



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 14, 2017

PRESENT: Rebecca Coletta (Chairman), Thomas Irving (Clerk), Paul Whitman (Board Member), Daniel Taylor (Board Member), James Noone (Board Member), Matthew Heins (Planning Board Assistant), Donna Bagni (Board of Health), John Poirier, James Thornton, Scott Pennoyer, Charles Mathewson, Michael Guimares, David Mulcahy, Walter Mulcahy, Adam Silva, and others.

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

DISCUSSION ABOUT STORMWATER RUNOFF AND SEPTIC PROBLEMS AT THE WOLVES DEN FIELD HOUSE (340 OAK STREET)

The board resumed its discussion, from several board meetings over the previous months, of the problems at the site of the Wolves Den Field House regarding stormwater runoff and septic system failure. John Poirier, the manager of Wolves Den Field House, James Thornton, representing the property owner (Herbert Gerber of Crown Automotive), Scott Pennoyer, a representative of RK Centers (whose property is adjacent to Wolves Den), and Donna Bagni (of the Pembroke Board of Health) came before the board.

Mr. Thornton explained that the property owner has now hired Merrill Associates, an engineering firm, to design a new septic system and a new plan for better control of stormwater. Ms. Coletta explained that the Planning Board's concerns about the property originated when part of the property was cleared without permission to create a new informal parking area, which created stormwater and parking-related problems.

Mr. Noone speculated that the heavy equipment used for clearing may have caused the septic failure. Mr. Whitman noted that the Board of Health was aware of the septic issues as of November 21, 2016. Ms. Bagni and Mr. Poirier also spoke briefly. Mr. Whitman explained that when the Planning Board gave temporary permission for the parking area to be used, the board was not aware of the septic problems.

In reply to questions, Mr. Poirier gave a more detailed description of the current condition of the septic system and its present problems. Ms. Bagni said that Mr. Poirier previously told the Board of Health that he intends to expand the size of the facility and was waiting for answers about this from the Planning Board and the Zoning Board of Appeals. Several board members stated that was not the case. Mr. Poirier said that his ideas for expansion are on hold. He explained that Peter Palmieri, of Merrill

Associates, is designing a septic system for the existing building, and the design of the drainage and parking will be affected by where the new septic system is placed.

Ms. Bagni said that the Board of Health was first advised of the septic problems, by its agent, on November 21, 2016. In reply to questions, Mr. Poirier said the design of the drainage and parking will be done soon after the septic design is complete. He gave a description of Wolves Den's schedule in the near future. A discussion ensued about when the perc test will be done, where the new septic system would be located on the property, and the type of use the previous septic system was designed for.

There was a discussion of the likely timeline of when the various types of work would be done, the schedule of use for the field house, and whether or not the work can be completed by the time the temporary permission for the parking lot expires. Various other aspects of septic design were described.

It was clarified that the current septic system is under both the paved parking area and the temporary parking area. Ms. Coletta explained that she has observed the overflow of human waste, probably from the leaching field, into the parking areas, and Mr. Pennoyer noted that some of this also drains onto RK Centers' property. A conversation followed about the site, and how Mr. Palmieri may design the new septic system.

The board agreed to have another discussion about this topic on August 28 at 7:00 pm, at which it is anticipated that Mr. Palmieri of Merrill Associates will be present.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion that the board approve the minutes for July 31, 2017, Mr. Irving seconded the motion, and the board voted unanimously in favor. Mr. Taylor made a motion that the board approve the minutes for the site walk of August 6, 2017, and Mr. Noone seconded the motion. Mr. Irving abstained (as he was not present at the site walk), Ms. Coletta and Mr. Whitman voted in favor, and the motion passed.

The board reviewed engineer Tyler Nims's estimate of the cost of the required site inspections for the Bristol Estates subdivision during construction, and engineer Peter Palmieri's estimate of the cost of the required site inspections for the Brisan Way Extension subdivision during construction. This led to a discussion about the policies relating to engineering review accounts, and what the balance on those accounts should be.

Mr. Taylor made a motion that the board request that the developers of the Bristol Estates and Brisan Way Extension subdivisions bring the balances of the engineering review accounts up to \$4,000, and that the balances be maintained at that level. Mr. Whitman seconded the motion. The board and Mr. Heins agreed that the communications to the developers should mention the cost estimates for the site inspections. The board voted unanimously in favor of the motion.

Mr. Heins and the board discussed the challenge of getting developers to pay the funds due to their engineering review accounts, and how to enforce this if necessary.

The board reviewed engineer Peter Palmieri's estimate of the cost of the site inspections for the drainage infiltration system for the 260-280 Oak Street site plan during construction. Mr. Taylor made a

motion that the developer of the 260-280 Oak Street site plan bring the balance of the engineering review account up to \$6,000. Mr. Whitman seconded the motion, and the board voted unanimously in favor.

The board discussed whether or not Pembroke should continue to remain a member of or be affiliated with the Metropolitan Area Planning Council, and reviewed a draft letter Mr. Heins had prepared. The board decided to delete one sentence from the letter. Mr. Whitman made a motion that the board approve the letter without the sentence, Mr. Noone seconded the motion, and the board voted unanimously in favor.

The board discussed the Macomber Lane subdivision's final conditions of approval document, and the board members signed this document. The board also talked about who should sign approved site plan drawings, and it was generally agreed that a quorum of the board will sign these.

Mr. Heins explained that the town's 2018 Fiscal Year budget for the Planning Board Office gives an incorrect amount for overtime, even though the budget Mr. Heins submitted had the appropriate amount. This will probably need to be corrected in the spring, as was done in the previous fiscal year. This led a broader discussion about the town's overtime policies.

The board members signed the approved set of drawings for the Macomber Lane subdivision.

DISCUSSION ABOUT PROPOSED SIX-BAY GARAGE ON THE SITE OF 599 WASHINGTON STREET CONDOMINIUM PROJECT, SITE PLAN #SP2-13

Regarding the request of Rick Vayo, the developer of the 599 Washington Street condominiums (site plan #SP2-13), to build a garage at that site, Mr. Heins explained that the board did approve his proposed garage on the site back in 2015 as a minor modification to the site plan. However, the garage was not built at that time, and slightly more than two years have passed since then. Furthermore, the structure he is proposing to build now is a 6-bay garage, whereas the original proposal was for an 11-bay garage, and the layout is slightly different.

The board discussed the situation in detail, and decided to ask Mr. Vayo to attend the next board meeting, and to bring full-size site plan drawings of what he is proposing.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion that the board approve the spending of approximately 70 dollars for next year's Assessors' maps. Mr. Whitman seconded the motion, and the board voted unanimously in favor.

The board discussed the possibility that a communications company may soon wish to build a cell phone tower in Pembroke.

DISCUSSION ABOUT PROPOSED USE FOR PROPERTY AT 19A MATTAKEESETT STREET

David Mulcahy, Walter Mulcahy and Michael Guimares came before the board to discuss the possibility of using the building at 19A Mattakeesett Street (the rear building) as the location for David Mulcahy's tick exterminating company Oh Deer. Mr. Mulcahy is considering purchasing the building. The building

would be used mainly for offices, with the company's trucks operating from it and parking there overnight.

One key issue is whether this would be an allowed use in the Center Protection District, under the zoning bylaw. Another issue for some board members is the parking of trucks outside, and whether they'd be visible from the street. The board discussed the case of Smith Excavating, also located in the Center Protection District. The board also discussed the possibility that the use could be allowed under the Residential A District rules, since uses allowed in Residential A are allowed in the Center Protection District. But this seemed unlikely.

The board discussed the situation at length. There is ambiguity as to what kind of use this would be classified as, and thus whether the zoning bylaw allows it. Ms. Coletta mentioned that abutters could have concerns. There was a discussion about how the trucks could be visually screened from the street and from abutters. The board suggested that Mr. Mulcahy return with a site plan or plot plan showing where the trucks would be parked.

DISCUSSION ABOUT PROPOSED 40B AFFORDABLE HOUSING PROJECT, RIVER MARSH VILLAGE, ON WATER STREET

Ms. Coletta mentioned the modified River Marsh Village 40b application (for a site on Water Street), and the Planning Board's concerns about the project. The board discussed the project's problems, especially relating to traffic congestion and the increased danger at the intersection of Church Street and Water Street.

The board reviewed a draft letter prepared by Mr. Heins, which expressed the board's opposition to the project. The board members agreed that the Planning Board does oppose the project as currently submitted. There was a discussion of the project itself, as well as its impact on the surrounding area and effect on traffic. The board decided to make a few modifications to the letter. Mr. Taylor made a motion that the board authorize Ms. Coletta to make the agreed-upon edits to the letter and sign the letter. Mr. Irving seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta went over a few administrative matters. The deadline for submitting an article to the warrant for fall town meeting is coming soon. Mr. Heins wishes to take two vacation days in late October. The board discussed whether it would be appropriate to return the remaining balance on the engineering review account for the RK Centers Panera Bread and Taco Bell project. The board members signed the drawings for the Macomber Lane subdivision.

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

The next regular meeting of the Planning Board will be held on Monday, August 28, 2017, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant