



PEMBROKE PLANNING BOARD MINUTES

MONDAY, MARCH 12, 2018

PRESENT: Rebecca Coletta (Board Chairman), Andrew Wandell (Board Vice-Chairman), Thomas Irving (Board Clerk), Paul Whitman (Board Member), Daniel Taylor (Board Member), Matthew Heins (Planning Board Assistant), Daniel Smith, David Norman, Bisher Hashem, Eoghan Kelley, Brian Murphy, Frederick Falcone, Jessica Falcone, and others.

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

VOTE ON DECISION, INCLUDING CONDITIONS, FOR PREVIOUSLY APPROVED SITE PLAN #SP3-17 AT 346 WASHINGTON STREET

Ms. Coletta explained that a slightly revised draft of the decision for Site Plan #SP3-17 at 346 Washington Street had been prepared, and she went over the changes made to it, involving noise levels, processing of wood waste, wood harvesting, the period of time for the cleanup, and the curb cut and entrance way.

Daniel Smith, the owner of Smith and Sons (the applicant and proposed occupant of the site), was present, and abutter David Norman was also present.

Mr. Heins noted some of the verbiage used in the conditions, relating to the hours of operation in particular. Mr. Whitman asked about the berm along one edge of the site, and Mr. Smith and the board members examined the drawings and clarified this.

The board members discussed the legal aspects of voting on and signing the decision, given that one board member who previously voted to grant site plan approval was not present.

Mr. Wandell made a motion to approve the Site Plan #SP3-17 at 346 Washington Street with the following conditions:

1. All work shall be done in conformance with the stamped plans entitled "Site Plan, 346 Washington Street, Assessors Lot E12-12, Pembroke, Massachusetts," by Grady Consulting, L.L.C., dated December 1, 2017, and revised December 6, 2017, January 3, 2018, January 17, 2018, and January 29, 2018, and accepted by the Planning Board on February 2, 2018, as well as the following additional conditions.
2. All signage must comply with all applicable provisions of the Town's bylaws and regulations.

3. All vegetation planted in accordance with this decision shall be reasonably watered and maintained until established. Should any vegetation die off, the petitioner shall plant replacements.
4. The developer shall provide for water as per the regulations of the Department of Public Works.
5. The hours of operation for the Applicant's business, and any other businesses operating at the site while this Site Plan Approval is in effect, shall extend no further than from 6:00 am to 8:00 pm on weekdays (excluding holidays), and from 7:30 am to 4:30 pm on Saturdays. The business shall be closed on Sundays and holidays, but pick-ups and deliveries may take place on those days between 7:30 am and 4:30 pm.
6. No wood grinding, wood chipping, mulching operations, or other forms of wood processing or wood waste processing, other than loam screening or mulch stacking, shall take place on the site, except as set forth in condition 7 below. Wood harvesting will be permitted in accordance with an approved forestry plan.
7. Wood chipping or wood grinding machinery may be used during the cleanup of the site prior to construction, for a period of time not exceeding eighteen months from the earlier of the Applicant's first purchase or possession of the site. Extensions may be granted at the Board's discretion for a period of time not to exceed six months. Such machinery shall only be used for items and debris existing on the site as of the date of this Site Plan Approval. Such machinery may only be operated from 7:00 am to 5:00 pm on weekdays (excluding holidays), and shall not be operated on weekends and holidays.
8. The site, the buildings, and the activities and operations taking place on the site shall comply with all applicable fire code requirements.
9. The operation of loam screeners, topsoil screeners, or comparable machines on the site shall be restricted to one loam screener. The operation of a loam screener may only take place on weekdays from 7:30 am to 4:30 pm, and it shall not operate on weekends, on holidays, on the day before a holiday, or on the day after a holiday.
10. The vehicles and equipment of the Applicant (and any other businesses operating at the site while this Site Plan Approval is in effect), when using a back-up alarm, shall be equipped with a "Smart White-Noise Back Up Alarm," and shall use this alarm rather than a normal back-up alarm at all times while on the site.
11. The vehicles and equipment of Smith and Sons (and any other businesses operating at the site while this Site Plan Approval is in effect) shall not use Pleasant Street as a route of movement to or from the site.
12. The Applicant shall make all reasonable efforts to use hydraulic tree shears, rather than chainsaws, when harvesting trees on the site.
13. Mulch piles at the site shall not exceed thirty (30) feet in height, sixty (60) feet in width, and two hundred (200) feet in length. Any mulch pile shall have a barrier wall at least four (4) feet high to define the pile's perimeter and prevent creeping. Any mulch pile will be located so as to allow access by firefighting apparatus on all four sides. A minimum of twenty (20) feet will be maintained between any mulch pile and any other yard equipment, vehicles or stock. Mulch piles will be monitored for temperature routinely.

14. Protection will be provided for any heat source items that are not buried or coated with material.
15. There shall be at various locations on the site Class A fire extinguishers in accordance with National Fire Protection Association (NFPA) 10. The number of extinguishers shall be determined by the Authority Having Jurisdiction (AHJ) on final inspection.
16. The water supply shall be provided in accordance with National Fire Protection Association (NFPA) 1 (uniform fire code).
17. The petitioner shall carry out soil testing, as specified by the Board's peer review engineer and at locations to be determined by the Board's peer review engineer, prior to cleanup of the site.
18. The petitioner shall apply for a curb cut permit, for the entrance on Washington Street, from the Massachusetts Department of Transportation, if required. Petitioner shall use reasonable efforts to minimize the amount of material dragged onto the public roadway from the site.
19. The petitioner shall submit an As-Built Plan with a written statement, approved by the Board, that all the conditions of this vote have been complied with before an occupancy permit may be issued. The As-Built Plan shall be submitted in both hard-copy and digital form. The digital version shall be in PDF format and submitted on a CD, flash drive, or some other media acceptable to the Board.
20. All site work must comply with existing regulatory town bylaws as to times work may commence and end, and to days of week when site work can be conducted.
21. All outstanding comments in the Merrill Engineers and Land Surveyors review letters of December 13, 2017, January 22, 2018, and February 5, 2018, shall be satisfactorily addressed.
22. With reference to the waivers requested on the cover page of the drawings entitled "Site Plan, 346 Washington Street, Assessors Lot E12-12, Pembroke, Massachusetts," by Grady Consulting, L.L.C., dated December 1, 2017, and revised December 6, 2017, January 3, 2018, January 17, 2018, and January 29, 2018, the Board grants the following waivers, as voted and approved by this Board:
 - a. Section 5.6.2: To eliminate the requirement of curbing at edges of all paved surfaces
 - b. Section 5.1.2: To eliminate the requirement of a 3 foot wide planted strip along the foundation
 - c. Section 5.1.5: To eliminate the requirement of parking space trees
 - d. Section 5.4: To eliminate the requirement of vertical granite curbs
 - e. Section 5.6.2: To eliminate the requirement that curbing be placed at the edges of all paved surfaces

If substantial use of the rights authorized by this Site Plan Approval are not exercised within two (2) years of the date on which a copy of this decision is filed with the Town Clerk, then this site plan approval shall expire.

Mr. Wandell added that this is dated March 12, 2018.

Mr. Taylor seconded the motion. Ms. Coletta asked for any comments, and there were none. Ms. Coletta, Mr. Taylor, Mr. Wandell and Mr. Irving voted in favor of the motion, Mr. Whitman abstained, and the motion passed.

Mr. Norman mentioned that Condition 7 made it seem as though multiple extensions could be granted, and the board discussed this briefly.

Mr. Wandell made a motion to amend Condition 7, striking the word “extensions” and replacing it with “an extension.”

Mr. Heins and the board talked about a few technical matters related to the decision, and also discussed when the fourth board member (Brian VanRiper) who originally voted to approve the site plan would come to sign the decision. The appropriate board members present at this time signed the decision (later in the meeting).

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board members and Mr. Heins discussed the issue of the sidewalk fund and the Equestrian Estates subdivision.

Mr. Wandell made a motion to accept the minutes of February 12, 2018, and Mr. Taylor seconded the motion. Mr. Wandell, Mr. Taylor, Mr. Irving and Mr. Whitman voted in favor, Ms. Coletta abstained, and the motion passed.

Mr. Whitman made a motion to accept the minutes of February 26, 2018, and Mr. Irving seconded the motion. Mr. Whitman, Mr. Irving, Ms. Coletta and Mr. Wandell voted in favor, Mr. Taylor abstained, and the motion passed.

Ms. Coletta noted that town hall would be closed the next day due to the anticipated blizzard. The board and Mr. Heins discussed his projected vacations in the spring and summer.

Mr. Wandell made a motion that the board allow Matthew Heins to attend the Massachusetts Association of Planning Directors conference in Quincy on May 24 and 25 as part of his duties as Planning Board Assistant. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board members discussed the upcoming election for the vacant Planning Board seat, and issues related to the board and its membership.

Regarding the proposed site plan for the Irving Oil gas station, the board discussed whether to have peer review done of the traffic study. Mr. Wandell made a motion that the board assign peer review for the traffic study done by Irving Oil, Mr. Whitman seconded the motion, and the board voted unanimously in favor.

The board members discussed issues relating to the Letourneau Tree and Landscape site plan.

The board members talked about the District Local Technical Assistance (DLTA) grant from Old Colony Planning Council, and the options for how this funding could be used. The possibility of updating the Master Plan was discussed.

Ms. Coletta noted that someone is applying for a use variance from the Zoning Board of Appeals for a site plan at 43 Mattakeesett Street for a boat storage facility, and the board conversed about this.

The board discussed the need for an alternate member for the Community Center Task Force. Mr. Taylor made a motion that the board request the Community Center Task Force accept Andrew

Wandell as the Planning Board's alternate delegate to the committee. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained that she will recuse herself from any future discussions about the Brisan Way Extension Subdivision, because one of her clients has decided to buy the existing house there.

The board talked about the visual screening planned for the Hobomock solar project, along Hobomock Street.

DISCUSSION ABOUT SIDEWALK FUND AND VARIOUS ACCOUNTS RELATING TO EQUESTRIAN ESTATES SUBDIVISION #0506

Bisher Hashem, the developer of Equestrian Estates subdivision #0506 and head of Stonebridge Homes, and Eoghan Kelley (employee at Stonebridge Homes), came before the board. The board and Mr. Hashem were trying to clarify whether the payment into the sidewalk fund was required for the project, and how to deal with the other accounts with funds relating to the project.

Mr. Hashem and the board discussed the situation. Several board members, Mr. Whitman and Ms. Coletta in particular, explained that when the waiver was granted, it was specified that a payment for the estimated construction amount of the unbuilt sidewalk would be required. This is stated in the subdivision rules & regulations.

Mr. Hashem and the board also talked about the remaining funds in the road bond account for Equestrian Estates, and when these can be released. The board agreed the funds can be returned upon receipt of the payment into the sidewalk fund.

Mr. Whitman made a motion that on receipt of a check for \$17,306.00 for the sidewalk reduction of Equestrian Estates plan #0506, the Planning Board agrees to release any funds remaining in the road bond account. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Hashem and the board discussed the mechanics of how the respective payments would be received and issued. Mr. Heins mentioned another account related to Equestrian Estates, containing about four thousand dollars, which should be returned to the developer.

Mr. Wandell made a motion that the additional four thousand dollars in the Equestrian Estates account be released, Mr. Irving seconded the motion, and the board voted unanimously in favor.

ENDORSEMENT OF FORM A FOR PROPERTY AT 15 CORPORATE PARK DRIVE

Brian Murphy presented a Form A (Approval Not Required Subdivision) for the property at 15 Corporate Park Drive. The purpose is to split a smaller lot off the large parcel, since the new, smaller lot will be the location of the anticipated Brigham & Women's medical building. The board discussed the Form A and was satisfied that it met the requirements.

Mr. Taylor made a motion that the board endorse the Form A for the property at 15 Corporate Park, and Mr. Wandell seconded the motion. Mr. Taylor, Mr. Wandell, Mr. Irving and Ms. Coletta voted in favor, Mr. Whitman abstained, and the motion passed.

Mr. Irving, the board's clerk, signed the drawings, thereby endorsing (i.e., approving) the Form A.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board talked about Wolves' Den Field House at 340 Oak Street, and when submission of a site plan application is expected.

DISCUSSION ABOUT POSSIBLE CONSTRUCTION OF FOUR-BAY GARAGE AT EXISTING CONTRACTOR'S OPERATIONS AT 546 SCHOOL STREET

While awaiting Frederick Falcone and Jessica Falcone, the board discussed the drawings of their site at 546 School Street, an existing roofing contractor's operation, where they propose to built a four-bay garage.

Mr. Falcone and Ms. Falcone came before the board to discuss this proposed project. Mr. Falcone showed where the four-bay garage would be located on the site. The board members explained that a variance would have to be granted by the Zoning Board of Appeals, because the project would constitute an expansion of an existing nonconforming use, before it could come before the Planning Board as a site plan application.

Mr. Falcone, Ms. Falcone and the board members talked about various aspects of the project, the obstacles it might face for site plan approval, and the site plan review process in general.

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

The next regular meeting of the Planning Board will be on Monday, March 19, 2018, at 7:00 pm.

Respectfully submitted,

Matthew Heins, Planning Board Assistant