



PEMBROKE PLANNING BOARD MINUTES

MONDAY, JUNE 26, 2017

PRESENT: Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Paul Whitman (Board Member), Daniel Taylor (Board Member), Matthew Heins (Planning Board Assistant), Jennifer Smith, Hannah Doucette, Adam Doucette, Warren Hammond, Gary Rice, Douglas Arsham, Sean Foster, Robert Galvin (Attorney), Jennifer Daigle, Heather Monticup, Michael McLaughlin, Michael Coffman, Arthur McIntyre, James Schindler, Peter Palmieri (Merrill Engineering), Russell Field, John Danehey (Attorney), Brian Murphy, and Susan Spratt.

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

Ms. Coletta explained that a quorum of the board was not present, as of approximately 7:05 pm, since only Ms. Coletta, Mr. Wandell and Mr. Taylor were there. She announced that the board would recess for ten minutes. At 7:16 pm, Ms. Coletta announced that the board would recess for another five minutes. Mr. Whitman arrived a few minutes later. At about 7:21 pm, Ms. Coletta re-opened the meeting.

PUBLIC HEARING FOR PROPOSED MACOMBER LANE SUBDIVISION #1702 AT 476 CENTER STREET

Ms. Coletta opened the public hearing for the proposed Macomber Lane subdivision #1702 at 476 Center Street, consisting of two buildable lots and two non-buildable lots.

Gary Rice of Land Planning, Inc., introduced the project. The applicants (Jennifer Smith and Warren Hammond) wish to convert a building that was once an antique shop into a single-family house, and the purpose of this subdivision plan is to create the necessary frontage for this house. The proposed subdivision would not involve the construction of any new roadways at present; the existing gravel driveways would remain as they are. (But new roadways are shown on the drawings, roughly superimposed over the existing gravel roads, to satisfy the subdivision requirements.)

The subdivision would create four lots, two buildable and two non-buildable. There is already an existing house in the subdivision (in which the applicants live), which sits on one of the buildable lots. The former antique shop, to become a single-family house, sits on the other buildable lot. The larger non-buildable lot is actually buildable within the zoning rules, but would be specified as non-

buildable on the drawings. The smaller non-buildable lot is absolutely non-buildable due to its small size.

Mr. Heins explained that an abutting family came by the Office of the Planning Board during the previous week, and could not view the drawings because Mr. Heins was on vacation and the office was closed. They were not able to attend the public hearing because they were traveling. So they requested that the public hearing be continued to give them the opportunity to be involved.

Mr. Whitman expressed concerns about the layout of the roadway as shown on the drawings, and recommended it be adjusted slightly, so that it be shifted a few feet off the property line, and its curvature at one point be softened. A discussion followed. The board members emphasized that they are considering not only the current situation and the short-term future, but if the road were actually built out and the subdivision more fully developed in the long term. Mr. Rice agreed that the road's curvature could be modified a bit, and the road could be moved two feet away from the property line.

The board discussed whether to conclude the hearing or continue it, and talked about the concerns of the abutters who have not yet seen the drawings. Mr. Wandell made a motion to continue the hearing to July 10, 2017, at 8:30 pm, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT DRAINAGE ISSUES AND SEPTIC DESIGN OF BRIDGES AT PEMBROKE SITE PLAN

#SP4-16

Douglas Arsham of National Development and Sean Foster of Stan-Tec came before the board to discuss the Bridges at Pembroke (site plan #SP4-16) project. A few board members expressed concern about how the septic tank creates a sort of hill or mound that rises high along the edge of Church Street. Mr. Arsham and Mr. Foster described the vegetation that will be planted to soften this.

Mr. Whitman, Mr. Arsham and Mr. Foster talked about the issue of drainage and possible runoff on Cross Street. This is being coordinated with work being done by the Pembroke DPW, and the developer of the project will be responsible for repaving a portion of the road to help resolve the drainage problem.

The board, Mr. Arsham and Mr. Foster further discussed the septic tank hill issue, and the project in general.

DISCUSSION ABOUT POSSIBLE GAS STATION AT CORNER OF SCHOOSSETT AND WASHINGTON STREETS

Jennifer Daigle, Heather Monticup, Michael McLaughlin, Robert Galvin (attorney), and Michael Coffman came before the board to discuss a gas station that Irving Oil plans to construct at the corner of Schoosett and Washington Streets.

Mr. Galvin briefly introduced the project. The gas station would be located on what are currently three parcels, and the buildings presently there would be demolished. Because the site is within the historic district, discussions have already begun with the Pembroke Historic District Commission to ensure that the project's design meets their expectations. Irving Oil anticipates filing a site plan application sometime in July.

Ms. Daigle described the tentative site plan design. The convenience store would be 3,600 square feet, and there would be five dispensers and ten fueling positions. The gas station would have three driveway entrances (i.e., curb cuts).

Mr. Whitman asked about how the tanker truck would maneuver through the station to deliver its gasoline, and Ms. Daigle and Mr. McLaughlin clarified this. The board members discussed the design and appearance of the building.

Ms. Monticup described the way traffic will function in and around the station, and how the movement of automobiles will be configured. The project is not expected to cause significantly more congestion; a gas station typically draws on existing traffic.

Ms. Coletta raised the issue of pedestrian access, and in particular the possibility that people at the adjacent ballfield will walk to the station to buy beverages and snacks. The board and Ms. Daigle discussed this.

Ms. Daigle explained that the stormwater system will utilize underground infiltration. Mr. Whitman asked if the greenspaces will be irrigated, and Mr. McLaughlin said that Irving Oil often does this.

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.

Peter Palmieri of Merrill Engineering, the board's review engineer, stated that most of his concerns have now been satisfied. He mentioned the remaining question of whether there is a shared or common driveway, and lack of a landscape architect's involvement.

Susan Spratt (one of the engineers for the project) and Mr. Whitman briefly discussed the stormwater and drainage design.

The board members, Brian Murphy, Mr. Palmeiri and John Danehey (attorney representing Russell Field, an abutter) had a lengthy and detailed discussion about the issue of whether or not the project's site plan contains a "common driveway" that would violate the zoning and/or site plan rules. This can be a crucial consideration when different properties, owned by separate owners, are interlinked by a series of driveways. In this case a distinction is that the driveway is not providing exclusive access to the other property, but nonetheless it does create the access.

Mr. Palmeiri noted that if the letter of the zoning law is interpreted strictly, the project seems to create a common driveway. Mr. Murphy argued that in this case it's merely an easement between

adjacent property owners that is being created, and that this is already widespread and should be acceptable. Ms. Coletta noted that a key legal nuance relates to the word “gained” in the zoning bylaw, in the definition of a common driveway—does this mean one property gains access it would not otherwise have, or does it refer to any sort of alternate access?

The board considered the possibility of having the project go before the Zoning Board of Appeals to request a variance for a common driveway. The board also considered the option of asking town counsel’s advice.

The board members expressed a range of viewpoints and opinions as to the issue of the common driveway. Mr. Danehey emphasized that the bylaw should be interpreted literally, and that he believes it states that whenever two lots with different property owners share the use of a driveway, this then constitutes a common driveway. He argued that a variance is thus necessary for the project.

Ms. Coletta and Mr. Danehey discussed the issue of the possible common driveway. The relevance of “cross access” was also raised.

The issue of earth being moved between the two properties, which Mr. Danehey had raised, was discussed. It was generally agreed that this is within the purview of the Selectmen, not the Planning Board, and that the primary intent of the rule relates to trucks moving on public roadways.

Ms. Coletta noted that the board has already agreed to waive the traffic study. The board talked about whether a traffic study will be necessary for phase 2 of the project.

Ms. Coletta re-opened the question of the common driveway. There was a general consensus among the board members that in the case of this project, the driveway should not be considered a common driveway.

The board agreed the site plan application was ready to be approved. Mr. Wandell made a motion that the board grant site plan approval to the 260-280 Oak Street project, with conditions to be written at the board’s next meeting, based on the drawings dated June 13, 2017. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board discussed Mr. Palmieri’s estimate of \$3,480 for site inspections during the construction process for the mixed use project at 220 Center Street, with regard to the amount needed from the applicant for the engineering review balance. Mr. Wandell made a motion that the amount of \$3,480 be requested from the 220 Center Street project, with the condition that there be money in the account continually until the project is complete. Mr. Whitman seconded the motion, and the board voted unanimously in favor.

Ms. Coletta noted that a letter regarding new FEMA flood insurance maps had been distributed to the board members.

The question of whether to retain some form of affiliation and/or membership with the Metropolitan Area Planning Council (MAPC) was discussed. Federal law now requires a municipality to only be a member of one MPO (Metropolitan Planning Organization), and so Pembroke is essentially choosing to go with the Old Colony MPO over the Boston MPO. The town still has the option to continue its affiliation and/or membership with MAPC, provided it pay the required fees. The board directed Mr. Heins to write up a letter to the Board of Selectmen stating that the Planning Board does not have any independent reason for the town to remain with MAPC.

Ms. Coletta noted that Kenneth Fries of RK Centers has indicated he is still interested in the tree-clearing idea along Route 3, which he previously discussed with the board. He has also begun to clear and improve the vacant lot RK Centers owns near there. The board talked about the proposal, and various opinions and preferences were expressed. Ms. Coletta suggested that she would look into the matter further.

The proposed zoning bylaw prohibiting marijuana establishments was discussed, and the ongoing situation at the state level regarding marijuana legislation was also talked about. The continued public hearing about this proposed bylaw will be on July 31, 2017.

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

The next regular meeting of the Planning Board will be held on Monday, July 10, 2017 at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant