



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, JUNE 4, 2018**

**BOARD MEMBERS PRESENT:** Rebecca Coletta (Chairman), Thomas Irving (Clerk), Daniel Smith, Jr., Daniel Taylor, and James Noone.

**BOARD MEMBERS ABSENT:** Andrew Wandell (Vice-Chairman).

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Eoghan Kelley, Omar Chatila, Danielle Markol, Kenneth McCormick (Deputy Fire Chief), Robert DeMarzo, Mark Clayton, Tyler Nims, Peter Palmieri, John Poirier, Maureen Robinson, Richard "Rick" Grady, Scott Radwin, Susan Tyler, Michael Tyler, Robert Gosselin, and others.

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

### **COVENANT RELEASE OF MULTIPLE LOTS OF SUBDIVISION #1701 BRISTOL ESTATES**

Eoghan Kelley of Stonebridge Homes came before the board to request the board agree to the covenant release of four lots (lots 3, 5, 6A and 7) of subdivision #1701 Bristol Estates, currently under construction.

Mr. Kelley said that previously for subdivision projects the board has allowed the release of about half the lots before requiring the submittal of road bond funds.

Ms. Coletta asked Mr. Heins about the balance of the engineering review account for the project, and a discussion followed. Mr. Kelley agreed that a new payment would be made to bring the balance back up to \$4,000.

Mr. Taylor made a motion that the board sign covenant releases for lots 3, 5, 6A and 7 of subdivision #1701 Bristol Estates. Mr. Irving seconded the motion, and the board voted unanimously in favor.

The board members signed the covenant releases; there were two covenant release forms, one for lots 3 and 5 and one for lots 6A and 7. It was agreed that a board member would return later in the week to have the covenant releases notarized.

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

Ms. Coletta re-opened the public hearing (continued from March 19, 2018, April 2, 2018, and April 23, 2018) for the proposed Definitive Subdivision #1801 entitled Dominic's Way, located at 56 Gorham Avenue, consisting of three single-family houses.

Ms. Coletta explained that it was necessary for the public hearing to be immediately continued to a later date, with no testimony taken, because of the need to have a quorum of four board members

present at every hearing, and since one of those board members was absent. The board and Mr. Heins discussed possible future dates for the hearing.

Mr. Taylor made a motion to continue the public hearing for Definitive Subdivision #1801 entitled Dominic's Way to June 25, 2018, at 7:00 pm, Mr. Irving seconded the motion, and the board voted unanimously in favor.

#### **WITHDRAWAL OF PROPOSED SITE PLAN #SP3-17 AT 346 WASHINGTON STREET**

Regarding proposed Site Plan #SP3-17 at 346 Washington Street, a contested project which was recently remanded back to the board per a land court decision for a new site plan review process, Ms. Coletta explained that the Planning Board had received an emailed letter from the applicant's attorney requesting that the application be withdrawn without prejudice, since the applicant is no longer seeking to move forward with the project.

Ms. Coletta noted that board member Daniel Smith, Jr., would not participate in the vote on this request, since the applicant for the project is Smith and Sons, a company that Mr. Smith owns and runs.

Mr. Taylor made a motion that the board accept the withdrawal of the application for Site Plan #SP3-17 at 346 Washington Street without prejudice, and Mr. Noone seconded the motion. Ms. Coletta, Mr. Noone, Mr. Irving, and Mr. Taylor voted in favor, Mr. Smith abstained, and the motion passed.

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

Mr. Irving made a motion to approve the minutes of May 14, 2018, Mr. Smith seconded the motion, and the board voted unanimously in favor.

Mr. Irving made a motion to approve the minutes of May 21, 2018, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

The board discussed Mr. Heins's upcoming vacation during June 11 to 15.

Ms. Coletta explained that the final, approved version of the drawings for Site Plan #SP2-18 Brigham and Women's Medical Building had been received, and needed to be signed by the appropriate board members.

Ms. Coletta noted the board had received new documents relating to the pending legal actions involving Site Plan #SP5-17 at 240 and 258 Oak Street.

Ms. Coletta explained that two people, Arthur Rubin and Paul Whitman, had expressed interest in being appointed to the vacant seat on the Planning Board as an interim member. The board agreed to interview both candidates, and to make a decision about whom to recommend for appointment to the vacant seat, during the June 25, 2018, board meeting.

Mr. Heins explained that the building permit (routing slip) for recently approved Site Plan #SP2-18 Brigham and Women's Medical Building was awaiting the board's signature. A discussion took place about putting some type of notification on agendas that building permits could be signed.

Mr. Taylor made a motion that the board's clerk sign the building permit for Site Plan #SP2-18 Brigham and Women's Medical Building, Mr. Smith seconded the motion, and the board voted unanimously in favor. Mr. Irving signed the building permit (routing slip).

Ms. Coletta noted that an estimate of \$5,550 for the construction inspections for Site Plan #SP1-18 Irving Oil Gas Station had been received. The board and Mr. Heins discussed this, and also noted the additional required payment of \$2,000 for traffic monitoring peer review. Mr. Taylor made a motion to request that the applicant bring the engineering review account balance to \$7,500, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta stated that Peter Palmieri will do a simple plan for vegetated screening along Hobomock Street, to provide visual screening of the recently constructed Hobomock solar project, which can be used to solicit bids for the work.

Ms. Coletta and Mr. Heins discussed the as-built drawings for the Shell gas station at 223 Church Street, and Mr. Heins explained that the voucher was ready to be signed for return of the engineering review funds.

Ms. Coletta explained that a request had been received from James Wheeler for return of the remaining balance of the road bonds, an amount of about \$800, for the Crescent Hill Farm (Seltsam Way) subdivision. The board discussed the project and confirmed its previous decision to release the funds. Mr. Taylor made a motion to return the balance of the road bonds for Subdivision #1009 Crescent Hill Farm to the applicant, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained that a building permit for a single-family lot in Subdivision #1603 Brisan Way Extension needed the board's signature. She stated that in order to avoid the appearance of any impropriety she would not vote on this matter, because, even though she had not received any money from the developer of this subdivision, she sold a property that is impacted by the subdivision.

Mr. Taylor made a motion that the board's clerk sign the building permit for the single-family lot in Subdivision #1603 Brisan Way Extension, and Mr. Smith seconded the motion. Mr. Taylor, Mr. Smith, Mr. Irving and Mr. Noone voted in favor, Ms. Coletta abstained, and the motion passed. Mr. Irving signed the building permit (routing slip).

#### **DISCUSSION ABOUT WHETHER AUTO REPAIR IS AN ALLOWED USE IN THE CENTER PROTECTION ZONING DISTRICT**

Mr. Heins explained that a member of the public was asking for clarification as to whether a new auto repair facility would be an allowed use in the Center Protection Zoning District, though the zoning bylaw clearly states that auto repair is not an allowed use in this zone. The board members agreed that auto repair is not an allowed use in the zone, and that a use variance from the Zoning Board of Appeals would be necessary for it.

#### **DISCUSSION ABOUT FORM A (APPROVAL NOT REQUIRED SUBDIVISION) FOR PROPERTY AT 45 TAYLOR STREET**

The board and Mr. Heins discussed the Form A (Approval Not Required Subdivision) for the property at 45 Taylor Street that was recently submitted, which would remove this parcel from the Libby's Lane subdivision proposed at that site.

This segued into a conversation about Form A's and subdivisions in general, and the complications that can arise when a subdivision is adjusted by a Form A.

## **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Three board members (Ms. Coletta, Mr. Irving and Mr. Taylor) signed the final, approved drawings for Site Plan #SP2-18 Brigham and Women's Medical Building, with Mr. Wandell to sign at a later date.

Mr. Heins and the board discussed the advisability of raising the required initial deposits for the engineering review accounts when subdivision or site plan applications are submitted. Mr. Palmieri also contributed to the conversation. A consensus emerged that the subdivision deposit could be raised slightly to be comparable to other towns.

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

Ms. Coletta re-opened the public hearing (continued from May 14, 2018) for Site Plan #SP3-18 at 340 Oak Street, to construct new parking areas and make improvements to the stormwater drainage system at the Wolves Den Sports Complex, an existing indoor sports facility.

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 and the board's peer review engineer for the project, was also present.

Mr. Palmieri explained that he wished to have clarification from the board as to whether his current design for the site plan provides a sufficient number of parking spaces. The design as currently proposed contains 166 parking spaces, and he described the ways it could be changed to create more spaces, which generally would require major and potentially expensive revisions to the plan.

The board, Mr. Palmieri and Mr. Poirier had an extensive discussion about parking and the site. Kenneth McCormick, the Deputy Fire Chief, described his concerns relating to fire safety. Mr. Palmieri noted that the new septic system will be installed simultaneously with the site plan work.

Ms. Coletta mentioned that the temporary permission for the expanded parking area on the site would expire June 8th. A further discussion about parking took place.

Mr. Nims described some of his remaining concerns about the design, which were mainly engineering-related and technical in nature, and Mr. Palmieri responded briefly. The board, Mr. Palmieri and Mr. Poirier conversed again about the parking spaces, and the board members generally expressed a willingness to accept the proposed quantity of 166 spaces.

Mr. Palmieri and the board discussed the waivers being requested. The board members were generally open to a waiver of the landscape architect requirement. Regarding the traffic study requirement, the board members were also inclined to grant a waiver, but discussed the possibility of doing traffic monitoring or a traffic study at a later point in time, if traffic worsens significantly. The option of including a condition (in the decision granting site plan approval) to this effect was considered.

Mr. Palmieri noted that a waiver is also being requested for the requirement of vertical concrete curbing, since they are seeking to use bituminous concrete curbs ("Cape Cod berms") instead, which are less expensive. A detailed discussion followed about drainage, runoff and curbing. The board identified a few areas of the site plan where vertical concrete curbing would be preferable, and

agreed that bituminous concrete curbs would generally be acceptable elsewhere. As for the requirement for a development impact statement, the board members agreed this could be waived.

Mr. Poirier explained that he no longer needed the expanded parking area, and so the temporary permission to use this area was unnecessary. The board agreed not to vote on whether to extend this permission, thus allowing it to expire on June 8th.

Mr. Taylor made a motion to continue the public hearing for Site Plan #SP3-18 at 340 Oak Street to June 25, 2018, at 7:45 pm, Mr. Irving seconded the motion, and the board voted unanimously in favor.

A brief discussion took place about various issues in the zoning bylaws.

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

Ms. Coletta re-opened the public hearing (continued from May 14, 2018) 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.

Robert Gosselin, the developer of the project, and Richard "Rick" Grady (of Grady Consulting), the project engineer, were present, as was Mr. Palmieri, the board's peer review engineer for the project. Mr. Grady summarized the changes made to the plan since the previous hearing, which were generally minor and mostly in response to Mr. Palmieri's first review letter. Ms. Coletta asked Mr. Grady to clarify the calculations for total suspended solids removal, which he did.

Michael Tyler, an abutter, asked about the existing water runoff onto Taylor Street, which is especially problematic during freezing conditions. Susan Tyler, another abutter, also emphasized the problem. A conversation followed, and the board members noted that road conditions are not within their jurisdiction, and also generally do not fall under the developer's responsibility.

Ms. Tyler mentioned that increased development along the street creates greater traffic risks, especially given the icy conditions. Mr. Smith described the problems of Taylor Street as to freezing and its general condition. The board talked about which department in town government is best suited, or most likely, to take action to improve the street.

Scott Radwin, another abutter, asked about the soil quality and percolation tests, and Mr. Grady indicated these aren't an issue. He added that the runoff is being directed away from Taylor Street. Ms. Coletta explained that the applicant will need to satisfy the Board of Health requirements. In response to another question from Mr. Radwin, Mr. Grady described the design's drainage in greater detail. Ms. Coletta also discussed stormwater drainage, and explained that the subdivision road will be designed to the high standards for a public way.

Mr. Gosselin described how he intends to proceed with the development and construction process, and said that he doesn't plan to clear-cut the entire site but will preserve some of the trees and other vegetation. Mr. McCormick and Mr. Grady discussed some details of the design relating to fire safety.

Mr. Heins asked about how to deal with Taylor Street's status as a scenic road, and also whether the parcel which will be taken out of the property through a Form A (Approval Not Required Subdivision) should not be shown as part of the subdivision in the drawings. The board members were not concerned with the issue of the Form A parcel being shown on the drawings.

Regarding the scenic road question, Mr. Grady said the project won't impact any trees in the right of way but would involve removing part of an old stone wall. A lengthy discussion followed about scenic roads, the legal requirements that relate to them, which roadways in Pembroke possess the status of being scenic roads, and how the issue has been handled in the past. Ms. Coletta said that if the board grants approval of the project, the conditions of approval for the subdivision could specify that any applicable scenic road requirements must be met.

Mr. Gosselin said that the existing stone wall on the property is in a deteriorated state, and he hasn't decided yet what to do with the stones. A general discussion took place about how Taylor Street and Pembroke in general are transitioning from a rural to suburban setting. It was clarified that no variances are being sought for the project, since the lots are conforming in every way. Mr. Radwin and Mr. Gosselin talked about what would be done with the stones from the existing stone wall.

Mr. Taylor made a motion that the board approve the proposed Definitive Subdivision #1802, located at 45 Taylor Street and entitled Libby's Lane, to consist of five new single-family houses and a new cul-de-sac road, with conditions to be written at the next board meeting on June 25, 2018. (He noted that the existing single-family house is no longer part of the subdivision, since the Form A will pull it out.) Mr. Irving seconded the motion. Mr. Taylor, Mr. Irving, Ms. Coletta and Mr. Smith voted in favor, Mr. Noone abstained, and the motion passed. (Mr. Noone abstained because he did not attend the first public hearing for the project.)

Mr. Taylor made a motion that the board close the public hearing for the proposed Definitive Subdivision #1802, located at 45 Taylor Street and entitled Libby's Lane, Mr. Irving seconded the motion, and the board voted unanimously in favor.

**DISCUSSION ABOUT AND ENDORSEMENT OF FORM A (APPROVAL NOT REQUIRED SUBDIVISION) FOR PROPERTY AT 45 TAYLOR STREET**

Ms. Coletta said the board would now consider the Form A (Approval Not Required Subdivision) for the property at 45 Taylor Street, submitted by the same applicant as the Libby's Lane subdivision, which essentially splits the existing house from the proposed new subdivision. Ms. Coletta explained the procedures relating to Approval Not Required subdivisions.

Mr. Smith made a motion that the board's clerk sign the Form A (Approval Not Required Subdivision) for the property located at 45 Taylor Street as delineated on the plan of land created by Grady Consulting, dated May 21, 2018, for K&G Development Corporation, entitled "45 Taylor Street, Lot 2A." Mr. Taylor seconded the motion, and the board voted unanimously in favor. The board's clerk Mr. Irving signed the Form A drawing.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant