



PEMBROKE PLANNING BOARD MINUTES

MONDAY, JULY 10, 2017

PRESENT: Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), Paul Whitman (Board Member), Brian VanRiper (Board Member), Daniel Taylor (Board Member), Matthew Heins (Planning Board Assistant), Jennifer Smith, Hannah Doucette, Adam Doucette, Christine Harvey, and David Vetelino.

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

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board discussed the problems of the septic system at the Wolves Den Field House. The board also talked about the temporary parking lot the board allowed for the Wolves Den Field House, and the need for a site plan application to be received soon for that site.

Mr. Taylor made a motion to accept the minutes of June 12, 2017, Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. Taylor made a motion to accept the minutes of June 26, 2017, Mr. Wandell seconded the motion, Mr. Whitman, Ms. Coletta and Mr. VanRiper voted in favor, Mr. Irving abstained (not having been present at the meeting), and the motion passed.

The board and Mr. Heins discussed the impending move of the Planning Board Office, which is switching places with the Board of Health and thus will be going to the second floor.

JOINT MEETING (INTER-BOARD DISCUSSION) WITH ZONING BOARD OF APPEALS AND BOARD OF SELECTMEN TO DISCUSS COORDINATION BETWEEN BOARDS

The Planning Board moved to the Veterans Hall (room 6) to have a joint meeting (inter-board discussion) with the Zoning Board of Appeals (Z.B.A.) and the Board of Selectmen, in order to discuss coordination among boards, in particular between the Z.B.A. and the Planning Board. Town Counsel Joel Bard, of KP Law, and Michele Dowling, assistant to the Z.B.A., were also present.

Ms. Coletta, Mr. Bard and some of the Selectmen discussed the purpose of the joint meeting.

Mr. Bard gave a presentation encompassing many topics. At the general level, he discussed the public records law, the open meeting law, ministerial acts (i.e., administrative acts), deliberations, the distribution of reports and documents prior to a meeting, issues relating to email and social

media, the posting of agendas, the level of detail on agendas, the discussion of time-sensitive issues at meetings, the amending of agendas, the level of detail in meeting minutes, the timeliness of the publication of minutes, conflict of interest law, and the procedures for satisfying public records requests.

Mr. Bard then went into more specific items relating to the Z.B.A. and the Planning Board. He discussed comprehensive permits (i.e., 40b projects) in detail, and described the procedures for handling them. He noted the importance of having comprehensive permit regulations, discussed the filing fee, and described the “safe harbor” rules. He explained that when a comprehensive permit (40b) application is received, various other boards including the Planning Board have the option to provide comments or recommendations about the project.

Mr. Bard, Ms. Coletta, Mr. Whitman and Ms. Dowling discussed various aspects of the comprehensive permit process, and how the Planning Board can be involved in it through these comments or recommendations.

Mr. Bard discussed situations in which the Z.B.A. and the Planning Board overlap in both having a certain degree of jurisdiction over the same project. The issue of when the Z.B.A. and the Planning Board can meet together, or even have a joint hearing, was discussed. Mr. Bard described how the two boards can coordinate their processes.

Ms. Coletta asked about the legal requirements for when a variance can be issued. Mr. Bard explained that the actual legal standards for the issuance of a variance are extremely difficult to meet, but in practice Z.B.A.’s across Massachusetts fluctuate greatly in their willingness to grant variances. He also noted that the Planning Board can give an opinion to the Z.B.A. regarding a variance that has been requested.

Ms. Coletta explained how difficult it would be for the Planning Board to have comments on a project before a site plan application is received. Mr. VanRiper, Ms. Coletta and Ms. Dowling discussed several issues relating to variances and how they are granted, and Mr. VanRiper expressed his concern about the issuance of certain variances by the Z.B.A.

Ms. Coletta re-opened the public hearing, continued from June 26, 2017, at 7:00 pm, for the proposed Macomber Lane subdivision #1702 at 476 Center Street, consisting of two buildable lots and two non-buildable lots. Mr. Taylor made a motion to postpone the public hearing to 8:45 pm, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Ms. Coletta asked whether it is possible to require a developer to apply for the site plan, variance(s) and/or special permit(s) simultaneously. A discussion with Mr. Bard and Mr. VanRiper ensued. Ms. Coletta and Mr. Bard talked about how the Planning Board can give recommendations to the Z.B.A. in the appropriate manner. Mr. Whitman expressed concern that on some occasions the Z.B.A. gets too involved in the project’s design, or grants additional variances beyond what is necessary. A discussion took place about the complications of the variance process, and how better communication can exist between the two boards.

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

A quorum of the Planning Board (Mr. Wandell, Mr. Irving, Mr. Taylor and Mr. Whitman) returned to the Planning Board Office (room 4).

Mr. Wandell re-opened the public hearing, continued from June 26, 2017, at 7:00 pm, for the proposed Macomber Lane subdivision #1702 at 476 Center Street, consisting of two buildable lots and two non-buildable lots. (Note: In the revised design the subdivision consists of two buildable lots and one non-buildable lot.)

The board members looked at the new drawings for the subdivision. Mr. VanRiper and Ms. Coletta returned to the Planning Board Office (room 4). Ms. Coletta explained that the public hearing was continued because an abutter, who was unable to attend the first public hearing and did not have the chance to view the drawings, wanted the opportunity to give input. The abutter, Christine Harvey, said that she does not have any concerns now, having seen the plans.

Mr. Wandell made a motion that the board approve the proposed definitive subdivision #1702 Macomber Lane, as revised July 10, 2017. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board members and Mr. Heins explained how the process will now go forward, regarding the conditions of approval and the appeal period. Jennifer Smith and the board discussed when they can move forward with the septic design and permission from the Board of Health.

DISCUSSION ABOUT POSSIBLE CANOPY AND NEW DOOR FOR COMMERCIAL BUILDING AT 610 WASHINGTON STREET

The board began a detailed discussion of the draft proceedings, decision and conditions for site plan #SP2-17 at 260-280 Oak Street, the waivers being requested, and certain aspects of the design, but then postponed this conversation in order to move to the next item on the agenda. Mr. VanRiper left the meeting at approximately this time.

David Vetelino came before the board to discuss a new canopy and door that he proposes to put on his property at 610 Washington Street. Mr. Vetelino runs a business at 600 Washington Street, and also owns the property at 610 Washington Street, which is a commercial building and a rental property. He wishes to put in a side doorway, and a canopy above the door, to access one of the units at 610 Washington Street independently. He showed the board sketches of the proposed design, and he and the board discussed it.

The canopy does constitute an expansion of the building, technically, which falls under site plan review, but the board members were satisfied that it was a minor modification and that a full site plan review process was unnecessary.

Mr. Taylor made a motion that the board waive site plan review at 610 Washington Street, for a proposed deck with covering and a new entrance, because the board considers the project a minor modification of an existing site plan. Mr. Whitman seconded the motion, and the board voted unanimously in favor.

VOTE ON DECISION AND CONDITIONS FOR SITE PLAN #SP2-17 AT 260-280 OAK STREET

The board discussed the draft of the proceedings and decision, including the conditions, for site plan #SP2-17 at 260-280 Oak Street, which has already been granted approval.

Mr. Wandell made a motion for the board to grant the following waivers, and read out the requested waivers as listed on the cover page of the drawings, including the full textual explanations:

4.7 Requirement of a Landscaping Plan: In lieu of the requirement of a landscaping plan, the project proponent has agreed to provide a landscaped buffer between the proposed parking lot and the abutting property and a 4-foot landscaped strip along the northern foundation wall of building no. 2 and along the southern foundation wall of building no. 1. No landscaping is proposed between the two buildings.

4.15 Requirement of a Development Impact Statement: Although the proposed project exceeds the threshold of 5,000 or more square feet of floor area or three or more acres of land area which initiates the requirement of a development impact statement under Section VI of the Planning Board Rules and Regulations governing the issuance of site plan approval, the proponent requests a waiver of this requirement as the development of the subject parcel will be in two phases. Phase I will develop approximately 1.7 acres of land located at the southern portion of the site and future Phase II will develop the remaining 4.26 acres. A development impact statement will be prepared for the Phase II site plan approval which will be inclusive of the entire site.

4.21 Requirement of a Photometric Plan: In lieu of addressing the requirement of a photometric plan, the project proponent is proposing individual wall pack lighting for each unit, which serves to provide adequate site lighting.

4.22 Requirement of a Traffic Impact Study: The proponent request a waiver of this requirement as the development of the subject parcel will be in two phases. Phase I will develop approximately 1.7 acres of land located at the southern portion of the site and future Phase II will develop the remaining 4.26 acres. A traffic impact study will be prepared for the Phase II site plan approval which will be inclusive of the entire site.

5.1 Requirement of Site Landscaping: In lieu of addressing each of the specific requirements under Section 5.1, the project proponent has agreed to provide a landscaped buffer between the proposed parking lot and the abutting property and a 4-foot landscaped strip along the northern foundation wall of building no. 2 and along the southern foundation wall of building no. 1. No landscaping is proposed between the two buildings.

5.2 Requirement of Site Lighting: In lieu of addressing each of the specific requirements under Section 5.2, the applicant is proposing individual wall pack lighting for each unit, which serves to provide adequate site lighting.

5.6.2 Curbing Shall Not Be Bituminous Concrete: The applicant is proposing a 12-inch wide bituminous concrete Cape Cod berm.

Mr. Wandell did not read out the final requested waiver listed on the cover page of the drawings, Section VI. Development Impact Statement, because it duplicates Section 4.15. Requirement of a Development Impact Statement.

Mr. Taylor asked whether the photometric plan waiver should include the Phase II verbiage that some of the other waivers have. In other words, the requested waiver leaves it unclear whether a

photometric plan would be expected for Phase II. The board members concluded this is not an issue, since these waivers are only for Phase I.

The motion regarding the requested waivers having been made, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta stated that all work including but not limited to landscaping and fencing shall be done in conformance with the stamped plans, as she was concerned that the landscaping language in the waiver does not mention the trees shown along the front of the site.

Mr. Wandell read out the following conditions, as a motion for the board to grant approval of them:

1. All work, including, but not limited to, sidewalks, landscaping and fencing, shall be done in conformance with the stamped plans entitled "Site Development Plan, Phase 1, 260-280 Oak Street, Pembroke, MA," by McKenzie Engineering Group, dated March 22, 2017, revised June 6, 2017, and revised June 13, 2017, and accepted by the Planning Board on June 16, 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 of May 3, 2017, June 12, 2017, and June 19, 2017, shall be satisfactorily addressed.
8. With reference to the waivers as requested on the cover page of the drawings entitled "Site Development Plan, Phase 1, 260-280 Oak Street, Pembroke, MA," by McKenzie Engineering Group, dated March 22, 2017, revised June 6, 2017, and revised June 13, 2017, the Board grants the following waivers, as voted and approved by this Board:
 - a. Section 4.7. Requirement of a Landscaping Plan
 - b. Section 4.15. and Section 6. Requirement of a Development Impact Statement
 - c. Section 4.21. Requirement of a Photometric Plan
 - d. Section 4.22. Requirement of a Traffic Impact Study
 - e. Section 5.1. Requirement of Site Landscaping
 - f. Section 5.2. Requirement of Site Lighting
 - g. Section 5.6.2. Curbing Shall Not Be Bituminous Concrete

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. Whitman noted his concern about the sidewalk being done in Phase I, and the board agreed that the sidewalk must be constructed during Phase I, as shown on the plans. The board agreed to modify the motion to change the language in condition #1 so that it reads: "All work, including, but not limited to, sidewalks, landscaping and fencing, shall be done in conformance with the stamped plans..." (When the motion was originally read, sidewalks were not referenced in condition #1.)

The motion regarding the conditions having been made, Mr. Whitman seconded the motion, and the board voted unanimously in favor.

The board discussed whether to sign the final version of the engineering drawings for the project.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board discussed whether or not to return the remaining balance in the engineering review account for the 590 Washington Street site plan, whose construction is essentially complete. A few board members expressed concern about the no parking signs on the fence, which is along a public way, and whether the stop sign where the driveway meets the public way is a proper stop sign. Mr. Irving left the meeting at approximately this time.

Mr. Wandell made a motion to return the remaining balance in the engineering review account for the 590 Washington Street site plan, and Mr. Whitman seconded the motion. Ms. Coletta noted that the board feels the fence, and the no parking signs on the fence, are within the road layout and should not be there, and that there seems to be a stop sign that is not compliant. The board wishes to check these issues before releasing the remaining balance in the engineering review account, and it may be necessary to inspect the site. The board voted unanimously in opposition to the motion, and the motion did not pass.

Mr. Heins and the board discussed the problem with stormwater runoff from the Wolves Den Field House site, about which RK Centers has complained. Mr. Heins explained that a representative from RK Centers will meet with the board on July 31. The board also talked about a property on Corporate Park Drive that may be developed soon, and various traffic issues.

The board and Mr. Heins discussed arrangements for when the Planning Board Assistant (Mr. Heins) will be on vacation.

The board signed the proceedings and decision (including the conditions) for site plan #SP2-17 at 260-280 Oak Street.

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

The next regular meeting of the Planning Board will be held on Monday, July 31, 2017, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant