



PEMBROKE PLANNING BOARD MINUTES

MONDAY, MAY 14, 2018

BOARD MEMBERS PRESENT: Rebecca Coletta (Chairman), Andrew Wandell (Vice-Chairman), Thomas Irving (Clerk), Daniel Smith, Jr., and Daniel Taylor.

BOARD MEMBERS ABSENT: James Noone.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), John Poirier, Peter Palmieri, Tyler Nims, Steven Tomasi, William Murphy, Eoghan Kelley, Michael Tyler, Susan Tyler, William Keeler, Robert Gosselin, Richard "Rick" Grady, Timothy Corcoran, Scott Radwin, Brian Cushing, and others.

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

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP3-18 AT 340 OAK STREET (WOLVES DEN SPORTS COMPLEX)

Ms. Coletta opened the public hearing for Site Plan #SP3-18 at 340 Oak Street, proposing to construct new and expanded parking areas, and to make improvements to the stormwater drainage system, on the site of an existing indoor sports facility, the Wolves Den Sports Complex. The property is located in the Industrial A Zoning District and the Medical Marijuana Overlay District at 340 Oak Street, Pembroke, MA 02359, as shown on Assessors' Maps F15 Lot 47 and F14 Lot 36. A copy of the application is available in the Office of the Planning Board.

John Poirier, the manager of the Wolves Den Sports Complex at 340 Oak Street (and the applicant's representative for the project), and Peter Palmieri (of Merrill Engineers and Land Surveyors), the engineer for the project, were present. Tyler Nims (self-employed engineer), the board's peer review engineer for the project, was also present.

Mr. Palmieri summarized the project, which would replace the current parking with a larger, and fully paved, parking area, along with an improved stormwater system to better handle drainage. (The building itself will not be expanded or altered.) He explained that a new septic system is also part of the project, and the design of this has been approved by the Board of Health. He described the parking area and stormwater infrastructure in detail.

Mr. Palmieri also described the waivers (from the site plan rules and regulations) being requested, and discussed the review comments made by Mr. Nims.

Mr. Wandell and Mr. Palmieri discussed an email regarding the project sent by David Baker of RK Centers, which summarized RK Centers' concerns.

Mr. Palmieri talked about the provision of parking, and explained his calculations for the necessary number of parking spaces. The proposed design has 166 parking spaces, including 6 handicapped spaces.

Ms. Coletta and Mr. Palmieri discussed the current drainage problems of the site, relating both to the failed existing septic system and the runoff from the roof of the building.

Mr. Palmieri, Mr. Poirier and a few board members talked about how the proposed layout would handle traffic. Mr. Irving and Mr. Palmieri discussed the drainage system, and the topography of the site, in detail.

William Murphy, the owner of land adjacent to the site, expressed his concerns about whether the parking being provided in the proposed design would be sufficient. He recounted that in the past the overflow parking during tournaments (which only take place a few times per year) led to vehicles being parked in his tenants' parking lots on Corporate Park Drive. He suggested a few alterations to the design to create even more parking spaces. He also stated that there has been water runoff from the site onto his property.

Mr. Irving asked about parking issues, and a discussion followed. Mr. Poirier stated that since temporary additional parking was added to his site in 2017, there haven't been any problems.

Steven Tomasi, whose business is across the street, spoke. He suggested adding some additional parking on permeable paving on the site. He said that recently, since the temporary additional parking was added, there haven't been any problems with overflow parking on his property.

A conversation ensued about types of permeable paving, how they function, whether they would work well for this site, and if the zoning bylaw would allow them. Mr. Murphy and Mr. Palmieri talked about the details of the stormwater system.

Mr. Nims said he had concerns about whether one of the retention basins would be sufficient for extreme storm conditions, and Mr. Palmieri and Mr. Nims agreed to discuss this further.

Mr. Wandell made a motion to continue the public hearing for proposed Site Plan #SP3-18 at 340 Oak Street to June 4, 2018, at 7:30 pm, Mr. Irving seconded the motion, and the board voted unanimously in favor.

PUBLIC HEARING FOR PROPOSED DEFINITIVE SUBDIVISION #1802 LIBBY'S LANE AT 45 TAYLOR STREET

Ms. Coletta opened the public hearing for proposed Definitive Subdivision #1802, located at 45 Taylor Street, entitled Libby's Lane, to consist of five new single-family houses, one existing single-family house, and a new cul-de-sac road. The property is located in the Residential A Zoning District on Assessors' Map G10 Lot 1 (consisting of a portion of this lot). A copy of the application is available in the Office of the Planning Board.

Robert Gosselin, the developer of the project, and Richard “Rick” Grady (of Grady Consulting), the project engineer, came before the board. Mr. Palmieri, the board’s peer review engineer for the project, was also present. Mr. Grady summarized the basic facts about the subdivision, and described the design, grading and stormwater system in detail.

Mr. Grady noted that they are requesting a waiver of the sidewalk requirements, to allow them to only put a sidewalk on one side of the cul-de-sac road, and said they understand a payment into the sidewalk fund will be required in lieu of having sidewalks on both sides. He said he had reviewed the peer review letter from Mr. Palmieri, and did not anticipate any problems making its suggested changes.

Mr. Grady explained that the existing house is currently part of the subdivision but will be removed from it due to a Form A (A.N.R.) they plan to submit soon.

Michael Tyler, an abutter, asked about the purpose of the public hearing, and Ms. Coletta provided a detailed answer about the process and the Planning Board’s role. Mr. Tyler asked about the clearing of the land, and Mr. Grady explained that the entire property won’t be clear-cut, and the amount of clearing will vary from lot to lot. Mr. Gosselin added that he tries to preserve what trees he can keep. Mr. Tyler asked about the extent of the tree clearing that will take place, and a further conversation followed.

Mr. Tyler asked whether the board would approve the project at this time, and Ms. Coletta indicated that would probably not happen. She also discussed the role of the Conservation Commission.

Timothy Corcoran, an abutter, expressed his disappointment about how the land was clear-cut in the adjacent subdivision project (Bristol Estates) currently under construction. He also asked about whether water would drain onto Taylor Street, and Mr. Grady explained it would not. A further discussion ensued about drainage and stormwater.

Susan Tyler, an abutter, noted her concerns about the safety of Taylor Street, and in particular the freezing that happens on part of the roadway during the winter. She emphasized that adding more residences along Taylor Street will create further traffic and thus more hazards. A discussion followed about the problem of the street’s icy conditions and whether the developer has any obligation related to this.

Mr. Gosselin explained that the ice is not close to the proposed subdivision, but is further down Taylor Street. William Keeler, an abutter, stated that the water runs that far and turns into ice. Ms. Tyler asked if the money going into the sidewalk fund could be used to fix the problem, but the board members said this is unlikely. Further conversation took place about road conditions and sidewalk construction in Pembroke.

It was noted that Taylor Street is one of the town’s scenic ways, and so any changes to the trees or stone walls along the way require a special hearing before the Planning Board.

The repairs done to the catch basins recently were discussed, and discussion followed as to whether this will ameliorate the icing problem. A member of the public said it won’t solve the problem.

Mr. Wandell made a motion to continue the public hearing for proposed Definitive Subdivision #1802, located at 45 Taylor Street and entitled Libby's Lane, to June 4, 2018, at 8:15 pm, Mr. Irving seconded the motion, and the board voted unanimously in favor.

A discussion took place about the Form A (A.N.R.) the applicant intends to submit to the board soon.

DECISION WHETHER TO SIGN BUILDING PERMITS FOR TWO BUILDINGS OF SITE PLAN #SP2-17 AT 260-280 OAK STREET

William Murphy, the developer of Site Plan #SP2-17 at 260-280 Oak Street, came before the board to request that the board sign the building permits for the two buildings of the project.

Ms. Coletta noted that various landscaping improvements were also part of this site plan, as shown on the approved drawings, and a condition in the site plan approval decision specified they would be done. Mr. Murphy and the board engaged in a long debate about whether these landscaping improvements should be done, whether they would be carried out, and when they would be complete. Mr. Murphy complained that he felt the landscaping would be burdensome to do, and the board members emphasized that this landscaping is in fact part of the site plan approval.

The board members discussed whether to sign the building permits, and expressed divergent opinions. Further conversation followed about the project and whether the landscaping will ever be done, and Mr. Murphy made ambiguous statements in this regard.

Mr. Wandell made a motion that the clerk sign the building permits for previously approved Site Plan #SP2-17 at 260-280 Oak Street, and Mr. Irving seconded the motion. Mr. Wandell, Mr. Irving and Mr. Smith voted in favor, Mr. Taylor voted in opposition, and Ms. Coletta abstained. The three votes in favor being a majority of the board members present, and being in regard to the signing of building permits, the motion passed. Mr. Irving signed the two building permits.

Mr. Murphy explained that a great deal of fill must be removed from 15 Corporate Park Drive, as part of the Brigham & Women's project, and stated that he wished to move this material to the site of 260-280 Oak Street. A conversation followed about the details of the project and whether bringing in fill would comply with the approved site plan for 260-280 Oak Street. Mr. Irving stressed that this would not be in accord with the site plan for 260-280 Oak Street, and the board members said that it could be done as a revision to that site plan. Mr. Irving noted the risk that additional fill might cause water to drain off the site.

DECISION WHETHER TO SIGN BUILDING PERMIT FOR SINGLE-FAMILY HOUSE AT 3 EMILY LANE IN SUBDIVISION #0408 STONE MEADOW FARM

Brian Cushing, representing William Cushing, came before the board to request that the board sign the building permit for a single-family house at 3 Emily Lane in Subdivision #0408 entitled Stone Meadow Farm.

Mr. Heins gave a detailed explanation of the history of Subdivision #0408 Stone Meadow Farm, and the Form A (A.N.R.) that was done a few years ago. The board reviewed the detailed conditions that the Kingston Planning Board wrote on the Form A drawing. (The property overlaps into both Pembroke and Kingston.) These conditions require the house to be entirely in Pembroke, and the

board members examined the drawing to see if that would be possible given the required zoning setbacks.

Mr. Heins noted that it's unclear whether the lot under discussion was properly released from its covenant (given that the Form A changed the lot configuration), and also that the board previously expressed its desire for a further payment into the road bond account for the subdivision.

Additional discussion followed about the property in particular and the subdivision in general. The board talked about the history of the road bonds for the subdivision, and what the balance of the road bond account should be. The board also discussed whether all the lots of the subdivision had been released from their covenant. The minutes of the board meeting on December 2, 2015, were referred to. A detailed discussion took place about the role of Kingston and its relevance to this decision.

Mr. Taylor made a motion that the clerk sign the building permit for the proposed single-family house at 3 Emily Lane, Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. Irving signed the building permit.

Ms. Coletta cautioned Mr. Cushing that problems may arise if the house is not located entirely within Pembroke.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion to approve the minutes of April 13, 2018, and Mr. Irving seconded the motion. Mr. Taylor, Mr. Irving, Ms. Coletta and Mr. Wandell voted in favor, Mr. Smith abstained, and the motion passed.

Mr. Taylor made a motion to approve the minutes of April 23, 2018, and Mr. Irving seconded the motion. Mr. Taylor, Mr. Irving, Ms. Coletta and Mr. Wandell voted in favor, Mr. Smith abstained, and the motion passed.

Mr. Taylor made a motion to approve the minutes of April 30, 2018, and Mr. Irving seconded the motion. Mr. Taylor, Mr. Irving, Ms. Coletta and Mr. Wandell voted in favor, Mr. Smith abstained, and the motion passed.

Ms. Coletta noted that the executive session minutes for some of the recent board meetings can be approved during the board's next executive session.

Mr. Smith agreed that he would recuse himself from future board deliberations regarding Site Plan #SP3-17 at 346 Washington Street, given that he is the applicant (through Smith and Sons) for this project.

The board discussed the need for the reorganization of the board, and decided to put this on the agenda for the following week.

The board talked about putting screening along Hobomock Street for the recently built solar project, and how to proceed with this.

A discussion took place about the need to appoint an interim member to the board to fill the seat left vacant by Brian VanRiper's passing. The board and Mr. Heins talked about how this should be done.

The board and Mr. Heins discussed whether to have Mr. Palmieri review the submitted as-built drawing for Site Plan #SP2-15 at 223 Church Street (Shell gas station), and the board agreed that would not be necessary in this particular case. Mr. Wandell made a motion to return the balance of the engineering review account for the project, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

The board reviewed Mr. Palmieri's estimate for construction inspections for the recently approved Site Plan #SP2-18, the Brigham & Women's Medical Building at 15 Corporate Park Drive. The board agreed to request that the balance of the engineering review account be brought to \$6,000 by the applicant.

Ms. Coletta said that Mr. Heins had talked with Kevin Sealund about the debris at the site of 204 Center Street, and Mr. Sealund said it would be cleaned up soon.

Ms. Coletta asked if the board wanted to send a member to the Zoning Board of Appeals's hearing on the following Monday (May 21) for the appeal of the decision regarding Site Plan #SP3-17 at 346 Washington Street. She directed Mr. Smith not to participate in this discussion. The remaining board members agreed it was not advisable for a board member to attend the hearing.

Ms. Coletta explained that Brian Murphy was requesting a covenant release for the property at 15 Corporate Park Drive, since it is still part of the Corporate Park Extension subdivision and they have recently done a Form A (A.N.R.) for the property, on which the Brigham & Women's project will be built. This would be put on the agenda for May 21.

Ms. Coletta explained that on May 21 certain board members would need to be present to have the necessary quorum of members to vote on and sign the decision granting site plan approval for Site Plan #SP1-18, the Irving Oil Gas Station. Further discussion ensued about having a quorum to vote on other projects.

The future vacation schedule of Mr. Heins was discussed.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant