



PEMBROKE PLANNING BOARD MINUTES

MONDAY, JUNE 25, 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), Tyler Nims, Peter Palmieri, John Poirier, Scott Radwin, Susan Tyler, Michael Tyler, Robert Gosselin, Matthew Dacey, Arthur Rubin, John Scholl, Michael Riccardi, William "Terry" McGovern, John Driscoll, Brett Sesnewicz, Jane Shinberger, Ruth Driscoll, and others.

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

DISCUSSION ABOUT CURRENT STATUS AND FUTURE USE OF PROPERTY AT 204 CENTER STREET

Matthew Dacey, one of the developers and/or owners of the property at 204 Center Street, came before the board to discuss the project's current status and future possibilities. He explained that they are considering applying for a variance from the Zoning Board of Appeals (ZBA) to put housing units on the second floors of the proposed buildings in the previously approved site plan.

The board asked Mr. Dacey about when the front portion of the site, which currently has a poor and unfinished appearance following the cutting of the trees, will be improved. He said there is no specific timeline, and the board members expressed strong concern about this situation. Several board members noted that it was previously assumed that construction would begin soon when permission was granted to complete the site plan in late 2017.

Board member Daniel Smith, Jr., arrived at this time.

The board and Mr. Dacey discussed the legal and bureaucratic aspects of getting a variance on a site plan that has already been approved, and whether this is allowable at all. The higher load that a residential use puts on the septic system was discussed.

Ms. Coletta emphasized that the current condition of the site is a problem, and some other board members expressed the same concern. The board and Mr. Dacey talked about the previous history of the project. It was noted that the zoning bylaws no longer allow mixed-use in the Center Protection District. Ms. Coletta mentioned that the ZBA can give a variance on a use restriction. It was clarified that the Planning Board is the special permit granting authority in the Center Protection District. The legal and bureaucratic complications of the situation were discussed.

The board stressed that the site's present condition needs to be improved, and Mr. Dacey said this will be done, and seemed to indicate it will be cleaned up in the next 30 to 45 days.

DISCUSSION ABOUT VISUAL SCREENING FOR SITE PLAN #SP7-16 HOBOMOCK SOLAR PROJECT

The board discussed possible visual screening options along Hobomock Street, to screen the recently constructed Site Plan #SP7-16 Hobomock Solar Project.

Mr. Irving mentioned that the existing stockade fence is being rebuilt and has a good appearance, but it was noted that beyond the limit of the fence there are some gaps in the vegetation along the road. The board talked about whether it would be preferable to build an additional stockade fence, or to plant vegetation.

The board agreed to have a site walk of the area on Sunday, July 8, 2018, at 11:00 am.

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, April 23, 2018, and June 4, 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 the public hearing on June 4, 2018, was immediately continued with no substantive discussion due to quorum issues.)

Michael Riccardi, the developer, and William "Terry" McGovern, the project engineer, were present. Peter Palmieri, the board's peer review engineer for the project, was also present. Mr. McGovern went over the adjustments that were made to the design since the last public hearing, based on feedback from the board and members of the public. He described the test pits done recently at the site, and the technical aspects of drainage.

Mr. McGovern presented two possible design options. One option ("concept plan 2," also referred to as "1A") would capture and treat runoff from the cul-de-sac in the traffic island, allowing the detention basin near the front of the site to be made smaller. The other option ("concept plan 1") would bring all the runoff to the detention basin near the front of the site. In each option the road is moved slightly and its profile is tweaked.

Mr. McGovern answered a few questions from the board members about the designs, relating to drainage in particular. Ms. Coletta said that "concept plan 2" was more responsive to the abutters' concerns about the size of the detention basin at the front of the site.

Brett Sesnewicz, an abutter, recommended that more of the trees be cut down, because with some trees taken away then the others will be more vulnerable to high winds. The board, Mr. McGovern and Mr. Sesnewicz discussed this issue at length.

Jane Shinberger, an abutter, asked if the original driveway could be used for the cul-de-sac, and the board members and Mr. McGovern explained why this wasn't possible. In reply to Mr. Wandell, Mr. McGovern said that handling runoff in a traffic island has worked well in the past.

Mr. Taylor made a motion that the board approve Definitive Subdivision #1801 entitled Dominic's Way, located at 56 Gorham Avenue, consisting of three single-family homes, subject to engineering review of "concept plan 2," and subject to conditions to be voted upon at a later meeting. Mr.

Wandell seconded the motion. Mr. Taylor, Mr. Wandell, Ms. Coletta and Mr. Irving voted in favor, Mr. Smith abstained, and the motion passed.

Mr. Wandell made a motion to close the public hearing for Definitive Subdivision #1801 Dominic's Way, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained to the members of the public that the board will go over the final conditions of approval at a future board meeting. A conversation took place about the timeline of the remaining engineering work and peer review.

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, and June 4, 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 described the final version of the drawings for the project, which were adjusted to reflect the previous feedback and comments of the board members and Mr. Nims.

A conversation took place about the preexisting earthen berm or dike on the property, about which Mr. Nims was concerned. The board members, Mr. Nims and Mr. Palmieri talked in detail about whether this would be sufficient to handle the extent of the runoff in a 100-year storm, and what would be necessary to improve it. Given the width of the berm, the board felt it was satisfactory.

Mr. Taylor made a motion that the board grant a 30-day extension for Site Plan #SP3-18 at 340 Oak Street, the Wolves Den Sports Complex, to August 7, 2018, at the request of the applicant. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Taylor made a motion that the board approve Site Plan #SP3-18 at 340 Oak Street, the Wolves Den Sports Complex, with conditions to be determined at a later date. Mr. Irving seconded the motion. Mr. Taylor, Mr. Smith, Ms. Coletta and Mr. Irving voted in favor, Mr. Wandell abstained, and the motion passed.

Mr. Taylor made a motion to close the public hearing for Site Plan #SP3-18 at 340 Oak Street, Mr. Irving seconded the motion, and the board voted unanimously in favor.

INTERVIEW OF JOHN SCHOLL, CANDIDATE FOR APPOINTMENT TO VACANT SEAT ON THE PLANNING BOARD

The board conducted an interview of John Scholl, one of the two candidates for appointment to the vacant seat on the Planning Board.

Mr. Scholl said that he and his wife enjoy living in Pembroke, and described his background and experience in the insurance industry. He said that he is free on Monday nights when the board meets. He explained that he has read some of the minutes of recent Planning Board meetings, and thought about the role of the board.

The board members described the work and obligations of the board. Mr. Scholl noted that his experience in reviewing employment contracts could be relevant to interpreting zoning bylaws.

INTERVIEW OF ARTHUR RUBIN, CANDIDATE FOR APPOINTMENT TO VACANT SEAT ON THE PLANNING BOARD

The board conducted an interview of Arthur Rubin, one of the two candidates for appointment to the vacant seat on the Planning Board.

Mr. Rubin explained that his recent experience as an abutter to a proposed project in town had stimulated his interest in the board's role and how it functions. He said that his background is as a paralegal to a law firm, working primarily in bankruptcy, and that he also previously worked in the business of nightclubs. He explained that since he is retired, he would have the time to fulfill the obligations of being on the board.

The board and Mr. Rubin discussed the Planning Board and how it works, and talked about some of the challenges it often faces.

DECISION ON WHOM TO RECOMMEND FOR APPOINTMENT TO VACANT BOARD SEAT

The board members discussed the procedure for how an appointment to a vacant board seat is handled, and whether it's done by a joint vote of the Planning Board and Board of Selectmen or a vote of the Board of Selectmen based on the Planning Board's recommendation.

The board talked extensively about the qualifications and abilities of both candidates, and considered how they would perform as Planning Board members.

Mr. Taylor made a motion that the board appoint John Scholl to the Planning Board, and recommend him to the Board of Selectmen for its vote. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

VOTE ON FINAL CONDITIONS OF APPROVAL FOR SUBDIVISION #1802 LIBBY'S LANE, AND DISCUSSION OF SCENIC ROAD ISSUES

Ms. Coletta stated that the board would consider and vote on the final conditions of approval for proposed Definitive Subdivision #1802 Libby's Lane, which had been previously approved. Robert Gosselin, the developer of the project, was present.

Ms. Coletta explained that town counsel had advised that it will be necessary for the board to hold a separate scenic road public hearing for the project, since Taylor Street is a designated scenic road. She also mentioned that a scenic road public hearing will need to be done for Bristol Estates, a subdivision on Taylor Street approved several months ago and currently under construction. A discussion followed about scenic roads, public shade trees, and the legal requirements pertaining to them. It was agreed that both public hearings would be held on July 30, if possible.

The board and Mr. Heins talked about the draft of the final conditions of approval, and went over some of the conditions. A conversation also took place about whether a lot previously removed from the subdivision layout through a Form A (Approval Not Required Subdivision) was being shown incorrectly as part of the subdivision on the final engineering drawings.

Mr. Taylor made a motion that the board approve the waiver requested by the applicant from the requirement that sidewalks be on both sides of the street, and allow a sidewalk on one side of the

street only, and that the amount of the cost of construction of the unbuilt sidewalk shall be estimated by Merrill Engineers and Land Surveyors, and the developer shall pay a sum equal to this cost, and this payment must be received by the Planning Board prior to the release of any lots. Mr. Smith seconded the motion. Ms. Coletta, Mr. Irving, Mr. Smith and Mr. Taylor voted in favor, Mr. Wandell abstained, and the motion passed.

Mr. Taylor made a motion that the board accept the final conditions of approval for Subdivision Plan #1802 entitled Libby's Lane, dated March 28, 2018, revised June 1, 2018, and revised June 14, 2018, as printed in the draft before the board. Mr. Irving seconded the motion. Ms. Coletta, Mr. Irving, Mr. Smith and Mr. Taylor voted in favor, Mr. Wandell abstained, and the motion passed.

It was agreed that the relevant board members would sign the final conditions of approval, and the final engineering drawings, over the following days.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Irving made a motion to approve the minutes of June 4, 2018, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

Ms. Coletta mentioned that the payroll authorization form for Mr. Heins's pay increase for fiscal year 2019 needed to be signed, and the board members agreed she could sign it as chairman of the board.

Ms. Coletta mentioned that copies of a Notice of Waterways application were provided to the board members.

Ms. Coletta noted that a letter from the Attorney General relating to a previous Open Meeting Law Complaint from Maria Karas had been received.

A discussion took place about how the appointment to the vacant Planning Board seat should be handled per state law.

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