Respectfully submitted,

Matthew Heins, Planning Board Assistant