



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, JUNE 12, 2017**

**PRESENT:** Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), James Noone (Board Member), Paul Whitman (Board Member), Daniel Taylor (Board Member), Matthew Heins (Planning Board Assistant), Peter Palmieri (Merrill Engineering), Charles Comeau, Kenneth Fries, Russell Field, John Danehey (Attorney), Donald McGill and Eoghan Kelley.

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

### **PUBLIC HEARING FOR PROPOSED ZONING BYLAW TO PROHIBIT MARIJUANA ESTABLISHMENTS**

Rebecca Coletta re-opened the public hearing (continued from April 3, 2017) for the proposed zoning bylaw to prohibit marijuana establishments. The bylaw would prohibit all types of marijuana establishments as defined in G.L. c.94G §1(j), including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses.

Ms. Coletta noted that since the hearing on April 3, the town has voted to create a similar town bylaw (not a zoning bylaw) to prohibit marijuana establishments.

The board members discussed the legality of such a zoning bylaw, and the potential issues involved in a blanket prohibition of marijuana land uses in all zones. The board also considered how the legal situation relating to marijuana is gradually evolving at the state level, with many uncertainties at present. Some board members emphasized the possible advantages of creating a zoning bylaw to restrict marijuana uses to only certain zones.

The board agreed to consider the matter further in late July or August, and at that time to make a decision as to how to approach the issue for fall town meeting. Daniel Taylor made a motion to continue the public hearing to July 31, 2017, at 7:00 pm, Andrew Wandell seconded the motion, and the board voted unanimously in favor.

### **SIGNING OF BUILDING PERMIT FOR 18 RESERVOIR ROAD**

Charles Comeau came before the board with a building permit that needed to be signed by the board, for a proposed single-family house on a parcel recently created by a Form A approved by the

board. Mr. Whitman made a motion to allow the clerk of the Planning Board to sign the routing slip (building permit), Mr. Noone seconded the motion, and the board voted unanimously in favor. Mr. Irving signed the building permit.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Taylor and a few other board members talked about a site on Forest Street (near High Street) that has drainage issues.

The board members discussed the septic system under construction for the Bridges at Pembroke project, and possible drainage issues around the site. It was agreed that a representative of the project will come talk with the board, if possible.

Mr. Noone made a motion to accept the Minutes of June 5, 2017, Mr. Irving seconded the motion, and the board voted unanimously in favor. Mr. Taylor made a motion to accept the Minutes of May 15, 2017, and Mr. Irving seconded the motion. Ms. Coletta, Mr. Noone and Mr. Wandell voted in favor, Mr. Whitman abstained, and the motion passed.

#### **DISCUSSION ABOUT POSSIBLE TREE CLEARING AND DRAINAGE PROJECT ALONG ROUTE 3 ADJACENT TO RK CENTERS PROPERTY**

Kenneth Fries of RK Centers came before the board to describe a project that his company is interested in doing. He explained that stormwater regulations require mitigation of runoff along highways, and the state is only slowly coming into compliance with these rules. RK Centers is interested in doing work to improve the runoff situation for a particular section along Route 3, which is adjacent to an undeveloped site the company owns. Such a project would help satisfy the runoff regulations, and would also allow RK Centers to clear some of the trees adjacent to the highway, thereby improving the visibility of their properties.

Mr. Fries and the board members discussed the details of the proposed project, which would be done entirely on state property along the highway, and not on RK Centers' property. Several board members noted that it would be preferable to have some form of site plan review to better understand the project and its impact.

Mr. Fries described some of the potential tenants for the RK Centers site. The board considered the possible effect of the additional noise, and the views of highway traffic, that would result if the trees were cleared. The board also considered the economic development benefits if the RK Centers site were developed.

Ms. Coletta mentioned that the current condition of this RK Centers site is poor, since it is vacant, was recently cleared, and its appearance is run-down. The board discussed the issues with clear-cut land, which has been a problem recently for several properties in Pembroke. In general, the board members felt that some form of site plan or concept plan would be necessary. Mr. Fries was doubtful as to whether to proceed, and the discussion concluded with no firm decision.

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

Ms. Coletta 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.

Mr. Heins explained that the developer, Brian Murphy, and his engineering firm (McKenzie Engineering) contacted Mr. Heins a few hours ago and asked for the public hearing to be continued to June 26, in order to have sufficient time to create new drawings in response to the comments of the board's engineer, Peter Palmieri. Thus, Mr. Murphy and the engineers were not present.

Mr. Palmieri went over his comments for the revised set of drawings for 260-280 Oak Street. At this point, soil testing is the biggest issue, as he believes a soil test should be done for another location on the site.

Attorney John Danehey, present on behalf of the abutter Russell Field, expressed his concerns about the soil testing situation. He also explained that phase 2 of the project proposes to excavate soil on an abutting property, and according to the general bylaws in such a case permission must be granted by the Board of Selectmen, since over 500 cubic yards of material would be moved and the two properties are under different ownership.

Mr. Danehey also noted that the shared "common" driveway may require a variance from the Zoning Board of Appeals. The board and Mr. Palmieri discussed whether the new layout is creating a common driveway, and how a common driveway should be defined. The issue is subject to interpretation.

Mr. Danehey mentioned that an announcement for an upcoming public hearing of the Zoning Board of Appeals, requesting a special permit for the warehouse use, refers to five buildings. Mr. Heins explained that this is probably a typographical error; the "five" was probably meant to be "two." The board discussed this. Mr. Danehey also mentioned that the drawings are showing utilities being brought into the property through Corporate Park, and this may not be allowable or could raise issues.

Mr. Heins said that a request for a 60-day extension of the site plan application process has been received from the applicant. Mr. Whitman made a motion to accept the applicant's request for this extension, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to continue the public hearing to June 26, 2017, at 8:30 pm, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

### **DISCUSSION ABOUT INSPECTIONS FOR 220 CENTER STREET PROJECT**

The board discussed whether its engineer should carry out reviews and site inspections during the construction process for the mixed use project at 220 Center Street. Mr. McGill noted that there will be controlled construction on the project. A discussion ensued. The board decided its engineer should do site inspections for the work relating to drainage, and Mr. Palmieri agreed to make an estimate of the likely cost of this.

**DISCUSSION ABOUT AND VOTE ON FINAL CONDITIONS OF APPROVAL FOR BRISTOL ESTATES  
SUBDIVISION**

The board discussed the final conditions of approval for the Bristol Estates subdivision, with a representative (Eoghan Kelley) of the developer present.

Mr. Taylor read out the final conditions of approval for the Bristol Estates subdivision:

That relative to Subdivision Plan #1701 entitled Bristol Estates, dated December 22, 2016, revised February 16, 2017, revised March 6, 2017, revised April 20, 2017, revised May 12, 2017, revised May 19, 2017, revised May 24, 2017, and revised June 7, 2017, the Planning Board votes the FINAL CONDITIONS OF APPROVAL with the following conditions.

**LIST OF FINAL CONDITIONS OF APPROVAL**

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 Bristol Road and Taylor 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 Bristol Estates is limited to six (6) residential lots, consisting of six (6) proposed new single-family houses. The other lots 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 Merrill Engineers and Land Surveyors, dated December 22, 2016, revised February 16, 2017, revised March 6, 2017, revised April 20, 2017, revised May 12, 2017, revised May 19, 2017, revised May 24, 2017, and revised June 7, 2017, the Board grants the following waivers, as previously voted and approved by this board:
  - a. Appendix B – Minor Street Layout – Typical roadway section shows the minimum cover over drainage piping as 3'-0".  
*Allow for a minimum cover for RCP, Class V pipe of 2'-0" for portions of the drainage system.*
  - b. Section V – Required Improvement for Approved Subdivision, Item B, 14, Headwalls: "Headwalls and end walls shall be provided at both ends of culverts and the discharge ends of storm drains."  
*Flared end section is proposed at the discharge end into the stormwater basin.*
15. The developer will address and comply with all the concerns contained in the letters from Tyler Nims dated February 2, 2017, February 25, 2017, April 24, 2017, May 22, 2017, and May 31, 2017.
16. 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 June 12, 2019, then approval shall be automatically terminated.

Mr. Wandell seconded the motion (for these final conditions of approval). Ms. Coletta and Mr. Irving voted in favor, Mr. Whitman and Mr. Noone abstained, and the motion passed.

#### **DISCUSSION ABOUT AND DECISION ON PROPOSED FORM A FOR SITE AT LAURA AVENUE**

The board and Mr. McGill briefly resumed the discussion as to whether the board's engineer should carry out reviews and site inspections during construction of the mixed use project at 220 Center Street.

Mr. McGill described his proposed Form A (i.e., Approval Not Required) for a site on Laura Avenue. This involved a portion of land being transferred from the 26 Laura Avenue property to the adjacent 220 Center Street property. This transfer is associated with the mixed use project at 220 Center Street, because the land will become part of the project.

Mr. Noone made a motion that the Planning Board authorize its clerk to sign the Form A drawings, Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. Irving signed the Form A drawings.

## **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Ms. Coletta explained that the board needed to appoint an alternate member to the Old Colony Planning Council. Mr. Taylor has held this position. Mr. Wandell made a motion that the Planning Board re-appoint Daniel Taylor as its alternate representative to the Old Colony Planning Council, Mr. Whitman seconded the motion, and the board voted unanimously in favor.

Ms. Coletta noted that the escrow payment to cover possible screening costs for the Hobomock solar project has been received.

Mr. Heins and Mr. McGill explained that the building permit for construction of the foundation for the mixed use project at 220 Center Street is ready to be signed by the Planning Board. Mr. Taylor made a motion that the Planning Board authorize its clerk to sign the routing slip (building permit) for the mixed use project at 220 Center Street, Mr. Noone seconded the motion, and the board voted unanimously in favor.

The board and Mr. Heins discussed whether or not the board should sign the drawings for the mixed use project at 220 Center Street.

The board members signed the final conditions of approval for the Bristol Estates subdivision.

Mr. Whitman raised the issue of the amount of funds that should be kept in the engineering review balance, and the board talked about this. The idea of making this a condition of approval was discussed.

Ms. Coletta summarized three key points that had been discussed: requiring that as-built drawings for site plan projects be submitted to the board; requiring drainage inspections be carried out for site plan projects during the construction process; and requiring a minimum engineering review deposit.

The board discussed the need for, and importance of, engineering inspections during construction.

Mr. Whitman explained that the Department of Public Works is considering a new standard for the paving of new roads, which would require the use of micro-paving. This would be required for subdivisions. The board talked about the issue of paving, and also problems with catch basins.

Mr. Noone noted that the new guard rails along a portion of Route 14 are rusty in appearance. The issue of traffic control at the new rotary was discussed.

Mr. Irving 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 26, 2017 at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant