



PEMBROKE PLANNING BOARD MINUTES

MONDAY, OCTOBER 16, 2017

PRESENT: Rebecca Coletta (Board Chairman), Andrew Wandell (Board Vice-Chairman), Thomas Irving (Board Clerk), Brian VanRiper (Board Member), Matthew Heins (Planning Board Assistant), David Baker (RK Centers), Ron Muller (Ron Muller & Associates), Jason Federico, Catherine Salmon (Assessors' Office), Thomas Pozerski (Merrill Associates), Stephen Kotowski (Webby Engineering), Edward Koplovsky, Eoghan Kelley (Stonebridge Homes), William Danforth and Kara Connolly.

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

DISCUSSION ABOUT TRAFFIC STUDY DONE FOR RK CENTERS PANERA/TACO BELL PROJECT (SITE PLAN #SP5-13)

David Baker of RK Centers and Ron Muller of Ron Muller & Associates came before the board to discuss the traffic study done by Mr. Muller of traffic conditions along Route 139 after the completion of the Panera/Taco Bell project (Site Plan #SP5-13), built by RK Centers. This project is located on Route 139 (Church Street) near its intersection with Oak Street.

Mr. Baker explained that the traffic study proposes a few signaling changes which might improve traffic slightly, but not dramatically, on Route 139. He also explained that RK Centers, having completed the Panera/Taco Bell project, is looking to develop a nearby site on Old Church Street (adjacent to Route 3), preferably for a 16,000-square-foot retail tenant.

The board, Mr. Baker and Mr. Muller discussed traffic in this area. Mr. Muller and Mr. Baker stated that the volume of traffic has increased slightly, but not significantly, due to the new Panera Bread and Taco Bell. Mr. Baker said that the flow of traffic has generally been good and there haven't been many complaints.

Mr. Baker agreed that a new traffic study would be warranted once a new development, with a known user, is proposed for the site on Old Church Street. He explained that RK Centers had been hoping to make a deal with the Highway Division of the Massachusetts D.O.T., whereby RK Centers would clear the trees along the highway to create visibility for their property, and build drainage

retention systems to help the state fulfill its obligation to improve drainage. But it was difficult to convince the state and so for the moment the idea has been abandoned.

Mr. Irving asked about the traffic report's summary, and it was agreed this would be emailed to him. Ms. Coletta asked about the plans that were submitted to the state (for the clearing of trees and construction of drainage systems), a copy of which were also given to the Conservation Commission, and Mr. Baker agreed to submit a copy to the board.

Mr. VanRiper noted that several projects have recently been built in the area around Route 139, or may be built soon, and so traffic has gotten significantly worse, even though the Panera/Taco Bell project did not contribute much new traffic. A discussion ensued about traffic in this area, how it may change in the future, and what could be done to mitigate it.

Mr. Baker requested that the board vote to accept the traffic study and state that no further action is needed from the applicant. Mr. VanRiper made a motion that the board accept the traffic study as submitted and that no additional traffic study will be due until the applicant returns with a further plan. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT ZONING BYLAWS, ZONING MAP, AND MAPS ONLINE

Catherine Salmon, head of the Assessors' Office of the Town of Pembroke, and Jason Federico, an engineer and member of the Board of Commissioners of the Pembroke Department of Public Works, came before the board to talk about the town's zoning bylaws, zoning map, and maps available on the web.

Ms. Salmon and Mr. Federico explained that Mr. Federico found certain discrepancies between the text of the zoning bylaws and the zoning map, in terms of the geographic extents of the zones. The board discussed this situation. In Pembroke it is the text of the zoning bylaws that has legal force, with the map being for representational purposes only. Mr. Federico explained that many other towns actually create a zoning map that legally governs. The board and Mr. Federico discussed the nuances of how zones can be accurately described or defined, whether by text or on a map.

Ms. Salmon explained that extensive maps of Pembroke are currently available on the web, showing a great deal of information in different layers through a GIS system. She was considering adding the zones to these online maps as a new layer, but wanted to check with the Planning Board first, especially inasmuch as these discrepancies exist between the text and the map.

A detailed discussion took place. The board members agreed that it would be good to put the zones on the online maps. It was suggested that Peter Palmieri of Merrill Engineering (the board's review engineer) take a look at the discrepancies Mr. Federico has identified, so these issues can be corrected.

Ms. Coletta asked Ms. Salmon and Mr. Federico about differences she has noticed between the GIS information her electronic device gives for properties and the actual property boundaries on the ground, and a technical conversation followed between Ms. Coletta and Mr. Federico.

DISCUSSION ABOUT POSSIBLE SUBDIVISION AT 385 HIGH STREET

Stephen Kotowski of Webby Engineering and Edward Koplovsky came before the board to discuss the possibility of building a subdivision on the properties of Mr. Koplovsky and his son at and behind 385 High Street (originally mistakenly given as, and listed on the agenda as, 241 High Street).

Mr. Kotowski explained that they are interested in creating an eleven-lot subdivision, but it would contain a dead-end road about 1,600 feet long, and Pembroke's subdivision rules and regulations impose a limit of 1,000 feet on dead-end ways. If the road were 1,000 feet long, the subdivision would contain significantly fewer parcels. Mr. Kotowski and the board members talked about the proposed project, the site, and the area around it. Various nearby wetlands are a constraint. The board discussed the town-owned open spaces close by.

Several board members expressed their concerns about the proposed dead-end road being much longer than what the subdivision rules and regulations allow. Mr. VanRiper noted that most of the neighboring towns also have a 1,000-foot limit on dead-end subdivision streets, so Pembroke is typical of the region.

The board and Mr. Kotowski considered if the design could be reconfigured in some way to satisfy the rules and regulations, but the limits of the site and property ownership patterns make this difficult. The board members were in general agreement that it would be hard to justify granting such a large waiver from the rules and regulations.

DISCUSSION ABOUT MODIFIED DESIGN OF BRISTOL ESTATES SUBDIVISION #1701, AND APPROVAL OF MINOR MODIFICATION TO PLAN

Thomas Pozerski of Merrill Associates and Eoghan Kelley, representing the developer, came before the board to discuss their proposed change to the design of Bristol Estates Subdivision #1701, located at 73 Taylor Street. Having acquired a small adjacent parcel of land, they wish to enlarge the subdivision slightly, and to add another lot. Their new proposed plan has seven buildable lots, rather than the six buildable lots on the previous plan approved by the board.

Several board members, Mr. Pozerski and Mr. Kelley described how these proposed changes were discussed in a recent board meeting (not attended by Mr. VanRiper), at which the board expressed its preference for adding the lot as a minor modification to the subdivision plan, rather than through a Form A (Approval Not Required). (Because the lot is at the corner of Taylor Street and the proposed subdivision roadway, it has the necessary frontage on both ways; hence it could be made part of the subdivision or could be created through a Form A.)

Two nearby property owners, William Danforth and Kara Connolly, were present, and Mr. Danforth asked questions about the driveway easement through the subdivision which gives access to his property and also Ms. Connolly's property.

Mr. VanRiper expressed concern about an additional lot being regarded as a minor modification, and the board members discussed the issue in detail. It was noted that the developer could have accomplished the exact same end result through a Form A (Approval Not Required), and that by including the additional lot in the subdivision instead the board gains more control over it and is able to make it fit better with the rest of the subdivision.

Mr. Wandell made a motion that the board accept the proposed changes to the design as a minor modification to the Bristol Estates Subdivision #1701 plan, Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board, Mr. Pozerski, Mr. Kelley and Mr. Heins talked about how the process should be handled bureaucratically, and it was agreed that a new Final Conditions of Approval document should be prepared and voted on. There was also a discussion about the land from the subdivision which is being donated to the town.

The board members signed copies on ordinary paper and mylar of the drawing (one sheet) that was submitted showing the new, altered lotting plan for the subdivision.

Mr. Kelley asked if the board would allow a sidewalk on just one side of the subdivision road, with the land donated to the town regarded as compensation in place of the amount required to go into the sidewalk fund. The board members answered in the negative.

Ms. Connolly asked about the distinction between major and minor modifications, and this led to further discussion and explanations. Mr. Danforth and Mr. Kelley briefly discussed the possibility of shifting the driveway easement for Mr. Danforth and Ms. Connolly's properties. Mr. Kelley described the project's ongoing construction progress.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta noted the dates of the upcoming fall town meeting and next Planning Board meeting. She mentioned that Irving Oil will have its public hearing to request variances from the Zoning Board of Appeals on October 23, and the board discussed this situation. Mr. VanRiper indicated he will try to attend this hearing.

The board discussed the proposed budget for Fiscal Year 2019 that Mr. Heins prepared, and decided it was acceptable and could be submitted.

Ms. Coletta mentioned that the As-Built drawing for the Bridges at Pembroke (Site Plan #SP4-16) had been submitted, and the board looked it over. It was agreed that Peter Palmieri of Merrill Associates will review the drawing for correctness.

Mr. Heins explained that the attorney general approved the town bylaw prohibiting marijuana establishments, but the attorney general also suggested this prohibition would be more appropriately accomplished through a zoning bylaw.

Mr. Heins explained that Donald McGill, the developer of the mixed-use project at 220 Center Street (Site Plan #SP1-17), had pointed out a reference in the zoning bylaws (on page 28, F.7.) to windows being exempt in the Center Protection District. He wishes to use two over one windows on the commercial building closest to the street.

The board discussed this at length. The board members agreed that the windows are an integral part of the building's architectural style and appearance, and thus they must be in a valid historical style. Furthermore, the windows in the renderings originally shown to the board had much smaller panes (nine over nine, or similar), and it was on this basis that the project was approved.

Ms. Coletta explained that Kevin Sealund had inquired about whether the board would consider the idea of a self-storage facility at 204 Center Street (as an addition to the mixed-use project partially built about twelve years ago). The board members agreed this would probably not be acceptable.

Ms. Coletta said that John Tedeschi, the developer of King's Highway Park at 242 Washington Street (Site Plan #SP1-09), requested an extension of the deadline for completion of this project. The board discussed the project, which has already received several extensions over the years, and debated whether it should get another extension. The board decided not to grant the extension at this time, but expressed a willingness to briefly talk with Mr. Tedeschi about the project.

Mr. Heins and the board discussed the site plan that Russell Field is preparing for his property containing the dumpsters at 258 Oak Street. The object of this site plan will be simply to put a driveway and curb cut on the property, in order to meet the requirements of the zoning bylaws. Given the small scope of the project, the board considered whether to lower the required amount of the initial deposit for engineering review. Mr. Irving made a motion that the board require an initial deposit for engineering review of three thousand dollars (\$3,000) with the site plan application for the project, with the understanding that this is the initial payment and further payments may be required later. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Wandell 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 on Monday, October 30, 2017, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant