



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 28, 2017

PRESENT: Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), Paul Whitman (Board Member), Daniel Taylor (Board Member), Brian VanRiper (Board Member), Matthew Heins (Planning Board Assistant), Peter Palmieri (Merrill Associates), John Poirier, David Baker, Richard Vayo, Eoghan Kelley, Daniel Smith, Jeffrey Perette, Jon Perette, 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 continued its discussion, from several previous board meetings, about the problems at the site of the Wolves Den Field House with stormwater runoff and septic system failure. John Poirier, the manager of Wolves Den Field House, David Baker, a representative of RK Centers (whose property is adjacent to Wolves Den), and Peter Palmieri (of Merrill Associates) were present.

At the beginning of the discussion, the board members present were Ms. Coletta, Mr. Irving, Mr. Whitman, Mr. VanRiper and Mr. Taylor.

After opening the discussion, Ms. Coletta immediately announced that she was recusing herself, because her son is trying out for a basketball team that plays at Wolves Den. She left the room. Mr. Irving, as Clerk of the board, chaired the meeting in the absence of Ms. Coletta and Mr. Wandell.

Mr. Poirier described the progress with the upcoming percolation tests and the projected septic system and site plan. Mr. Palmieri explained that the property owner has signed a contract with Merrill Associates for design of a new septic system, but hasn't yet signed a contract for design of a site plan, though he expects this soon. He outlined the schedule he anticipates for designing the site plan and septic system.

Mr. Irving and Mr. Palmieri discussed the soils at the site, and the options for the design of the septic system. Mr. Palmieri described the design of the site plan also. Mr. Poirier talked about the future schedule of activities at Wolves Den, and the arrangements that have been made for "port-a-potties" there given the recent failure of the septic system and the orders from the Board of Health.

Mr. Baker described the concerns of RK Centers regarding the ongoing problems with stormwater runoff, which have not been adequately addressed thus far, and noted that his company was not aware of the longstanding septic problems, which make the runoff issues even worse. He opined that it is imperative for Wolves Den's property owner to demonstrate a commitment to resolving the situation by signing a contract for site plan design with a qualified engineering firm.

Mr. Whitman said that the work recently done to limit runoff was not effective, and Mr. Baker emphasized that the property owner should deal with the runoff problems on a provisional basis while working on a long-term fix. Mr. Whitman also stated that it is important to reduce the runoff. The board members, Mr. Poirier and Mr. Baker discussed the situation and how to move forward.

Mr. Irving stated that the board requests to see a signed contract from the property owner for site plan design with a qualified engineering firm, and will consider taking further action if this is not received by the end of the week. Mr. Palmieri noted that it would be logical to work on the septic system design and site plan design simultaneously.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta returned to the room, and chaired the meeting. Mr. Taylor made a motion that the board approve the minutes for August 14, 2017, Mr. Whitman seconded the motion, and the board voted unanimously in favor.

The board and Mr. Heins discussed one of the conditions of site plan approval for the Bridges at Pembroke project, regarding as-built plans. The board also talked about a possible groundwater issue at the site, which was noted in a recent inspection report from Mr. Palmieri, and it was agreed that Mr. Heins would ask Doug Arsham (who is managing the construction) to come before the board at a future board meeting, along with Mr. Palmieri, to discuss this situation.

Ms. Coletta noted that the board has the option to return the \$6,000 balance in the engineering review account for the Shell gas station on Church Street that was recently completed. She suggested that Mr. Heins seek to get as-built plans of the project from the developer before the board considers releasing these funds.

Ms. Coletta also noted that the board has the option to return the balance in the engineering review account for the Panera/Taco Bell RK Centers project. She explained that the board did receive a traffic study from RK Centers for the project.

Ms. Coletta mentioned that Russell Fields intends to appeal the site plan approval of the 260-280 Oak Street project, once the building permit is issued. Regarding Mr. Fields's own property at 258 Oak Street, he may need to submit a site plan application for certain aspects of the property's layout and use.

The board and Mr. Heins discussed possible alterations to the site of 230 Water Street by a possible new buyer, and the necessity for a variance.

Andrew Wandell, Vice-Chairman of the board, arrived at this time.

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

Richard (Rick) Vayo, the developer of the condominiums at 599 Washington Street (site plan #SP2-13), came before the board. The board discussed his plan to build a six-bay garage behind the condominium building. The board approved a proposed garage on the site in 2015 as a minor modification to the site plan, but it was an eleven-bay garage and was not built at that time.

The board discussed the proposed garage and the site in detail. Mr. Vayo and several board members talked about the history of the project and the property.

Mr. VanRiper made a motion that the board authorize its clerk to sign the routing slip, i.e., building permit, for the six-bay garage. Mr. Wandell seconded the motion. Mr. Irving and Mr. Taylor voted in favor, Ms. Coletta and Mr. Whitman abstained, and the motion passed. Mr. Irving signed the routing slip.

The board and Mr. Vayo also discussed his ongoing subdivision Brisan Way Extension, which will commence construction soon.

**DISCUSSION ABOUT STREET ACCEPTANCE PROCESS FOR EQUESTRIAN WAY AND PHEASANT LANE
AT EQUESTRIAN ESTATES SUBDIVISION**

Eoghan Kelley, working for the developer of the Equestrian Estates subdivision, came before the board with the revised street acceptance drawings for Equestrian Way and Pheasant Lane (the two roads in the subdivision). A detailed discussion ensued about how the street acceptance process works. Mr. Kelley explained the revisions that were made to the drawings.

The board, Mr. Heins and Mr. Kelley talked about the accounts, consisting of the road bond account and another account, associated with Equestrian Estates, whose funds can now be returned to the developer since the project is complete. Mr. Wandell made a motion that, upon receipt of a letter from the developer requesting the return of the road bond, performance bond, and any other engineering accounts associated with the Equestrian Estates subdivision, the board authorize the release of those funds. Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

The board members signed the street acceptance drawings for Equestrian Way and Pheasant Lane.

DISCUSSION ABOUT PROPOSED USE FOR PROPERTY AT 43 MATTAKEESETT STREET

Jeffrey Perette and Daniel Smith came before the board to discuss the idea of using the property at 43 Mattakeesett Street for boat storage, maintenance and repair. Mr. Smith is interested in moving Smith Excavating from 43 Mattakeesett Street to a new location on Washington Street, on the former Chip-Tech site.

Mr. Perette currently owns East Coast Marine (formerly Simms Brothers Marine), located in Marshfield, and is interested in buying this property from Mr. Smith to be the company's new location. His company does marine transportation and boat storage, maintenance and repair.

The board, Mr. Perette and Mr. Smith discussed the situation in detail. The property is within the Center Protection District. The board was in general agreement that Mr. Perette's proposed use would not be an allowable use within the Center Protection District, under the zoning bylaws.

The board members and Mr. Smith talked at length about various aspects of the zoning bylaw governing the Center Protection District, and what options might be available to Mr. Smith and Mr. Perette.

DISCUSSION ABOUT PROPOSED USE FOR PROPERTY AT 346 WASHINGTON STREET

Mr. Smith is considering moving Smith Excavating from 43 Mattakeesett Street to the former Chip-Tech site at 346 Washington Street, near the intersection of Barker Street and Washington Street. He described what he intends to do at the site, regarding the making and selling of mulch and the operation of the excavating business, and how it might be configured.

The board discussed whether this proposed use is in accordance with the zoning bylaw; the zones that the parcel lies within are the Business B District, the Residential A District, the Historic District overlay, and possibly the Residential-Commercial District. The board considered the pattern of land ownership nearby, and whether any abutters would be likely to object.

The board members and Mr. Smith returned to the topic of Mr. Perette's proposed use at 43 Mattakeesett Street. The board and Mr. Smith also talked about whether a new excavating business at that site would be allowed as a grandfathered use.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion to adjourn the meeting, and Mr. VanRiper seconded the motion.

The board discussed the traffic study that was done for the Panera/Taco Bell RK Centers project, and directed Mr. Heins to ask RK Centers to have the traffic engineer come before the board.

Mr. VanRiper mentioned that the board has not received drawings of architectural elevations for the mixed-use project at 220 Center Street.

The motion to adjourn the meeting being on the table, the board voted unanimously in favor.

The next regular meeting of the Planning Board will be held on Monday, September 11, 2017, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant