



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, SEPTEMBER 25, 2017**

**PRESENT:** Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), James Noone (Board Member), Daniel Taylor (Board Member), Matthew Heins (Planning Board Assistant), Donald McGill, Jennifer Smith, Warren Hammond, III, Adam Doucette, Matthew Dacey, Kevin Sealund, Nancy Sealund, Melissa Porter, John Porter and others.

**REMOTELY PARTICIPATING BY SPEAKERPHONE:** Rebecca Coletta (Chairman)

Vice-Chairman Andrew Wandell opened the meeting by reading the Chairman's statement. He stated that Chairman Rebecca Coletta would be participating by remote participation in accordance with the requirements of 940 CMR 29.10 via speakerphone due to geographic distance, and therefore all votes during the meeting would be made by roll call while she was participating remotely.

### **DISCUSSION ABOUT ARCHITECTURAL APPEARANCE, COLORS AND MATERIALS OF "ORCHARD HILL" MIXED-USE PROJECT AT 220 CENTER STREET (SITE PLAN #SP1-17)**

Donald McGill, the developer of the "Orchard Hill" mixed-use project at 220 Center Street, came before the board to discuss the architectural appearance, colors and materials of the commercial building at the front of the project facing Center Street. He showed the board samples of the possible brick he will use, and a sample of the white simulated wood product he intends to use.

The board was amenable to the brick options, with a general preference for one in particular, and the white simulated wood product. However, several board members had concerns about the windows Mr. McGill intends to use (i.e., the ones shown in the current architectural drawings), and expressed their preference for the style of windows shown in renderings submitted to the board during the site plan review process.

Mr. McGill explained that he was under the impression the style of windows was not under the purview of the board, and that he had already ordered windows for the building. (Due to the recent hurricanes in Texas and Florida, prices have risen and lead times have lengthened for building materials.) The board and Mr. McGill discussed the issue at length.

During the discussion, Ms. Coletta joined the meeting by remote participation via speakerphone.

Mr. McGill suggested he could get a letter from a historic preservationist or comparable expert stating that his proposed window style conforms to one of the required historical styles for the Center Protection District. After further conversation, some of the board members indicated they would take such a letter under advisement.

Mr. Noone made a motion that the board approve the Tivoli brick style for the building, and Mr. Irving seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Mr. Noone voted yes, Mr. Wandell voted yes, and Ms. Coletta abstained. The motion passed.

Mr. Irving made a motion that the board accept the Arctic white color for the building, and Mr. Noone seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Mr. Noone voted yes, Mr. Wandell voted yes, and Ms. Coletta abstained. The motion passed.

#### **DISCUSSION ABOUT MACOMBER LANE'S (SUBDIVISION #1702) CONDITIONS OF APPROVAL AND COVENANT**

Jennifer Smith, Warren Hammond, III, and Adam Doucette, the residents at 476 Center Street involved in the recently approved Macomber Lane subdivision (#1702) at that address, came before the board. Ms. Smith and the board had a discussion about the necessity for a covenant to be filled out and submitted with the subdivision documents at the Registry of Deeds.

The verbiage on the standard covenant form the board typically uses would not be appropriate in this case. The Macomber Lane subdivision's purpose is not the creation of new buildings, but simply the conversion of an existing building into a single-family house, and so waivers were given of the requirements to construct a paved road and build new infrastructural services. Therefore some of the verbiage on the standard covenant form does not apply and would be overly restrictive as to possible future uses or property sales.

Ms. Smith showed the board a modified covenant that she prepared, based on the standard covenant form but adjusted to suit this situation. The board members indicated that it seemed acceptable, and advised her that she can bring it to the Registry of Deeds with the other relevant documents and drawings.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Irving made a motion that the board accept the minutes of September 11, 2017, as written, and Mr. Noone seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Noone voted yes, Mr. Wandell voted yes, Ms. Coletta voted yes, and Mr. Taylor abstained as he was not present at that meeting. The motion passed.

Mr. Taylor made a motion that the board approve the minutes of August 28, 2017, and Mr. Irving seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Ms. Coletta voted yes, Mr. Wandell voted yes, and Mr. Noone abstained as he was not present at that meeting. The motion passed.

The board discussed its future schedule, and its Fiscal Year 2019 budget forms.

The board talked about the state's Community Compact program, which the town intends to join. Mr. Heins was requesting that the board allow him to be on a committee of department heads that will investigate the program's funding opportunities. Mr. Taylor made a motion that the board appoint Matthew Heins as its representative on the Community Compact program committee, and Mr. Irving seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Mr. Noone voted yes, Ms. Coletta voted yes, and Mr. Wandell voted yes. The motion passed.

Mr. Wandell explained that a memorandum from Ed Thorne to the Planning Board specified that requests for public records should go through town hall's public records officer, which is Mr. Thorne. The board members and Mr. Heins talked in detail about public records and how they should be handled and released.

Mr. Heins and the board members discussed the applicability of the fee for modification of a definitive subdivision plan, with regard to the minor modification the developers of Bristol Estates plan to request soon. The board was in agreement that generally a minor modification which does not require a new public hearing is not meant to be charged this fee. Mr. Taylor made a motion that the board not charge a fee for this particular minor modification to Bristol Estates, and Mr. Irving seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Ms. Coletta voted yes, Mr. Wandell voted yes, and Mr. Noone abstained since he was not present at the meeting when the possible minor modification to Bristol Estates was discussed. The motion passed.

Mr. Heins explained that some members of the development team for a proposed medical building on Corporate Park Drive came to town hall about a week previously to describe the project informally, and met with Mr. Heins and a few other employees at town hall. Mr. Heins summarized the project briefly. He said they tentatively plan to come meet with the board for an informal discussion on October 30. Mr. Heins explained that someone asked if Peter Palmieri (the board's review engineer on most projects) could initiate his peer review before the application has been submitted, provided the deposit for peer review is made. The board members agreed this would not be acceptable.

Mr. Wandell and Mr. Heins explained that the town will probably withdraw from the Metropolitan Area Planning Council.

#### **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 again to discuss the possibility of their organization locating in the existing building at 19A Mattakeesett Street.

The board members were generally in agreement that Bethesda House, as an educational-religious nonprofit, is a use that qualifies under the "Dover Amendment" to be exempt from zoning bylaws as

to restrictions on use. However, it still must meet certain expectations or requirements with regard to public safety, environmental protection, size, setbacks, parking, traffic, etc.

Mr. Noone made a motion that the board not require Bethesda House to undergo site plan review, as it falls under the Dover Amendment. Mr. Taylor seconded the motion. The board discussed the proposed use and how it would occupy the site. No expansion of the building or exterior alterations to the building or the site are being proposed, apart from a new septic system. (Some interior work will be done to the building.) The traffic impact would be minimal, and the current parking lot is sufficient for Bethesda House's needs. Thus the project does not raise any concerns.

The motion being on the table, the vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Mr. Noone voted yes, Ms. Coletta voted yes, and Mr. Wandell voted yes. The motion passed.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Wandell and Mr. Heins explained that the Wolves Den site actually consists of two properties, which the building straddles. They also noted that an attorney has been looking into the records for 43 Mattakeesett Street, the Smith Excavating property.

Mr. Taylor made a motion that the board take a short recess until 8:35 pm, and Mr. Noone seconded the motion. The vote was taken by roll call. Mr. Irving voted yes, Mr. Taylor voted yes, Mr. Noone voted yes, Ms. Coletta voted yes, and Mr. Wandell voted yes. The motion passed. The board members went on recess.

#### **DISCUSSION ABOUT TWO PROPOSED COMMERCIAL BUILDINGS AT 204 CENTER STREET, AS PART OF "PEMBROKE VILLAGE" MIXED-USE PROJECT WITH RESIDENTIAL UNITS ALREADY EXISTING**

At about 8:35 pm the board returned from its recess.

During the recess, Ms. Coletta disconnected from remote participation, but the other four board members remained present.

Kevin Sealund, Nancy Sealund and Matthew Dacey came before the board to discuss the two buildings they are proposing at 204 Center Street, as part of the "Pembroke Village" mixed-use project where residential units already exist.

Mr. Sealund described what they would like to do. The "Pembroke Village" mixed-use project at 204 Center Street went through site plan review and was approved about ten or twelve years ago, and at that time the project's residential condominium units were built, but its two commercial buildings were never built. They now propose to do the site work and/or foundations for both commercial buildings, and to construct one of the buildings. They envision the buildings as containing retail on the first floor and offices on the second floor.

The board members agreed that given the time that has passed since the project was originally approved, and the requirements associated with the Center Protection District, the two proposed buildings would require some form of review. This will need to be done soon, as the mixed-use

option in the Center Protection District expires on January 1, 2018, when certain zoning bylaw changes take effect.

Mr. Sealund and the board discussed various aspects of the project. They talked about whether proceeding with these buildings would necessitate a new site plan review, or at least a new public hearing. The history of the project, and how it was originally approved and built, were discussed. Mr. Sealund and Mr. Dacey said they have as-built drawings for the project as it was originally constructed. They showed the board renderings of the proposed buildings. A discussion ensued about their appearance and how they could fit the requirements of the Center Protection District.

Mr. Noone made a motion that the board have the applicant submit a full Center Protection District application, submit as-built drawings of what has already been done under the site plan, submit the necessary funding for the board's engineering revolving account to perform site inspections, and not require full site plan review. Mr. Taylor seconded the motion.

Mr. Dacey noted some of the conditions from the original decision granting site plan approval for the project. The motion being on the table, the board voted unanimously in favor.

Mr. Taylor made a motion that the board request an engineering review fee from the applicant of four thousand dollars (\$4,000.00) for the project, Mr. Irving seconded the motion, and the board voted unanimously in favor.

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

The next regular meeting of the Planning Board will be held on Monday, October 16, 2017, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant