



PEMBROKE PLANNING BOARD MINUTES

MONDAY, SEPTEMBER 11, 2017

PRESENT: Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), Paul Whitman (Board Member), James Noone (Board Member), Brian VanRiper (Board Member), Matthew Heins (Planning Board Assistant), Peter Palmieri (Merrill Associates), John Poirier, Eoghan Kelley, Sean Foster, Douglas Arsham, Russell Field, John Danehey, Matthew Norton, Thomas Pozerski, Melissa Porter, John Porter and others.

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

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

After opening the meeting (with a quorum of Ms. Coletta, Mr. Wandell, Mr. Irving and Mr. Whitman), Ms. Coletta explained that the discussion of the site issues at Wolves Den Field House would be delayed a few minutes because she is recusing herself from it, and thus it was necessary for another board member to be present to have a quorum during the discussion.

Ms. Coletta went over a few routine matters. The board discussed its projected schedule of meetings during October.

Mr. VanRiper arrived at this time.

DISCUSSION ABOUT NEW SITE DESIGN FOR WOLVES DEN FIELD HOUSE, 340 OAK STREET

The board had a discussion, continued from previous board meetings, about the problems at Wolves Den Field House (340 Oak Street) related to stormwater runoff and septic system failure. On this occasion, tentative ideas for a new site design and layout were discussed. John Poirier, the manager of Wolves Den Field House, and Peter Palmieri, engineer with Merrill Associates, were present.

After opening the discussion, Ms. Coletta immediately announced that she was recusing herself, because her son is on a basketball team that plays at Wolves Den. She sat in the back of the room and did not participate in the discussion. Mr. Wandell, as Vice-Chairman of the board, chaired the discussion.

Mr. Palmieri presented a concept plan that he has developed for Wolves Den. The parking area would be dramatically larger than it is currently, with 158 parking spaces, and Mr. Palmieri explained how this figure was reached. Mr. Palmieri said that the soil's suitability for drainage and/or a leaching field is poor, based on the tests done so far. Thus the leaching area may need to be large.

Mr. Palmieri described the drainage situation, in terms of how it was previously and how it is now, and discussed how his design will address the problem of run-off onto adjacent properties. Mr. VanRiper and Mr. Palmieri discussed the provision of handicapped parking spaces.

The board members and Mr. Palmieri talked about the challenge of percolation and designing an appropriate septic system. Mr. Palmieri described options for how the design may handle the flow of water, and possible ways to retain the water.

Mr. Palmieri explained that he anticipates having a full site plan design ready soon, and so the board can expect to receive the application for site plan review within a month or so.

DISCUSSION ABOUT GROUNDWATER SITUATION AT THE BRIDGES AT PEMBROKE (SITE PLAN #SP4-16)

Ms. Coletta resumed chairing the meeting, and the board discussed the groundwater situation at the Bridges at Pembroke, Site Plan #SP4-16, currently under construction.

Douglas Arsham, with National Development and associated with the project's development and construction, and Sean Foster, an engineer with Stantec working on the project, came before the board, and Mr. Palmieri as the board's peer review engineer for the project was also involved in the conversation. Mr. Palmieri and Mr. Foster were in agreement that there are no longer any concerns about the groundwater level, and thus no modifications are necessary. This was acceptable to the board.

The board members, Mr. Foster and Mr. Arsham discussed the ongoing construction of the site and the paving of the adjacent road. Mr. Arsham talked about the progress of the project, the leasing of its units, and its business aspects.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

With regard to the Macomber Lane subdivision the board recently approved, Mr. Heins explained that the Registry of Deeds refused to accept the documents from the applicant because there was no covenant, and the verbiage on the cover sheet of the drawings mentions a covenant.

Typically a covenant agreement is necessary with a subdivision to ensure that the developer will construct the road and infrastructure before building the houses. The case of Macomber Lane is different because it's a "paper subdivision" and the applicant does not plan to build a new road at present, nor does the applicant intend to build any new houses at present (though an existing building is being converted into a house). Hence it's unclear if a covenant would be appropriate.

The board members and Mr. Heins discussed the situation. The applicant is requesting that the verbiage on the cover sheet be altered to eliminate the mention of a covenant. Another option would be to insist on a covenant being done. The board considered the option of consulting with town counsel.

Ms. Coletta and Mr. Heins explained that, regarding the Equestrian Estates subdivision street acceptance drawings, the third sheet was not submitted with the revised drawings, because it had not changed. So the third sheet from the previous submission could be made part of those drawings, but it had not yet been signed. The board members agreed to sign the third sheet.

The architectural drawings for the commercial building in the mixed-use project at 220 Center Street having been received, the board discussed the conditions of the project as to materials and colors. The board decided to review the drawings in a future board meeting, to make sure they comply with the conditions, and to ask the developer to attend this discussion.

Ms. Coletta and Mr. Heins explained that a real estate employee working with a medical developer for a possible project on Oak Street has requested the release of a traffic study previously done for RK Centers, a copy of which is in the files of the Planning Board Office. This led to a discussion among the board members about whether it would be appropriate to release the document. Mr. VanRiper made a motion that the board have the person applying for the document request it from RK Centers, or allow the board to request it from RK Centers and disburse it to the person if RK Centers approves. Mr. Whitman seconded the motion, Mr. Irving voted in favor, Ms. Coletta and Mr. Wandell voted in opposition, and the motion passed by a 3-2 vote.

Mr. Noone arrived at this time. The board members further discussed the document request, and also signed the third sheet of the Equestrian Estates street acceptance drawings.

DISCUSSION ABOUT POSSIBLE SITE PLAN FOR 258 OAK STREET

Russell Field, the owner through a realty trust of the property at 258 Oak Street, and his attorney John Danehey came before the board to talk about a possible site plan for the parcel.

Mr. Field proposes to build a curb cut on Oak Street to provide access to the property. The access is currently gained through another property owned by Mr. Field and the adjacent property of Daley & Wanzer, which is not allowable under the zoning bylaw. Mr. Field also proposes to provide screening for the dumpsters that are on the property. He explained that these dumpsters are empty, and are placed there when not in use as part of his waste management business. So they are occasionally moved on or off the property, as business dictates. Mr. Danehey stated that no rubbish or waste is stored on the property.

The board members, Mr. Field and Mr. Danehey discussed the other driveways nearby along Oak Street, and what the ideal location would be for the curb cut. A conversation followed about how to define Mr. Field's use within the zoning bylaw, the history of the property, and the site plan approval

that was granted previously. Mr. Field and Mr. Danehey intend to return soon with a site plan application.

**DISCUSSION ABOUT POSSIBLE USE AT 19A MATTAKEESETT STREET BY BETHESDA HOUSE
NONPROFIT ORGANIZATION**

Melissa (“Missy”) Porter and John Porter, who run the religious nonprofit organization Bethesda House, came before the board to inquire about the possibility of Bethesda House relocating to the property at 19A Mattakeesett Street. Ms. Porter explained that Bethesda House serves as a residence for women who find themselves homeless and needing assistance due to an unplanned pregnancy. It is currently located in Pembroke in an ordinary house.

Mr. Porter and Ms. Porter showed the board sketches of how they would modify the interior of the existing building at 19A Mattakeesett Street. They do not propose to alter the exterior of the building. There would be eight bedrooms in the building, along with shared bathrooms, a kitchen, a dining room, a living room, a playroom, an office and other rooms. So these would not be separate apartments.

The board discussed in detail what type of use this would be categorized as under the zoning bylaw, and in particular whether it would constitute a single housekeeping unit or household, in which case it could be regarded as a single-family home. 19A Mattakeesett Street is actually a condominium unit that is part of the 19 and 19A Mattakeesett Street property (consisting of two condominium units), which creates an additional complication.

A few board members raised the question of whether or not a public hearing would be necessary if the use qualified as a single-family home, since site plan review is not done for residential single-family homes. Mr. Porter explained that their time frame to decide whether or not to buy is compressed. Ms. Coletta emphasized that they should also consult with their own attorney. She explained that if the use were categorized as single-family residential then it would not require site plan review, but if it were categorized as a religious and/or educational use then it would be an allowed use (under the “Dover Amendment”) but still might need site plan review.

The board, Mr. Heins, Ms. Porter and Mr. Porter talked about these issues in further detail. Mr. Porter and Ms. Porter agreed to consult with their counsel and get back in contact with Mr. Heins.

Mr. VanRiper left the meeting at this time.

**DISCUSSION ABOUT PROPOSED FORM A (A.N.R. SUBDIVISION) AT 73 TAYLOR STREET, AND ABOUT
CHANGES TO BRISTOL ESTATES (SUBDIVISION #1701) AT 73 TAYLOR STREET**

Thomas Pozerski, an engineer with Merrill Associates, and Eoghan Kelley, with the developer, came before the board to discuss their proposed Form A (Approval Not Required Subdivision) at 73 Taylor Street, and how it would affect their Bristol Estates subdivision (Subdivision #1701).

Mr. Pozerski explained that a mistake in ownership records was found for a small parcel at the edge of the 73 Taylor Street property, and so Susan Cook found the owner and bought the parcel. She and the developer now wish to put a single-family house on the parcel, either as a Form A or as part of the Bristol Estates subdivision (which has already been granted approval).

The board, Mr. Pozerski and Mr. Kelley discussed whether it would be better to handle this as a Form A or as a minor modification to the approved subdivision. The board's general preference was for the latter, and Mr. Kelley and Mr. Pozerski were amenable to this and agreed to withdraw the Form A.

Several board members, Mr. Kelley and Mr. Pozerski talked about the possibility of a portion of the Bristol Estates subdivision property (part of a projected parcel in the rear) being donated to the town. Mr. Whitman explained that the town's Water Division might be interested in receiving this area.

Mr. Heins noted that the Form A application, which was received earlier in the day, had already been processed. Mr. Whitman made a motion that the board refund the application fee associated with the Form A application, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta mentioned that representatives of Irving Oil will meet with the Zoning Board of Appeals on September 25 to request special permits and variances for their proposed gas station at the corner of Routes 53 and 139. This will be concurrent with the Planning Board's meeting that night, and the board discussed the option of having one board member attend.

Ms. Coletta noted that the Marshfield Selectmen have proposed a zoning bylaw to ban marijuana establishments in all zones.

The board again talked about the architectural drawings for the mixed use project at 220 Center Street (now named "Orchard Hill"). The board agreed to discuss these at the next board meeting.

Ms. Coletta mentioned that the state Department of Environmental Protection has rendered a decision against the town regarding the contested water wheel in Herring Run Park. The board discussed this briefly.

The board and Mr. Heins had a conversation about whether the return receipt option is necessary when the abutter notifications (for public hearings) are sent out certified mail.

Ms. Coletta noted that Catherine Salmon (of the Assessors Office) and Jason Federico (one of the D.P.W. commissioners) are interested in talking with the board about putting spatial zoning information on the GIS maps accessible on the web. Mr. Heins and the board discussed some of the challenges associated with this, and the board agreed to meet with Ms. Salmon and Mr. Federico.

Mr. Irving made a motion to adjourn the meeting, and Mr. Noone seconded the motion.

Mr. Heins explained that an as-built drawing has been received for the Shell gas station recently completed on Church Street, and this led to a discussion about whether this particular drawing is acceptable and whether the board should require electronic drawings in the future.

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

The next regular meeting of the Planning Board will be held on Monday, September 25, 2017, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant