



PEMBROKE PLANNING BOARD MINUTES

MONDAY, MAY 22, 2017

PRESENT: Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Brian VanRiper (Board Member), Andrew Wandell (Board Member), James Noone (Board Member), Paul Whitman (Board Member), Matthew Heins (Planning Board Assistant), Donald McGill, Gary Rice, Jennifer Smith, Adam Doucette, Hannah Doucette, Brian Murphy, Peter Palmieri (Merrill Engineering), Susan Spratt, Russell Field, Bradley McKenzie, William Fleck, John Danehey, Franco Scarpino, Ken Anderson and Sherry Scarpino.

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

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP1-17 AT 220 CENTER STREET

Mr. Taylor re-opened the public hearing for Site Plan #SP1-17, a proposed mixed use project at 220 Center Street. This was a public hearing for architectural appearance and/or style. (Originally there were three public hearings for the project running concurrently; the hearing for special permits was closed on April 24, 2017, and the hearing for site plan approval was closed on May 1, 2017.) The applicant (developer) is Donald McGill.

The project as originally proposed consisted of fourteen (14) cottage-style condominium units, two (2) two-bedroom apartments, and 2,000 square feet of commercial space. The current proposal consists of thirteen (13) cottage-style condominium units, two (2) two-bedroom apartments, and 2,550 square feet of commercial space.

Mr. McGill went over the minor changes made to the plan since the last hearing: The sidewalk is now shown extending to Center Street, there is a two-foot "bump-in" on the commercial building at the end of the gable, and on the landscaping plan a row of hedges and a few trees are now shown at the end of the entry road.

Mr. Heins noted that the latest review comments from Peter Palmieri (of Merrill Engineering) have been received.

Mr. McGill explained that in the new design there is no longer a dumpster pad for the commercial area, and a smaller bin/receptacle area is shown instead.

Mr. VanRiper and Mr. McGill discussed the square footage of the main building (containing the commercial space and the two apartments), and the elevation drawings (i.e., showing the façade) of this building. Mr. VanRiper mentioned that there is a range of colors allowable for buildings in the Center Protection District, and this was discussed. The anticipated signage was talked about.

With regard to the main building, Mr. McGill and Mr. VanRiper discussed the building entrances, the means of egress, and the appearance of the doorway facing Center Street. Mr. McGill and the board members also conversed about the landscaping on the site, an adjacent property that is a drainage easement, and the likely location of the mailboxes.

Mr. Heins and the board members talked about the traffic study, which has been received as a digital file but not yet in hard copy form.

Mr. Wandell made a motion that the board accept the plan as submitted for the architectural review for the Center Protection District for Site Plan #SP1-17 at 220 Center Street. Ms. Coletta seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to close the public hearing, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

Mr. McGill, Mr. Heins and Mr. Taylor discussed the bureaucratic procedures for the special permit. Mr. Heins explained that a draft of the decision and proceedings was prepared, and only needed a few modifications to be completed and signed. Mr. Heins noted that the waivers had not yet been approved.

Mr. Wandell made a motion that the board approve the following waivers to the plan:

- a. Development Impact Statement.
- b. Any entrance or exit driveway shall be a minimum of 24 feet in width. *The driveways will be 24 feet in width at the entrance and 22 feet in width in the residential area.*
- c. Curbing shall be placed at the edges of all paved surfaces, *except in the residential section.*

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

Mr. Taylor read out the conditions for the project:

1. All work shall be done in conformance with the stamped plans entitled “Site Plan, 220 Center Street, Pembroke, Massachusetts”, by Grady Consulting, L.L.C., dated February 2, 2017, revised March 10, 2017, revised April 24, 2017, and revised May 3, 2017, and accepted by the Planning Board on May 8, 2017, as well as the following additional conditions.
2. All signage must comply with all applicable provisions of the Town’s bylaws and regulations.
3. 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.

4. The developer shall provide for water as per the regulations of the Department of Public Works.
5. 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.
6. 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.
7. All outstanding comments in the Merrill Engineers and Land Surveyors review letters shall be satisfactorily addressed.
8. With reference to the waivers requested on the cover page of the drawings entitled "Site Plan, 220 Center Street, Pembroke, Massachusetts", by Grady Consulting, L.L.C., dated February 2, 2017, revised March 10, 2017, revised April 24, 2017, and revised May 3, 2017, the Board grants the following waivers, as previously voted and approved by this board:
 - a. Section 4.15. Development Impact Statement.
 - b. Section 5.4. Any entrance or exit driveway shall be a minimum of 24 feet in width. *The driveways will be 24 feet in width at the entrance and 22 feet in width in the residential area.*
 - c. Section 5.6.2. Curbing shall be placed at the edges of all paved surfaces, *except in the residential section.*

The special permit runs to the Petitioner only and shall not run with the land. Should the Petitioner leave the property, the special permit shall become null and void.

Any judicial appeal from this decision regarding the special permit shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and any such appeal shall be filed within twenty (20) days from the filing of this decision with the office of the Town Clerk of Pembroke.

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.

Mr. Wandell stated "so moved," Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. VanRiper and Mr. McGill clarified the point at which the curbing ends within the project. The board members and Mr. Heins talked about the procedures and paperwork regarding the special permit.

Mr. McGill and the board members talked about the construction process and his expected timetable. They also discussed the possibility of altering the design.

The board members signed the decision and proceedings for the 220 Center Street site plan.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. VanRiper made a motion to accept the minutes for the site walk of May 20, 2017, as printed, Mr. Wandell seconded the motion, and Mr. Whitman, Mr. Irving and Mr. Noone voted in favor. Mr. Taylor and Ms. Coletta abstained, since they were not present at the site walk. The motion passed.

The board members discussed the Hobomock solar project, and expressed their concerns about the escrow payment of \$25,000 that was agreed upon and specified in the conditions, and still has not been received.

Mr. Heins and the board members talked about when the new zoning bylaws, approved at annual town meeting, will take effect (as regards possible submitted projects), and reviewed the advice received from town counsel.

DISCUSSION ABOUT POSSIBLE "MACOMBER LANE" SUBDIVISION

Jennifer Smith came before the board, with Gary Rice (of Land Planning, Inc.), to discuss a subdivision they intend to propose for "Macomber Lane" (also known as "Reed Hollow"), off Center Street.

The purpose of the subdivision would be to allow an existing building to be converted into a residential single-family house, which necessitates having street frontage. This would essentially be a "paper subdivision," inasmuch as no new construction would be done, but the engineering would be designed to allow for the possibility of it being upgraded at a later date.

Given that this project is much more minor than a typical subdivision, the board members discussed whether to reduce or waive the required application and/or engineering review fees.

Ms. Coletta moved that the board provide for an application fee of \$1,000, to be reduced by the amount required to pay for the mailing to abutters and the public notices that are required for the public hearing, and waive the deposit for engineering fees with the understanding that the board could require payment for engineering review if the public hearing reveals that to be necessary. Mr. Whitman seconded the motion, and the board voted unanimously in favor.

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

Mr. Taylor re-opened the public hearing for Site Plan #SP2-17, a proposed project at 260-280 Oak Street for two industrial buildings totaling 20,000 square feet, consisting of fourteen modular units.

Brian Murphy, the developer, came before the board and discussed the project and the recent site walk on May 20. As he explained, the proposed new design, based on conversations that took place during the site walk, now shows a driveway extending all the way from Oak Street to the two buildings. Otherwise the new design is roughly the same as before.

Mr. Whitman asked about how drainage will be handled on the site. Susan Spratt explained that drainage will be retained on site, up to a 100-year storm. Some test pits will be done to confirm groundwater depth. A septic system will serve both buildings.

One of the abutters, William Fleck, spoke. He said that the dirt on his property has some drainage issues due to its clay-like character, and it was necessary to go down over a foot in depth. Ms. Spratt said that the soil is sandy loam at 3 or 4 feet below ground level, which will be the applicable depth in this case. Ms. Spratt and some board members discussed the proposed grading for the phase 2 area of the project.

Mr. Whitman and Mr. Murphy talked about certain parts of the configuration of the new design.

John Danehey, present on behalf of Russell Field, one of the abutters, asked about the fence that will run along the boundary with Mr. Field's property, and Ms. Spratt clarified that a six-foot fence is part of the design.

Mr. VanRiper speculated that a 20-foot vegetated barrier would be required along this boundary, as the required rear-yard setback, which cannot include impervious surfaces. A discussion ensued about whether this would count as a side-yard setback or rear-yard setback, and whether the required extent of the setback would be 8 feet or 20 feet. Ms. Spratt said she believed it would be 8 feet.

A discussion followed about the zoning bylaws, how they were changed in this zone to encourage development, and under what conditions a vegetated barrier is required. It appears that no buffer is required, under certain conditions. This segued into a conversation about the need for screening and the problem of the visibility of the dumpsters on the abutter's property.

It was clarified that the height of the fence will be six feet. Ms. Coletta noted that screening will be required along Oak Street.

Peter Palmieri of Merrill Engineering, the board's review engineer, discussed some of the outstanding issues from his review comments on the project. Seven waivers have been requested. A waiver has been requested for a landscaping plan. The regulations require floor plans, elevations and façade treatments, which have not been reviewed, so the board needs to decide whether it wishes to see them. No dumpster pad is shown. The driveway access has now been addressed. A waiver has been requested for the traffic impact study, and he suggests that at least some trip generation figures be provided. There are also some drainage and soil testing issues.

Mr. Palmieri asked about what will be done for the bulk of the empty land shown in phase 2, the portion set further back from the edge of Oak Street, and Mr. Murphy and Ms. Spratt explained that it will be seeded.

Mr. Whitman mentioned that the white stones lining the edge of Oak Street nearby should be moved, for safety reasons.

The board members, Mr. Heins and Mr. Murphy discussed when to continue the public hearing. Mr. Wandell made a motion to continue the public hearing to June 5, 2017, at 7:00 pm, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board members discussed the condominium project at 590 Washington Street, the Dairy Twist nearby, and some of the issues related to them.

Mr. Taylor and Mr. Irving signed the special permit for the site plan (mixed use project) at 220 Center Street.

The board and Mr. Heins had a detailed and extensive conversation about the escrow payment that has not been received for the Hobomock solar project. Ms. Coletta emphasized that the agreement relating to the escrow payment was originally made in lieu of the landscape plan normally required. She also explained what the legal term “discretion of the Planning Board” means. She expressed her concerns about the current appearance of the project. A discussion followed about the legal nuances regarding issuance of an occupancy permit for the project. The board members authorized Ms. Coletta to make a phone call to the representatives of the solar project to discuss the situation.

REORGANIZATION OF THE PLANNING BOARD

Mr. Wandell moved: “That the Planning Board reorganize and consider nominations for the following positions: Chairman, Vice-Chairman, Clerk and Planning Board Assistant, and take any action on the following: Meeting Nights and Signature of Plans.” Mr. Whitman seconded the motion, and the board voted unanimously in favor.

Mr. Wandell announced that the nominations were open.

Mr. Whitman made a motion to nominate Rebecca Coletta for Chairman, Mr. Irving seconded the motion, and the board voted unanimously in favor. Mr. Wandell made a motion that the nominations for Chairman be closed, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Whitman made a motion to nominate Andrew Wandell for Vice-Chairman, Mr. Irving seconded the motion, and the board voted unanimously in favor. Mr. Wandell made a motion that the nominations for Vice-Chairman be closed, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Whitman made a motion to nominate Thomas Irving for Clerk, Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. Wandell made a motion that the nominations for Clerk be closed, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that Matthew Heins be retained as Planning Board Assistant, at the salary approved at the Annual Town Meeting. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion: "That the Planning Board continue to hold its official meetings on the second and fourth Monday of each month, convening at 7:00 pm in the designated Planning Board Room." Ms. Coletta seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion: "That the Chairman, Vice-Chairman and Clerk, singularly or collectively, be authorized to sign plans submitted to the Planning Board which are stamped 'Not Subject to Subdivision Control', and to certify any action of the Board." Ms. Coletta seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board members signed the drawings for Brisson Way Extension Subdivision #1603, which had previously been approved.

The board members talked about the mailboxes being replaced in certain parts of Pembroke.

DISCUSSION ABOUT POSSIBLE EXPANSION OF PARKING AREA AT OLD COLONY SPORTSMEN'S CLUB

Franco Scarpino, Sherry Scarpino and Ken Anderson, of the Old Colony Sportsmen's Club, came before the board to discuss a proposed expansion of the parking lot at the club.

The board members and Mr. Anderson discussed a trade of property that previously took place between the club and the Town of Pembroke, and also talked about other adjacent properties that may be owned by the town.

Mr. Scarpino and Mr. Anderson explained that the expanded portion of the parking lot would be gravel. Mr. Irving noted the requirement for handicapped spaces to be paved. The board members and Mr. Anderson discussed the configuration and other aspects of the proposed lot.

Mr. Whitman suggested that the expanded lot be set back an appropriate distance from the property line. A discussion followed about the required setback in this situation.

The board members and Mr. Anderson had a conversation about the lead remediation currently ongoing at part of the club.

The board members and Mr. Anderson agreed that a revised plan will be submitted showing a twenty-foot setback between the parking lot and the property line.

The board members, Mr. Anderson, Mr. Scarpino and Ms. Scarpino debated at length about whether or not a full site plan review process is necessary for this project. The general conclusion was reached that site plan review is needed. The possibility of reducing the application fee and/or engineering review deposit was discussed.

Mr. Wandell made a motion that the board waive the normal application fee for this site plan review (when the application is received), and only charge the amount needed to cover the notices to the

abutters and the legal advertisements. Mr. Noone seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board members and Mr. Heins went over a few aspects of the design of the proposed Bristol Estates subdivision. It was generally agreed that it was appropriate for the vertical granite curbing to be pulled back one or two feet from the edge of the road. The board members did not wish to impose further requirements regarding the rain garden easements. The board members were of the opinion that the sidewalks must extend through the full radius of where Bristol Way meets Taylor Street.

Mr. Wandell 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, June 5, 2017 at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant