



PEMBROKE PLANNING BOARD MINUTES

MONDAY, DECEMBER 18, 2017

PRESENT: Rebecca Coletta (Board Chairman), Thomas Irving (Clerk), Paul Whitman (Board Member), Brian VanRiper (Board Member), Daniel Taylor (Board Member), James Noone (Board Member), Matthew Heins (Planning Board Assistant), Peter Palmieri (Merrill Associates), Kenneth McCormick (Deputy Fire Chief), Robert W. Galvin (Attorney), Richard Grady, Kevin Sealund, Matthew Dacey, Kevin Grady, Daniel Smith, Karen Benson, Sharon Tyler, Susan Fitzgibbons, Debra McCarthy, Charles McCarthy, B. Getchell, Lori McKenna, Michael Guimares, Robert Miller, Jennifer Smith, Maria Karas, David Nash, Jill Roffo, Lucille Plausse, Danielle Markol, Donald Markol and others.

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

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP3-17 AT 346 WASHINGTON STREET

Ms. Coletta opened the public hearing for proposed site plan #SP3-17 at 346 Washington Street, from the application of Smith & Sons, 43 Mattakeesett Street, Pembroke, MA 02359, requesting Site Plan Approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval). Smith & Sons proposes to relocate to the property at 346 Washington Street. The company engages in the business of construction excavating, and also of mulch processing and sales. The property would be used for the storage of equipment and trucks, and for other purposes associated with excavating operations, and for the processing, storage and sale of mulch. Two buildings, consisting of a total of 22,800 square feet, and one accessory furnace building would be constructed on the property. The property is located in the Business B zoning district, the Residential-Commercial zoning district, the Residence A zoning district, and the Historic District, at 346 Washington Street, Pembroke, MA 02359, as shown on Assessors' Map E12 Lot 12 and E12 Lot 14. A copy of the application is available in the Office of the Planning Board.

Smith & Sons is headed by Daniel Smith, who runs and manages the business. Attorney Robert W. Galvin, representing Smith & Sons, described the project. He stated that the proposed use of the property is a clean-wood agricultural recycling facility, accessed off Washington Street. He explained that the use would be connected in part with the Smiths' 14-acre farm at 24 Pine Mill Drive. He explained that all the products to be created on the site, such as mulch, firewood and biomass product, are intended to be kept on the site for a temporary period of time, i.e., they are not going to be composted on the site. The proposed hours of business would be Monday to Friday, 7 am to 5 pm or dusk, Saturday 8 am to 3 pm, and Sunday materials and pick-up/delivery only (no processing of materials).

Mr. Galvin stated that even if this were viewed as a light industrial activity, the use would be permitted by right in the Business B district and the Residential-Commercial district. He added that they believe it is properly classified as an agricultural use, because of the clean wood reprocessing. He explained that the operation will not take in any C & D material, i.e., construction debris, but only organic wood products. Some of the product will be harvested from the site, some will come from Pine Mill Drive, and some from elsewhere. The products could be sold on both a wholesale and retail basis. The product processing would be limited to the daylight hours Monday to Friday, even more limited on Saturdays, and none on Sundays and holidays.

Engineer Kevin Grady, with Grady Consulting, went over the project's design, and its engineering drawings, in detail. The entrance drive into the site will remain more or less where it currently is. The driveways and parking area are designed to accommodate large trucks. An evaporator system may be used to handle the water for washing the trucks. A new fire hydrant will be placed on the site. Two infiltration basins will be created for stormwater, and infiltration will be spread around the site rather than concentrated in one area.

Mr. Galvin noted that Mr. Smith and Mr. Grady recently met with the Pembroke Historic Commission. They have not yet applied for a certificate of appropriateness, but intend to do so soon. This could lead to some design changes, but the overall layout should remain similar.

Mr. Galvin also noted that a clean wood facility such as this does not require any type of site assignment from the Massachusetts Department of Environmental Protection (D.E.P.). Mr. Galvin stated that, according to the D.E.P., a clean wood facility can be operated without any permits from the D.E.P., provided the owner and operator implement best management practices that prevent unpermitted discharge of pollutants to the air, water or other natural resources. This is under 3.10 C.M.R. 16.

In reply to questions from Ms. Coletta, Mr. Grady clarified certain aspects of the site and design, in particular the presence of the wetlands. He said that they have filed with the Conservation Commission.

A member of the public asked about the noise that would be produced. Mr. Smith said that the processing is currently done at Copeland Lumber in Marshfield. He said the noise is not extreme, but acknowledged that some neighbors would probably hear the grinder when it is operating. Danielle and Donald Markol, who live at 416 Washington Street, expressed their concerns about the anticipated noise.

Mr. Taylor asked about the front area of the site, along the street. Mr. Grady said that the berm will be removed and a lawn will be planted. The front building, with a "farmhouse-type look," will be visible from the street. Mr. VanRiper asked about the architectural drawings of the elevations and plans, and these were brought out and displayed to the board.

Mr. Smith clarified, in response to Ms. Coletta, that the actual processing would take place outside, toward the rear of the site. Ms. Coletta asked about its proximity to property owners nearby, and a discussion followed. It was noted that the residential, single-family property at 400 Washington Street is especially close.

Mr. Grady went over the floor plans and elevations of the two proposed buildings in detail, and Mr. Smith clarified certain things. Mr. Smith mentioned that portions of one building could be rented out to landscaping companies or similar businesses, and several board members noted their concerns about this.

Mr. Grady discussed the landscaping they have in mind, and Mr. VanRiper and Mr. Grady talked about the location of the river nearby. Mr. Grady described how the drainage will avoid the wetlands. Ms. Coletta asked whether any of the existing woods will be cleared, and Mr. Grady replied that for the most part this won't be necessary, except for a few areas which he specified.

Mr. Whitman asked if there have been any noise complaints about the grinding of mulch in Marshfield, and Mr. Smith said there have not been. One of the neighbors of Smith & Sons said that his operations have not caused problems.

Mr. Taylor, Mr. Palmieri and Mr. Galvin discussed whether the proposed use falls into the category of light industrial. In reply to a question, Mr. Galvin stated that the buildings are entirely located in the Business B district and Residential-Commercial district. Mr. Palmieri raised the issue of how far a use can extend into an adjacent zoning district.

Ms. Coletta opened the meeting to comments from the public. Maria Karas, a resident at 400 Washington St., which is directly adjacent to the property, expressed her strong concerns about the project. She noted that mulch operations and storage are a fire hazard. She stated that Washington Street is already a noisy area, and this project would worsen the noise. She mentioned that mulch can draw rodents. She also noted the uncertainty of what possible tenants might be doing.

Two other neighbors expressed concern about the large number of trucks that already operate in the area, due to the businesses nearby. The truck traffic from That Blooming Place Too was described as a particular problem. One neighbor stated that she lives at 416 Washington Street. A few board members noted that a fire station may be built at the corner of Washington Street and Barker Street, which could add further noise and traffic.

A person who lives at 408 Washington Street spoke. He expressed confidence in Mr. Smith's operation, and said that he believes Smith & Sons will improve the property and that it will benefit the town. A neighbor of Smith & Sons' current location concurred with this, and said that their trucks have not caused any problems.

Ms. Coletta asked if the mulch grinding would actually start at 7:00 am, and Mr. Smith said that probably wouldn't be necessary. Ms. Coletta also asked about grinding on the weekends, and Mr. Smith and Mr. Grady described the buffers their design includes.

Ms. Coletta mentioned that the Planning Board received a letter from Paul Loiselle, a resident at 54 Fieldstone Drive, which raised many concerns about the project. She explained that Mr. Loiselle had requested the letter be read aloud during the public hearing, to be entered into the record, but due to the length of the letter this wasn't feasible. She stated that a copy of the letter will be made available to all members of the public, and to the applicant. She suggested the letter be appended into the minutes of the meeting.

Mr. Taylor made a motion that the letter of Paul Loiselle be attached to the minutes of the meeting, as part of the public record. Mr. Noone seconded the motion, and the board voted unanimously in favor. [Note: The letter is appended to the end of this document.]

The Pembroke Deputy Fire Chief, Kenneth McCormick, spoke. He said that mulch piles can be a fire hazard, but stated that he believes it is unlikely this will be an issue for this project. He also discussed the gas pump for refueling shown on the plan, and said this is acceptable under Massachusetts C.M.R. (Commonwealth of Massachusetts Regulations), provided the rules are properly followed. He said the site plan looks acceptable at present, in relation to fire safety regulations.

Ms. Karas asked if any chemicals will be stored on the site, and Mr. Smith said they will not. He explained that what is used to color the mulch is a rust product, made up of irons.

Mr. Taylor made a motion to continue the public hearing on January 22, 2018, at 8:00 pm, Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained to the members of the public that they can submit further comments in writing if they wish, and are also welcome to attend the continued public hearing on January 22. Mr. VanRiper suggested that copies of Paul Loiselle's letter be made available at the continued public hearing.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board discussed the rule that, for issuing a special permit, five members of the board (i.e., not the quorum of four) must vote in favor.

Ms. Coletta noted that the Community Center Study Committee (a.k.a. Community Center Task Force) has asked that a member of the Planning Board serve on this committee. Ms. Coletta nominated Mr. VanRiper to be the board's appointee on this committee, Mr. Noone seconded the nomination, and the board voted unanimously in favor.

PUBLIC HEARINGS FOR GRANTING OF SPECIAL PERMIT AND APPROVAL OF ARCHITECTURAL STYLE FOR COMPLETION OF EXISTING PROJECT AT 204 CENTER STREET

Ms. Coletta reopened the two public hearings running concurrently (continued from December 4, 2017), for the granting of a special permit and the approval of the architectural style, for the proposed completion of the existing mixed-use project at 204 Center Street. The proposed new construction would consist of an 8,800-square-foot commercial building and a 10,450-square-foot commercial building.

The property lies in the Center Protection District zone. The project was originally approved in 2005 as a mixed-use project of 15 condominium townhouses and two commercial buildings, but only the townhouses were built at the time. Mr. Sealund now proposes to construct the two commercial buildings. The mixed-use option in the Center Protection District will no longer be applicable on January 1, 2018, when a zoning bylaw change takes effect.

The developers and builders of the proposed project, Kevin Sealund and Matthew Dacey, were present. Attorney Robert W. Galvin, representing them, was also present.

The project's engineer Richard (Rick) Grady, with Grady Consulting, went over the revisions made to the design since the previous public hearing. Some adjustments were made to facilitate fire truck access throughout the project. Lighting and lighting details have been added. Erosion control measures have been improved. A fence has been added between the residential and future commercial area. The existing irrigation well has been shown on the plan, and it will be retained in this project.

Regarding the stone foundation on the site, Mr. Grady explained that Elizabeth (Libby) Bates, of the Historical Commission, has been contacted, and she stated that she would like to save the stones, which could be used on a project at the Friends Meeting House.

Mr. Sealund described the signs that would be posted to prevent drivers from going into the residential parking area. The possible future traffic was discussed. Mr. VanRiper and Mr. Grady talked about the possibility of making certain drives on the site one-way.

Mr. VanRiper noted that there is no proposed sidewalk shown on the right side of the entrance. Mr. Sealund said the sidewalk will be along the granite curb. Mr. VanRiper asked about the transition from the drive to the street, and Mr. Sealund said this will have a handicapped ramp with granite curbing. Mr. VanRiper asked if the sidewalk should be the same on the right side as elsewhere, given the possible increase in pedestrians. The future improvements to Route 36 (Center Street) were mentioned. A member of the public complained that the traffic light at the intersection of Center Street and the fire station no longer operates.

Mr. VanRiper mentioned one of the lights that is problematic for the neighbors, but it was clarified that this is a street light belonging to National Grid. The project's lighting near that location was discussed.

Ms. Coletta opened the meeting to comments from the public. Charles McCarthy, a resident at 199 Center Street (directly across from the project), asked if the initial approval for the project from 2005 still applies, and was told this is the case by Ms. Coletta. He noted that the last paragraph of the approval states that the project expires in two years (unless they file for an extension). Ms. Coletta explained that if the developers had not made substantial use of the site plan, it would have expired, but they made substantial use by constructing the condominiums (which were part of the original, single site plan). She explained that town counsel has advised that, once substantial use has been exercised, the site plan remains valid unless some other restrictions were specified. Ms. Coletta added that the board will probably, at this time, look to impose some firmer deadlines for completion of the project.

Mr. McCarthy stated that the original approval specified that a timeline for completion be submitted, but this was not done. In addition, he stated that money was supposed to have been contributed into a bank account for sidewalk repair, which apparently was never done. Mr. VanRiper and Ms. Coletta explained that these issues would not negate the site plan approval.

The board members and Mr. McCarthy discussed these and similar issues in more detail. Mr. McCarthy noted that mixed-use development was voted out of the zoning bylaws. Some board members explained that the expiration of mixed-use applies January 1, 2018, and that this project as

a preexisting site plan was already approved. Mr. Whitman emphasized that this is an opportunity to make improvements to the original site plan.

Debra McCarthy, a resident at 199 Center Street (directly across from the project), asked if the developers will abide by certain items of the original agreement, such as fixing the sidewalks. A lengthy discussion followed about the current sidewalks, and the proposed future road work including new sidewalks, along Route 36.

Mr. and Ms. McCarthy expressed their dissatisfaction with various aspects of the project. Ms. McCarthy said that a sign should have been posted about the possibility of mixed use or future construction, since some of the condominium buyers were not aware of this. Ms. Coletta and Mr. Galvin said this information should have been in the title paperwork for any buyer. Further discussion followed about various aspects of the project. Mr. Whitman said that this is a chance to improve or rebuild the existing sidewalk.

Ms. McCarthy expressed concern about the stone foundation. She explained that originally a stone wall existed, and she had been led to believe she would receive those stones to continue her own stone wall, but that never happened. Mr. McCarthy asked about the uses that would be allowed in the project, and it was explained that these would be governed by the applicable zoning.

The fence between the residential and commercial areas was discussed, and Mr. Grady said it would be six feet high and made of wood. There was a discussion about snow plowing of the residential parking area, and the problems associated with this. Mr. Sealund mentioned that the fence's location possibly could be shifted.

Lucille (Lucy) Plausse, a resident at 204 Center Street, asked who will own the new development. Mr. Sealund said it might be leased, or might be condominiumized. Ms. Coletta noted that the Planning Board cannot regulate ownership, as per Massachusetts state law, and so a condominium can be created without the board's approval.

Another resident at 204 Center Street asked where the snow will be put during future snow plowing operations once the project is built. Mr. Sealund identified the likely locations where plowed snow will go. There was a discussion about the condominium arrangements among several members of the public, some board members, Mr. Sealund and Mr. Galvin.

The board, Mr. Galvin and Mr. Heins discussed the legal aspects of the project application as it currently stands, and how it should proceed administratively. Mr. Heins explained that the application was processed as a special permit application and a request for approval of architectural style. Mr. Galvin stated his belief is that the project does not require a special permit at this time, but does require approval of architectural style. He suggested that the special permit be denied as moot since it's not required. He added that the applicant is volunteering to make minor modifications to the site plan, which the board could vote to approve and write conditions on.

The board decided that the conditions for minor modifications to the site plan could be written in January. A discussion followed about the legal and bureaucratic nuances of this.

Mr. Noone made a motion that the board approve the minor modifications to the site plan for 204 Center Street, as reflected on the plans submitted and dated December 14, 2017, with further

modifications to the sidewalk, to the fence, and to the greenery as discussed in this meeting. Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

Mr. Irving left at this time.

Mr. VanRiper made a motion that the special permit requirement be denied as moot, for the application for 204 Center Street. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

The board, Mr. Heins and Mr. Galvin discussed the administrative details of the public hearings for the special permit and approval of architectural style.

Mr. VanRiper made a motion to close the public hearing for the special permit, which was concurrent with this hearing. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

The board and Mr. Sealund discussed the legal aspects of what type of approval needs to be granted by January 1, 2018. Mr. Whitman suggested the board submit a letter to the Building Inspector granting approval for a building permit for foundation work for the project, before January 1, 2018.

The Pembroke Deputy Fire Chief, Mr. McCormick, stated that the modifications have resolved the fire department's issues.

Mr. Taylor made a motion to continue the public hearing for approval of architectural style for 204 Center Street at January 8, 2018, at 8:45 pm. Mr. VanRiper seconded the motion, and the board voted unanimously in favor.

Mr. Whitman made a motion that the Office of the Planning Board send a letter to the Pembroke Building Inspector, granting its approval for a building permit for foundation work for the project, before January 1, 2018. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta noted some items on upcoming agendas. She signed building permits for the construction of the two buildings at 260-280 Oak Street, previously approved as a Site Plan by the board.

Ms. Coletta mentioned that Andrew Wandell (a Planning Board member not in attendance) had volunteered to be the board's representative on the Capital Funding Study Committee, but this had not been voted on yet. Mr. Taylor made a motion that the Planning Board appoint Andrew Wandell to be its representative on the Capital Funding Study Committee, Mr. Noone seconded the motion, and the board voted unanimously in favor.

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

The next regular meeting of the Planning Board will be on Monday, January 8, 2018, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant

**APPENDED MATERIAL: LETTER OF PAUL LOISELLE REGARDING SITE PLAN #SP3-17 AT 346
WASHINGTON STREET (PAGE 1 OF LETTER)**

December 6, 2017

Chair Rebecca Coletta, Esq.
Town of Pembroke Planning Board
Town Hall
100 Center Street
Pembroke, MA 02359



RE: Planning Board Public Hearing, Monday, December 18, 2017, at 7:00 pm in Town Hall, 100 Center St., Pembroke, MA 02359, regarding the application of Smith and Sons, 43 Mattakeesett Street, Pembroke, MA 02359, requesting Site Plan Approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval).

Dear Chairwoman Coletta and Esteemed Members of the Planning Board,

I request that these comments be read aloud during the public hearing as described above and entered into the record.

Pursuant to the Town of Pembroke's Planning Board authority to enforce the Rules and Regulations relative to Site Plan Approvals, I respectfully request that the Planning Board dutifully consider the potential significant and detrimental impacts to the quality life for Pembroke residents proximate to the applicant's site plan under consideration.

It is unclear from public records how the applicant's site - a small, non-contiguous area, seemingly carved out of a Residential-Commercial District and subsequently zoned as "Business B" - may allow this kind of business operation notwithstanding the fact that a similar operation was situated there over a decade ago. A previously existing operation does not justify a future correct or appropriate use when subsequent residential development in the vicinity is considered.

The Zoning Bylaws, Section IV, Subsection 4 Business District B, Subsection A "Uses Allowed" does not specifically allow grinding, mulching or chipping operations. Further, Business B "Uses Allowed" specifically excludes "Sanitary landfill operations and all other methods for the disposal, treatment, or processing of trash, refuse, debris, or other rubbish material are not deemed to be light industry within the meaning of this bylaw and shall not qualify herein as either an allowed use or a permitted use." I submit that there are similarities between landfill operations and commercial grinding and mulch-making.

Further the "Uses Allowed by Special Permit" states that "uses may be permitted only when the applicant *clearly establishes that such uses are not noisy, injurious, noxious, or offensive to the neighborhood*¹ and do not derogate from the purpose of this bylaw..." It is my assertion that this use at that site would violate the terms and spirit of the "Uses Allowed by Special Permit." Further, past good and responsible performance by the Applicant is not a guarantee of future stellar performance. Therefore, plans and mitigation are necessary.

While there may be additional impacts to the safety concerns, environment, wildlife and wetlands, my focus is on three (3) human aspects: Noise, Hours of Operation and Increased Heavy Traffic.

¹ ZONING BYLAWS TOWN OF PEMBROKE Revised through May 2016, page 19

² Emphasis added

**APPENDED MATERIAL: LETTER OF PAUL LOISELLE REGARDING SITE PLAN #SP3-17 AT 346
WASHINGTON STREET (PAGE 2 OF LETTER)**

1. NOISE.

I understand the Applicant deploys multiple pieces of heavy equipment including, but not limited to, an 85,000 #, 1,200 HP Caterpillar Diesel powered Peterson Pacific 5710D Horizontal Grinder³ in their operations. In a typical Site Plan Assessment, only those abutters within 300 feet of the sites' property lines are consulted. However, in this case, heavy duty commercial equipment in full-time use for grinding brush, hard and soft woods and the subsequent transfer or deliver of finished products will have a negative noise pollution effect on those well beyond the 300-foot delineation. Decibel levels are cumulative and will likely extend farther in all directions depending upon environmental conditions e.g., cloud cover, wind direction, season and precipitation.

For the benefit of the Planning Board and as a supplement to the impacts of noise and extended exposure to high decibel emitting equipment, please consider the following information derived from the Tahoe, California Regional Planning Agency, the World Health Organization, Penn State University and the Federal Highway Administration. Below is a summary of the relevant findings.

Noise Emitters – Tub and horizontal grinders, bulldozers, front end loaders, semis, triple axle dump trucks. Noise is cumulative. A medium sized tub grinder from Moorbark produces 66 db of noise at 300 feet; *WHO recommends general daytime noise levels of less than 55 dB to prevent significant community annoyance.* The decibel scale is logarithmic. Noise causes loss of community and is both a sign and a cause of aggression and violence. Add to 66 db, the noise of all the other machinery operating at the same time.

The World Health Organization has identified eight categories of adverse health effects of noise pollution on humans.⁴

- | | |
|---|-------------------------------|
| 1. Interference with Speech Communication | 5. Mental health effects |
| 2. Noise-Induced Hearing Impairment | 6. Effects on performance |
| 3. Sleep disturbance effects | 7. Annoyance responses |
| 4. Cardiovascular and psychophysiological effects | 8. Effects on social behavior |

TRPA Environmental Threshold Carrying Capacity Noise Standards	
Land Use	CNEL Noise Standard (dB(A))
High Density Residential	55
Low Density Residential	50
Hotel	60
Commercial	60
Industrial	65
Urban Outdoor Recreation	55
Rural Outdoor Recreation	50

Notes: [CNEL] Community Noise Equivalent Level; dB(A) = A-weighted decibels
[TRPA] Tahoe Regional Planning Agency
Source: Extracted from TRPA 2007: pp 9-3,4

³ As viewed on their website, 12/6/2017

⁴ Ref: Berglund B, Lindvall T. (eds.) Community Noise. Archives of the Center for Sensory Research. 1995;2:1-195.

**APPENDED MATERIAL: LETTER OF PAUL LOISELLE REGARDING SITE PLAN #SP3-17 AT 346
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**Penn State Extension of College of Agricultural Sciences:
*Noise Induced Hearing Loss in Agriculture***

Tractors, forage harvesters, silage blowers, chain saws, skid-steer loaders, grain dryers, squealing pigs and guns are some of the most typical sources of noise on the farm. Studies suggest that lengthy exposure to these high sound levels have resulted in noise induced hearing loss to farmers of all ages, including teenagers.”

OSHA Permissible Noise Exposure		Typical Equipment Noise Levels			
Duration per day (hours)	Sound Level dB(A)	Equipment Type	Noise Level (Lmax) 50 feet	Noise Level (Lmax) 100 feet	Noise Level (Lmax) 300 feet
8	90	Bulldozer ¹	85	79	70
6	92	Dump Truck ¹	84	78	69
4	95	Wood Chipper ²	81	75	66
3	97	Front End Loader ¹	80	74	65
2	100	<small>1 Noise levels are from Federal Highway Administration (FHWA) 2006 data 2 The reference sound level for Morbark 1100 Tub Grinder is provided by Oxygen Environmental Ltd., Article 12 Compliance Information, 22 Dec 2004</small>			
1 ½	102				
1	105				
½	110				
¼	115				

In light of the aforementioned that indicates *noise from bulldozers, dump trucks and wood chippers range from 85 dB(A) at 50 feet and 70 dB(A) at 300 feet and, not accounting for the cumulative effect of multiple pieces of equipment in use simultaneously*, what does Pembroke believe is an acceptable level of noise at and beyond the 300-foot range that ensures and “establishes that such uses are not noisy, injurious, noxious or offensive to the neighborhood?”

Does Pembroke have a comprehensive noise ordinance? Given that typical Low Density Residential areas typically tolerate 50 dB(A), how are levels of 70-85 dB(A) not going to degrade the quality of life for the applicant’s neighbors? If not, a noise ordinance must be promulgated and adopted prior to approval that would establish parameters to prevent excessive sound and vibration which could jeopardize the health and welfare or safety of its neighbors or degrade the quality of life. Further, the Planning Board should require that the Applicant engage a qualified, independent acoustical consultant to conduct dB(A) tests where similar operations presently occur to realistically ascertain the impact the applicants’ operations will have on noise and subsequently develop a mitigation plan.

2. HOURS OF OPERATION

The applicants’ hours of operation must include specific restrictions to preserve the peace and quiet of residents affected by the operations, including those beyond the 300-foot buffer. In addition, specific and strict restrictions must be placed on equipment idling time to reduce noise pollution and diesel particulate emissions. Hours of operation must be clear and accommodating of the residential neighbors by limiting weekend hours of operation as well as equipment use prior to or after agreed upon hours of operation. Maintaining specific and limited hours is imperative and must be uniformly enforced as there are several other mulching and grinding operations in the immediate area which compound the problem.⁵ Should the hours be made different from other similar business

⁵ Letourneau Tree and Landscape Supply, Pembroke Landscape Supplies

**APPENDED MATERIAL: LETTER OF PAUL LOISELLE REGARDING SITE PLAN #SP3-17 AT 346
WASHINGTON STREET (PAGE 4 OF LETTER)**

in town, a reasonable request would be expected from similar businesses for the same hours. This should not be permitted.

3. TRAFFIC

Inevitably, equipment will leave and enter the site earlier or later than the operating hours. Traffic patterns must be established and enforced that all Applicant vehicles equipped with backup warning alarms do not have to back up outside of the operating hours. An example is that all vehicles at the end of the day are parked such that it is not necessary for them to back up to move early in the morning or in the evening.

Will the applicant, in addition to mulching and grinding operations, have retail operations that will additionally attract Landscape Contractors and retail purchases i.e., homeowners?

What is the estimated traffic increase and proposed pattern, especially for turning southbound onto Route 53?

Is the pending Pleasant Street traffic signal installation compatible with this new, additional traffic?

Numbered roadways are intended to connect communities. Commercial traffic coming to or leaving from the applicants site must be limited to numbered roads (route 3, 14, 27, 53, 139 etc.) while traveling in Pembroke. The applicant's website and printed driving directions should specifically direct customers via numbered roads only. For those that rely on GPS, the applicant should include notice at their website that many roads in Pembroke are closed to commercial traffic and that they should stay on state, numbered roads. I do not believe that streets such as Spring, Water Street or Pleasant Streets were designed for sustained heavy truck traffic. Limiting the trucks to numbered roads will make residential streets safer for children.

Answers to these questions can be achieved by requiring the Applicant to engage a qualified, independent Traffic Consultant to perform a traffic analysis of the proposed use.

Anecdotally, I am aware that the applicant is a longstanding Pembroke business owner and has earned a fine business reputation. It is not my intention to harm the applicant or his business, on the contrary, I seek to maintain the high character and quality of life for myself and my fellow Pembroke residents by ensuring all has been done to respect the rights and privileges of those who call Pembroke home.

Respectfully Submitted,



Paul R. Loiselle
54 Fieldstone Drive
Pembroke MA 02359-2353
339 832 8255

cc:
Brian Wallace, President
The Meadows Condominium Association
24 Fieldstone Drive
Pembroke, MA 02359

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SOURCE MATERIAL

Town of Pembroke Zoning Map (REVISED OCTOBER 27, 2015)

https://www.pembroke-ma.gov/sites/pembrokema/files/uploads/zoning_map_10-27-15.pdf

Parcel potentially within Business B District

Zoning Bylaws (May 2016)

https://www.pembroke-ma.gov/sites/pembrokema/files/uploads/zoning_bylaws_final_edited_copy_-_may_2016_0.pdf

In Zoning Bylaws, See Page 19

SECTION IV USE AND DIMENSIONAL REGULATIONS

- | | |
|--|--|
| 1. Residence District A 12. | 6. Storage of Junk 25. |
| 2. Residential-Commercial District 15. | 7. Center Protection District 25. |
| 3. Business District A 18. | 8. Water Resource and Groundwater
Protection District 28. |
| 4. Business District B 19. | 9. Adult Use Overlay District 34. |
| 5. Industrial District A 21. | 10. Medical Marijuana Overlay District 36. |
| 5a. Industrial District B 23. | |
| In Zoning Laws, also see | |

SECTION VI ADMINISTRATION

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Planning Board Rules & Regulations Governing The Issuance of Site Plan Approvals

https://www.pembroke-ma.gov/sites/pembrokema/files/uploads/rules_and_regs-site_plan_201602022016_0001.pdf

Noise - Supplemental Information, Various Sources

<http://cc.howardcountymd.gov/LinkClick.aspx?fileticket=CouEppb46vQ%3D&portalid=0>