

### PEMBROKE PLANNING BOARD MINUTES

MONDAY, APRIL 2, 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), Peter Palmieri (Engineer), David Vetelino, Paul Disch, William "Terry" McGovern (Engineer), William Morrisette, Michael Ricciardi, Steven Guard (Attorney), Michael Stracco, Anthony Giannetti, Cheryl Grey, Robert Grey, Kevin Badger, George Litchfield, Fran Jessop, Brett Sesnewicz, Jane Shinberger, Donna Kerr Nantais, Pauline Long, Mary McPherson, Kim Shea, John McKeown (Pembroke Housing Authority), Kevin Sealund, Matthew Dacey, Kevin Grady (Engineer), and others.

ABSENT: James Noone (Board Member) and Brian VanRiper (Board Member).

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

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

Ms. Coletta explained that the Office of the Planning Board had received documents for a lawsuit appealing the board's decision to grant site plan approval to Smith & Sons at 346 Washington Street, and also documents for a lawsuit appealing the board's decision to grant site plan approval to 290 Oak Street Realty Trust, Russell Field, Trustee, at 240 and 258 Oak Street. She noted that the town's attorneys will be handling both lawsuits, and that the attorneys of those who received site plan approval presumably will also play very active roles.

Mr. Whitman described some of the details of the case involving 240 and 258 Oak Street, and the grievances of the plaintiff. Ms. Coletta and Mr. Whitman discussed the process of how the lawsuits may unfold, and the board's possible involvement.

### DISCUSSION OF POSSIBLE EXPANSION OF PARKING AREAS AT 610 WASHINGTON STREET

David Vetelino, the owner of the property at 610 Washington Street, and Paul Disch, associated with Disch's Restaurant across the street from that site, came before the board. Mr. Vetelino explained that he wishes to expand the parking areas on the 610 Washington Street property, in order to provide expanded parking that Disch's Restaurant would use.

The board members, Mr. Vetelino and Mr. Disch discussed the history and characteristics of both locations, 610 Washington Street and Disch's Restaurant, and the dangers presented by traffic on Route 53 (Washington St.). Mr. Disch explained that he hopes to have valet parking, which would

utilize the parking areas of 610 Washington Street. The board talked about the details of how this would work.

At this time Mr. Wandell arrived (at about 7:25 pm). The board continued to discuss the proposed parking areas and the procedures of valet parking with Mr. Vetelino and Mr. Disch. The board members talked about whether a site plan application should be submitted. Mr. Palmieri noted that he believes the zoning bylaw states parking areas and access drives shall be paved, in which case a variance would be needed.

Ms. Coletta suggested that Mr. Vetelino discuss this further with Mr. Heins, the Planning Board Assistant, and make arrangements with him on how to proceed.

### PUBLIC HEARING FOR PROPOSED DEFINITIVE SUBDIVISION #1801 DOMINIC'S WAY

Ms. Coletta re-opened the public hearing for the proposed Definitive Subdivision #1801 entitled Dominic's Way, located at 56 Gorham Avenue, consisting of three single-family houses, and stated that the hearing was being continued from March 19, 2018.

Michael Ricciardi, who is associated with the property and/or the proposed subdivision, was present. Steven Guard, an attorney representing the applicant, was present.

Ms. Coletta noted that a letter regarding the project from a member of the public, and signed by many abutters, had been submitted to the Planning Board. The letter expresses various objections to the subdivision, which Ms. Coletta summarized. She also mentioned that an updated list of waivers being requested had been received from the applicant. Ms. Coletta explained that the Deputy Fire Chief had expressed his preference that the road in the subdivision be at least 21 feet wide, and that the island in the cul-de-sac be made smaller.

William "Terry" McGovern, an engineer for the project (working for the engineering firm Stenbeck and Taylor), described the changes made to the design of the subdivision, most of them made in response to Mr. Palmieri's review letter. In reply to questions from Ms. Coletta, he gave details about the stormwater retention basin, the site's topography, and why the basin is located where it is.

Ms. Coletta explained to the members of the public present how the subdivision review process works, and the board's role in it. She also clarified the difference between a variance and a waiver.

The Deputy Fire Chief's concerns with the cul-de-sac island, and the width of the road, were discussed.

William Morrisette, a member of the public who lives at 53 Gorham Avenue, stated his concerns about standing water, bogs and mosquitoes. Mr. Palmieri described how retention basins work. The conversation shifted to the proposed homeowner's association, and some members of the public expressed their doubts about whether retention basins would be maintained.

Brett Sesnewicz, a member of the public who lives at 59 Gorham Avenue, claimed that retention basins are rarely maintained. He displayed some photographs of standing water, basins and/or bogs in Pembroke. He expressed his concerns about safety on Gorham Avenue, and suggested the stormwater system be underground.

Mr. Whitman described some issues with retention basins. Mr. McGovern noted that one particular place of standing water is a vernal pool, and mentioned a retention basin in town that is well maintained. The board members talked about another site of standing water, at McKenzie Orchard, and how water flows into it. Mr. Whitman described the challenge of dealing with water. Mr. Palmieri explained that the basin meets the requirements, but perhaps it could be pushed further back from Gorham Ave.

Mr. Sesnewicz argued that an underground stormwater system would be better, and a discussion about this ensued. There was also a discussion about moving the retention basin farther back, or to another location. Mr. McGovern described the difficulties inherent in this. The board members asked if the road could be shifted.

A member of the public asked how much frontage is needed for a subdivision road to be built, and it was clarified that the figure is 130 feet. The board and Mr. McGovern discussed various permutations of where the road could be located. A member of the public asked about the frontage and adverse possession, as a portion of the property has long been used by a neighbor who doesn't own it. Ms. Coletta said that the courts would have to decide regarding adverse possession. Mr. McGovern described the frontage in detail.

George Litchfield, a member of the public who lives at 20 Gorham Avenue, talked about a previous case involving frontage, and Ms. Coletta and other board members clarified how the frontage requirements work. The board and some members of the public discussed frontage and the history of the town's zoning. Mr. Palmieri described some mathematical nuances of frontage. Jane Shinberger, a member of the public who lives at 48 Gorham Avenue, asked how large the new houses will be, and how the size of the septic systems will be computed. Mr. Whitman explained the Board of Health handles septic issues, and described how the houses must be located on their lots.

Mr. Sesnewicz suggested the retention basin be reconfigured to slope differently, and a conversation followed about the topography. Mr. Guard indicated that some adjustment to the basin could be made, but resisted putting the entire system underground. He described retention basins and the legal provisions for how they are maintained in subdivisions. Mr. Whitman suggested an adjustment to the design, and a discussion took place about the road and the basin.

Mr. McGovern described how the site plan layout could be adjusted, and Mr. Guard and some board members talked about this. Mr. Sesnewicz suggested more landscaping and a nicer appearance. Mr. Whitman explained why certain road standards are enforced for private ways.

Mr. Taylor made a motion that the letter from the residents of Gorham Ave., Fairview Ave. and Thrasher Ave. be included in the minutes. Mr. Whitman seconded the motion, and the board voted unanimously in favor. [A copy of the letter is provided as appended material at the end of these minutes.]

Mr. McGovern asked the board to look over the waivers being requested, and say whether they are likely to be acceptable. The board members decided that a road width of 21 feet was preferable, and so the road width requirement would not be waived.

A member of the public asked if the houses would be served by gas, and Mr. McGovern said yes. A discussion followed about the provision of gas for other houses nearby. The board members talked about the other waivers being requested, and concluded they did not have any problems with them.

The board, Mr. Heins, Mr. McGovern, Mr. Guard and some members of the public discussed when to continue the public hearing. Mr. Taylor made a motion to continue the public hearing to April 30, 2018, at 7:00 pm.

A member of the public asked about when the voting will happen. Ms. Shinberger asked if some type of renderings could be provided. Mr. Sesnewicz asked if the hearing could be continued to a date when he'll be able to come. Mr. Guard stated that April 23 would be a feasible date. Mr. Taylor rescinded his motion.

Mr. Wandell made a motion to continue the public hearing to April 23, 2018, at 8:00 pm, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

### DISCUSSION OF POSSIBILITY OF AFFORDABLE "40B" APARTMENTS IN PREVIOUSLY APPROVED MIXED-USED PROJECT AT 204 CENTER STREET

John McKeown, the manager of the Pembroke Housing Authority, and Kevin Sealund and Matthew Dacey, the developers and/or builders of the 204 Center Street mixed-use project, came before the board.

Mr. McKeown explained that he had approached Mr. Sealund and Mr. Dacey about the possibility of including rental apartment housing in the two anticipated new buildings of the 204 Center Street mixed-use project. He spoke about the need for more affordable housing, and more housing in general, in the region.

Mr. McKeown said all these apartments would qualify towards the town's inventory of "40b" affordable units, because they would be rental units. He emphasized the importance of providing more affordable housing units in the town. The board and Mr. McKeown discussed how 40b inventory is calculated. Mr. Whitman noted that the septic requirements for residential would be higher than for commercial, and Mr. Sealund agreed.

The legal aspects and history of the project, and the change made to the zoning bylaw eliminating mixed-use as an allowed land use, were discussed by the board and Mr. McKeown. Some board members said that changing the ratio of residential versus commercial space would require a further variance from the Zoning Board of Appeals (ZBA). There was a discussion about the legal and bureaucratic issues involved, and how the process would logically proceed. Mr. McKeown noted the additional idea that a self-storage facility might be placed on the first floors of the two new buildings.

Ms. Coletta said that creating more affordable housing could be advantageous to the town, and a conversation ensued about the merits of the idea. The board and Mr. McKeown discussed the need to go to the ZBA for a variance.

### **VOTE ON DECISION FOR PREVIOUSLY APPROVED SITE PLAN #SP4-17 AT 230 WATER STREET**

The board considered the draft of the decision, including the conditions, for Site Plan #SP4-17 at 230 Water Street, for which site plan approval was previously granted. The project proposes to construct

a 7,000-square-foot building for granite and kitchen fabrication, to use an existing building on the site for cabinet making, and to have outside storage on the site.

Michael Stracco and Anthony Giannetti, the developers of the project and owners of Rock Solid Tops (the proposed occupant of the project, and already operating on an adjacent parcel) were present, as was Steven Guard, an attorney representing them. William "Terry" McGovern, an engineer for the project (working for the engineering firm Stenbeck and Taylor), was also present.

A discussion took place about whether the Fire Department has any remaining problems with the design, and this was resolved.

Mr. Wandell made a motion that the board approve Site Plan #SP4-17, 230 Water Street. A brief discussion took place about the waivers listed. Mr. Wandell read aloud the conditions for Site Plan #SP4-17, 230 Water Street, Pembroke, MA, as follows:

Approval is subject to the following conditions:

- 1. All work shall be done in conformance with the stamped plans entitled "Site Plan Showing Proposed Building; 230 Water Street Parcel E15-12, Pembroke, MA. 02359," by Stenbeck & Taylor, Inc., dated November 27, 2017, revised January 31, 2018, revised February 9, 2018, and revised March 30, 2018, and accepted by the Planning Board on April 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 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 versions. The digital version shall be in PDF format and submitted on a CD, flash drive, or some other media acceptable to the Board.
- 6. 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.
- 7. All outstanding comments in the Merrill Engineers and Land Surveyors review letters of January 5, 2018, February 7, 2018, February 12, 2018, and April 2, 2018, shall be satisfactorily addressed.
- 8. With reference to the waivers requested on the cover page of the drawings entitled "Site Plan Showing Proposed Building; 230 Water Street Parcel E15-12, Pembroke, MA. 02359," by Stenbeck & Taylor, Inc., dated November 27, 2017, revised January 31, 2018, revised February 9, 2018, and revised March 30, 2018, the Board grants the following waivers, as voted and approved by this Board:
  - a. Section 4.7: Submittal of a Landscaping Plan prepared, stamped and signed by a registered landscape architect
  - b. Section 4.21: Submittal of a Photometric Plan showing locus and 50 feet beyond
  - c. Section 4.22: Submittal of a Traffic Impact Study prepared by a registered professional traffic engineer
  - d. Section 5.1: Submittal of a Landscape Plan by a registered landscape architect (landscape plan by Stenbeck & Taylor included)

- e. Section 5.2: Submittal of a Lighting Plan / Photometric Plan
- f. Section 5.3.2.5: Sideslopes of detention/retention basins shall be no steeper than 3:1, slopes of 2:1 requested, design depth 2-3 feet max
- g. Section 5.6.1: All access drives shall be paved, maneuvering area adjacent to building within setback to be compacted stone to reduce impervious area
- h. Section 5.6.2: Curbing No curbing, other than at the entrance radii, is proposed
- i. Section 6.7: Submittal of a Traffic Impact Statement prepared by a registered professional traffic engineer

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.

Dated: April 3, 2018

The motion being made, Mr. Irving seconded the motion. Mr. Wandell, Mr. Irving, Mr. Whitman and Ms. Coletta voted in favor, Mr. Taylor abstained, and the motion passed.

The board members present, with the exception of Mr. Taylor, signed the decision (including the proceedings and conditions) for the site plan approval.

### APPROVAL OF MINOR MODIFICATION TO SITE PLAN #SP1-17 AT 220 CENTER STREET

Kevin Grady (of Grady Consulting), the engineer for Site Plan #SP1-17, the mixed-use project at 220 Center Street currently under construction, came before the board. He explained that they wished to make a minor modification during construction to the design of the stormwater system of the project. Mr. Palmieri said the alteration is acceptable to him. Mr. Grady showed the board the relevant drawings of the change.

Mr. Wandell made a motion that the board accept this minor modification to the Site Plan at 220 Center Street, Mr. Irving seconded the motion, and the board voted unanimously in favor.

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

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

Mr. Taylor made a motion that the board accept the contract for traffic engineering peer review with Vanasse and Associates for the Irving Oil gas station project, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant

## APPENDED MATERIAL: LETTER FROM RESIDENTS OF GORHAM AVE., FAIRVIEW AVE. AND THRASHER AVE. REGARDING PROPOSED DOMINIC'S WAY SUBDIVISION #1801 (AT 56 GORHAM AVE.), RECEIVED 4/2/18 - PAGE 1 OF LETTER

3/29/2018

Dear Planning Board Members,

APR 0 2 2018
PLANNING BOARD

The residents of Gorham Ave, Fairview Ave and Thasher are concerned about the proposed drainage basin. The concerns are as follows.

#### Safety

In the drawings it shows the drainage pit all the way up to the road. (There are lots of Children, walkers and joggers in the area. Just like in all neighborhoods their are fast drivers. This pit is located right in the middle of two curves in the road. If The proposed pit is all the way to the road there will be no where for children and adults alike to safely get out of the road way as there are no sidewalks. What is going to happen when the pit is full of water and a car comes flying up the road? Do we go for a swim? The drainage of the pit and mosquitos are another big safety concern. They Engineer says that this pit should not hold water for more 72 hours. We all know within a couple of years this system won't work and will hold water for weeks at a time if not months because of a lack of maintenance. Unfortunately mosquito eggs hatch 24 to 48 hours after the have been laid. Thus putting all of us at risk for west nile. Lets face it. Engineering fails all the time and we don't want it to fail in our neighborhood. The proposed pit is literally only 60' from the foundation of 59 Gorham ave and 40' from the foundation of 66 Gorham.

There are also 2 water wells within 40' of the proposed drainage pit plan (potential water contamination) 59 Gorham would like their well to be the main water supply for their home. They want to make sure their supply is not tainted. A water test done 3/27/18 proves the water is potable. what happens if this changes? Who will be responsible?

### **Appearance**

In the proposed plan the drainage pit is all the way up to the road which would not allow this drainage pit to be camouflaged. Many of these pits throughout town are along main roads and look terrible. This drainage pit is right in the middle of a neighborhood and is enormous. In looking at the plans approximately 4- 66 gorham ave homes could fit inside this pit. It is half a football field in length and appears to be 50' wide.

The developer of the property said himself in the planning board meeting that he wants to impact the neighborhood as little as possible. As it stands the biggest patch of trees in the neighborhood will be completely clear cut in order to put in the road and pit. The clear cutting of the trees alone is a huge impact to the neighborhood not to mention the addition of a road and an unsightly drainage pit.

The developer has asked for a number of concessions including the elimination of 2 sets of sidewalks as well as the narrowing of the road from 24' to 18'. (The residents would like to see the road as narrow as possible) These two items total \$150,000 to \$200,000. Some of this money should be appropriated to making this pit as safe as possible and to camouflage this drainage pit. Some of this money should also appropriated to the future maintenance of the pit. Maybe some of the money can also be used to address the Mackenzie Orchard Rd. Swamp as well.

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Concerns The developer has asked to make the road a private way. This is very concerning.

Who is going to make sure that this pit is maintained now and in the future. If this pit is maintained anything like Mackenzie Orchard Rd. the local residents will be left with a mosquito pit as well as an eyesore. Mackenzie Orchard Rd. is an atrocity and makes the town look bad. Please put yourselves in the shoes of the residents. Would you want a swamp in your neighborhood?

#### Recommendations

Put it all underground to eliminate all of the issues and make you citizens happy as well as to keep our town looking good.

Move the pit to a place where it affects the new homes and not the neighborhood or make multiple pits so there doesn't need to be one enormous pit.

The residents of Gorham Ave would like to see the drainage pit pushed back away from the road as far as possible. This would allow for a safe egress from the road for children and adults. Also we would like the pit surrounded with evergreens such as arborvitaes or hemlocks. Evergreens keep their foliage year round. Maybe plant a few trees in front of the arborvitaes as well. A last suggestion would be to build a nice stone wall with the name of the road Dominics Way. Out of site out of mind. If the kids can't see it they probably won't play in it. There is no reason that this pit needs to function and look as bad as Mackenzie Orchard Rd.. which currently set up for a mosquito fest. A standard should be set as this will not be the last time a new neighborhood will be developed in Pembroke. We want our town to look nice. If the proper steps are taken to maintain and camouflage the pit it could have a more positive than negative impact on the roads residents.

We thank you for your consideration

Name	Signature	Address	Date
Brett Se	snevice PAD	59 Gorham Are	4/2/18
Kristin sen	me le A	By Crothan Ave.	4/2/18
RUTHE DR	13COL RUTE & Springer	6 4 Sorhamane.	4/2/18
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Panela Haix	Per agang	70 Gorham Ax Penbroke	3/31/18
Allison Marx	allianzmy	70 Gerhan Ave Pembroke	3/18
Andy Prancis	afi	69 arken he	3/31/18
Robert Francisco	& Robert Force	of 69 Gorhan	3/31/18
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Erin Lentu	y atte	73 60 ham	3/41/10
Willem R Ho	ue	74 GORHAM	3/3/18
Nathan B	atry 1	74 Garham	3/3/18
Kenn Soh	nson Im	11 79 Lochan A.	3/3/18
Maren Jol	moson Kallet	John 79 Gorham ave	
Rose Mones &	Cam Kelligue	Raus 82 Goran Ane	Pourbidle 3/31/1
alor Rov	no, Alentano	2 82 Gorhama	Je Pemproke 3/3
Kim Sheer	Kinhealy &	La GTAIRVIEW AUE	3/31/18
DAVE BURKULA	LOS Par	T 17 FAIRUIGN AUG	3/31/18
Mary McPherson	Mary Much	eson 17 Fairview Are	3/31/18
James Murph	ly I gas Mp	4 24 Thrusher St.	3/31/18
Kell Ac	evichoso	-22Fairviewst	3/31/18
Jane C	Gien	27 Fairvew	331/18
Janice Strott	es Jam Ster	> 34 Fairview	3/3/118
Lian Trant	Thun For	BY Fairview Ave	3/31/18
Dace & NAVEY	Total Cole	10 38 FAIRDIEW AVE	2-31-18
Nancy Potter		38 Fairview Ave	3-31-18
Chris Lath	rop 3	37 Fairnew Ave	3/31/18
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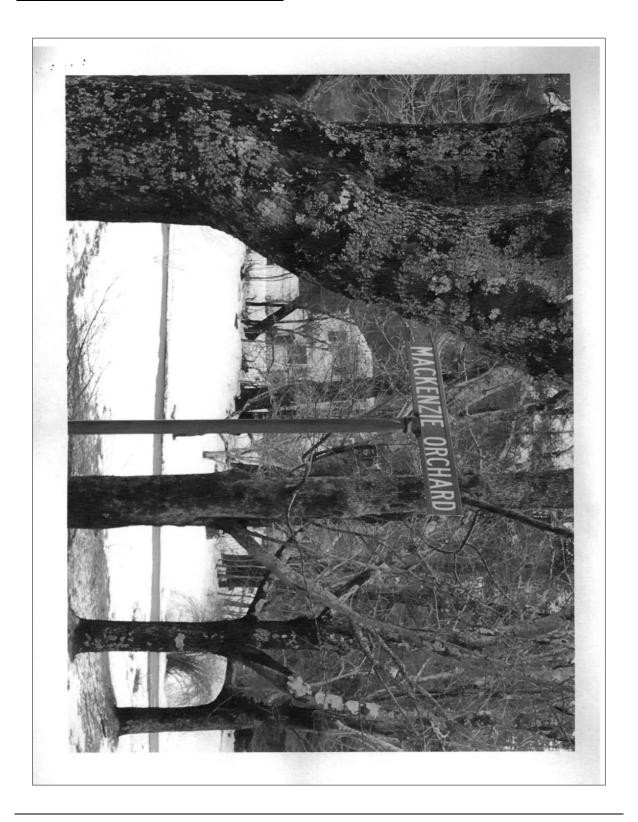
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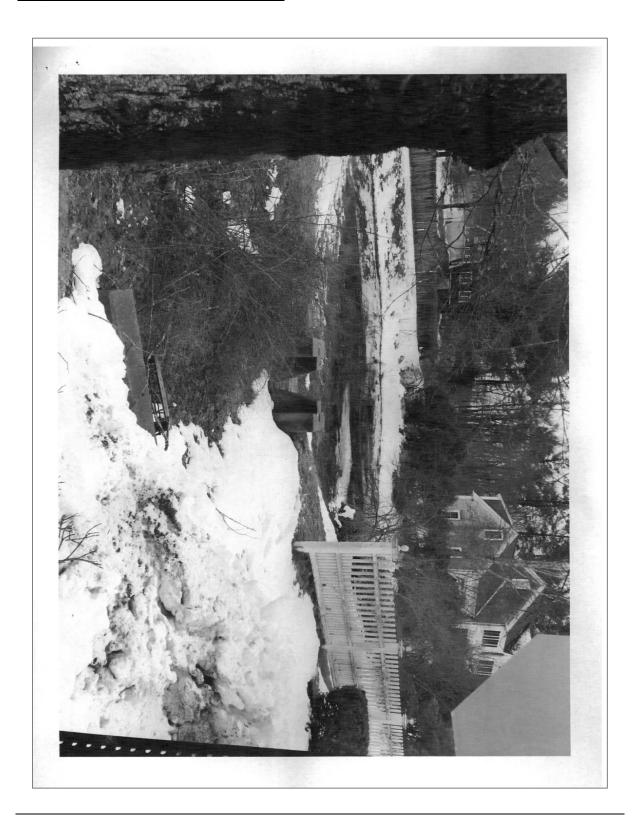
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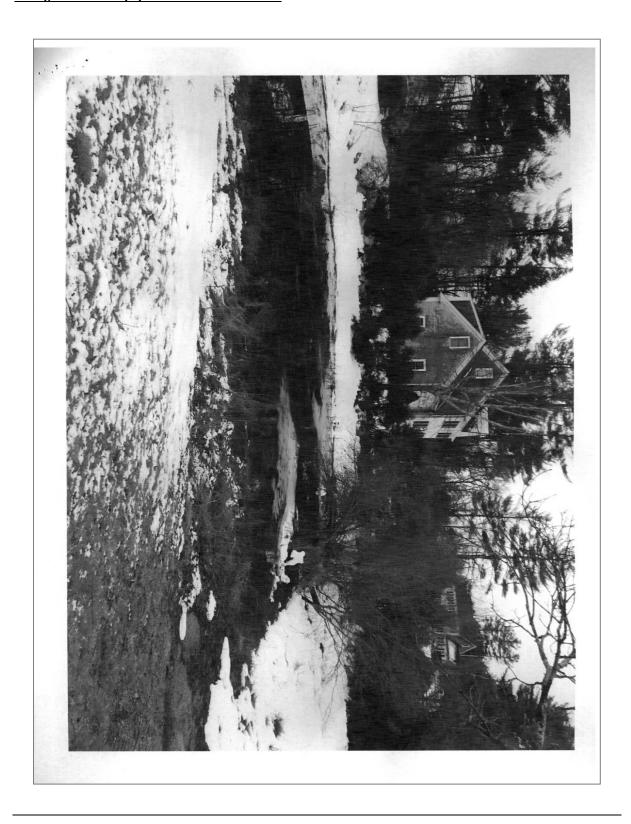
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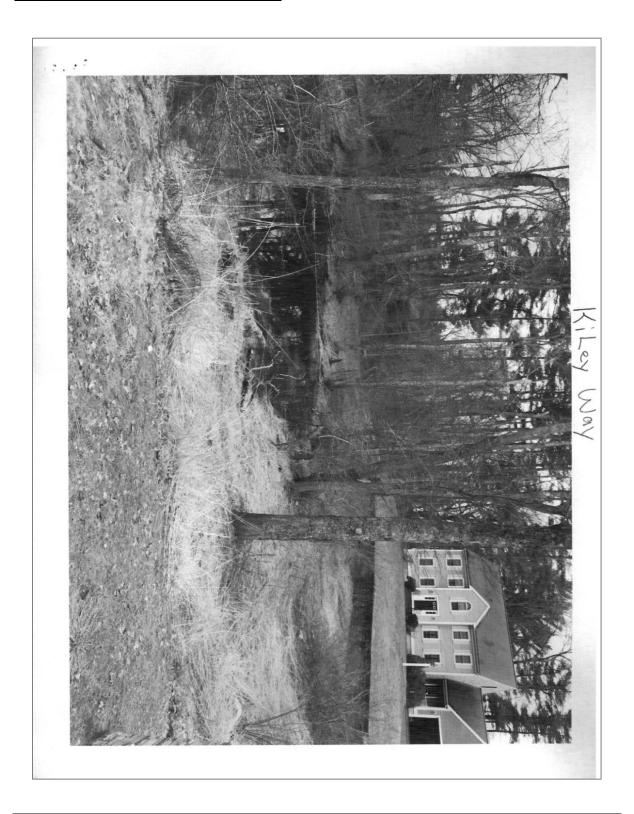
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