



PEMBROKE PLANNING BOARD MINUTES

MONDAY, JULY 30, 2018

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

BOARD MEMBERS ABSENT: John Scholl.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Eugene Fulmine (Director, Department of Public Works), Richard "Rick" Grady, Robert Gosselin, Scott Radwin, Michael Tyler, Susan Tyler, Thomas Pozerski, Daniel Greenberg, Peter Palmieri, Brian Murphy, Susan Spratt, and others.

Vice-Chairman Andrew Wandell opened the meeting by reading the Chairman's statement.

PUBLIC HEARING FOR SCENIC ROAD AND PUBLIC SHADE TREES FOR SUBDIVISION #1802 LIBBY'S LANE AT 45 TAYLOR STREET

Mr. Wandell opened the joint public hearing of the Planning Board and the Department of Public Works (Tree Warden) on the application of K&G Development Corporation, P.O. Box 182, Kingston, MA 02364, for 45 Taylor Street, Pembroke, MA 02359, to cut, trim or remove trees in the right of way and/or to tear down or destroy a stone wall or portions thereof in the right of way, in order to construct the proposed subdivision entitled Libby's Lane. This public hearing was per the legal requirements of Chapter 40, Section 15C, of the General Laws pertaining to "Scenic Roads" and Chapter 87, Section 3, of the General Laws pertaining to "Public Shade Trees." 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.

Because only two members of the Planning Board, Mr. Wandell and Mr. Irving, were present as of 6:35 pm, Mr. Wandell announced a ten-minute recess, and continued the public hearing to 6:45 pm.

By 6:45 pm, Ms. Coletta, Mr. Smith, Mr. Taylor and Mr. Noone had also arrived, and so a quorum of the board was present. At 6:45 pm, Chairman Ms. Coletta re-opened the board meeting and re-opened the public hearing.

Robert Gosselin, the developer of the project, was present, as was the project's engineer Richard "Rick" Grady of Grady Consulting. Ms. Coletta noted that the town's Tree Warden, Eugene Fulmine (Director, Department of Public Works), was present, and that a scenic road plan had been submitted by Grady Consulting.

Mr. Grady went over the scenic road plan. He explained that a small portion of the existing stone wall would be removed, and these stones would be reused in a new stone wall that would match the

existing wall. A few pine trees in the vicinity would have to be removed, and one large maple tree could probably be retained. The landscape plan of the subdivision, previously submitted and approved, proposes to plant a significant number of new trees along the entrance.

The board members and Mr. Fulmine discussed his requirement, as outlined in a memorandum he had submitted, for the planting of replacement trees to compensate for those that would be removed. Mr. Fulmine said that the subdivision's landscape plan went above and beyond his expectations for the planting of replacement trees.

Mr. Grady said that about 30 feet of the existing stone wall was being removed, and that it would be reused along the curve of the entrance to the subdivision. The board members and Mr. Grady discussed the configuration and location of the new wall.

Michael Tyler, an abutter of the project, asked about an existing stone wall along an old cart-path on the property, and whether it can be improved. A discussion followed.

Scott Radwin, an abutter of the project, asked about where the utilities will be located as they enter the subdivision, and Mr. Grady clarified this. There was a conversation about this, and about utilities in general.

Mr. Gosselin said that the project will look aesthetically better if the existing stones are re-used as far as they will go, without a spatial gap.

Ms. Coletta briefly described the trees that will be removed or trimmed, and noted that sufficient replacement trees will be planted.

Mr. Tyler asked if the design of the entrance to the subdivision road could be altered, and Mr. Fulmine and Ms. Coletta explained that the regulations require uniformity of the road and the curb cuts. The provision of sidewalks and the current handicapped accessibility requirements were also discussed.

Mr. Gosselin pointed out that it wouldn't make sense to build the stone wall along only one radius (i.e., curve) of the entrance.

Mr. Noone made a motion that the board accept the submitted scenic road plan as presented, Mr. Wandell seconded the motion, and the board voted unanimously in favor. Mr. Fulmine, the Tree Warden, also voted in favor.

Mr. Wandell made a motion to close the public hearing, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

PUBLIC HEARING FOR SCENIC ROAD AND PUBLIC SHADE TREES FOR SUBDIVISION #1701 BRISTOL ESTATES AT 73 TAYLOR STREET

Ms. Coletta opened the joint public hearing of the Planning Board and the Department of Public Works (Tree Warden) on the application of Downwind Realty LLC (Bisher Hashem), 32 Norfolk Avenue, South Easton, MA 02375, for 73 Taylor Street, Pembroke, MA 02359, to cut, trim or remove trees in the right of way and/or to tear down or destroy a stone wall or portions thereof in the right of way, in order to construct the proposed subdivision entitled Bristol Estates. This public hearing was per the legal requirements of Chapter 40, Section 15C, of the General Laws pertaining to "Scenic Roads" and Chapter 87, Section 3, of the General Laws pertaining to "Public Shade Trees." The

property is located in the Residential A Zoning District on Assessors' Maps F10 Lot 5, F10 Lot 18, and G10 Lot 14. A copy of the application is available in the Office of the Planning Board.

Daniel Greenberg, representing the developer of the project, was present, as was the subdivision's engineer Thomas Pozerski of Merrill Engineers and Land Surveyors. The Tree Warden, Mr. Fulmine, was also present.

Mr. Pozerski explained that the subdivision was previously approved and is now under construction. He displayed some photographs of the property along Taylor Street before the start of construction, showing that no trees were located within the road's layout (i.e., the public property along the road). He pointed out that the photos show a few scattered stones (probably the remnants of an old stone wall), but there was no existing stone wall.

Since no trees were in Taylor Street's layout, the subdivision's construction is not causing the destruction of any trees on public property, and therefore no replacement trees need to be planted. Likewise there was no existing stone wall, and so that is not an issue. Given all this, there was no need to take any action.

Ms. Coletta gave the members of the public present the opportunity to comment, and none did so.

Mr. Wandell made a motion to close the public hearing, and Mr. Taylor seconded the motion.

Ms. Coletta asked Mr. Fulmine, the Tree Warden, if he had any concerns, and he indicated that he saw no problems.

The motion to close the public hearing being on the table, the board voted unanimously in favor.

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

The board discussed possible options to screen the view of the recently constructed Hobomock Solar Project (Site Plan #SP7-16) along Hobomock Street. Mr. Fulmine, in his capacity as Director of the Department of Public Works (DPW), was present.

The board members were considering extending the stockade fence (which was recently rebuilt) along Hobomock Street for the purpose of screening, and Mr. Fulmine explained that this fence is the responsibility of the Recycling Center, not the DPW.

The board members talked with Mr. Fulmine about the role the DPW could possibly play in building an extension of the fence, or putting mulch between the sidewalk and the fence. They also discussed how the bidding for these contracts would be done, if they were put out to bid, and the function of the Town Administrator's Office in the process. A further discussion took place about the possibility of having the Recycling Center involved in this.

Mr. Irving agreed to communicate with Michael Valenti, head of the Recycling Center, to explore whether he'd be willing to participate in building an extension of the fence.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Ms. Coletta mentioned that a card had been received from Brian VanRiper's family, thanking the board.

The board reviewed draft minutes of July 9, 2018, and agreed that a sentence on page four should be deleted. Mr. Taylor made a motion to approve the minutes of July 9, 2018, with this sentence deleted, and Mr. Wandell seconded the motion. Ms. Coletta, Mr. Taylor, Mr. Irving, Mr. Noone and Mr. Wandell voted in favor, Mr. Smith abstained, and the motion passed.

The board talked about a letter received from Tyler Nims, the board's peer review engineer for Subdivision #1701 Bristol Estates, identifying some errors in the ongoing construction of this subdivision involving the curbing and catch basins. The board agreed that these mistakes should be fixed, and directed Mr. Heins to communicate about this with Mr. Nims and the project's builders or engineers.

The board discussed the remaining engineering review account balances for the completed projects at 590 Washington Street (Site Plan #SP3-15) and 593-595 Washington Street (Site Plan #SP2-13), and agreed that as-built drawings should be received before the release of any remaining engineering review funds.

Ms. Coletta explained that it is a requirement that one member of the Planning Board serve on the Community Preservation Committee, and since the passing of Brian VanRiper this seat on the committee has been vacant. Mr. Wandell volunteered to take this position.

Mr. Noone made a motion that the board appoint Mr. Wandell as its designated representative on the Community Preservation Committee, and Mr. Taylor seconded the motion. Ms. Coletta, Mr. Taylor, Mr. Irving, Mr. Noone and Mr. Smith voted in favor, Mr. Wandell abstained, and the motion passed.

REORGANIZATION OF THE PLANNING BOARD

Mr. Wandell made a motion that the Planning Board reorganize and consider nominations for the following positions: Chairman, Vice-Chairman, Clerk and Planning Board Assistant, and take any action on the following: Meeting Nights and Signature of Plans. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Ms. Coletta stated that nominations for Chairman were now being accepted.

Mr. Taylor nominated Rebecca Coletta for Chairman, Mr. Noone seconded the nomination, and the board voted unanimously in favor.

Mr. Wandell made a motion that the nominations for Chairman be closed, Mr. Irving seconded the motion, and the board voted unanimously in favor.

The vote took place for the position of Chairman. Mr. Wandell, Mr. Taylor, Mr. Irving, Mr. Noone and Mr. Smith voted for Rebecca Coletta for Chairman, Ms. Coletta abstained, and Ms. Coletta was elected to the position.

Ms. Coletta stated that nominations for Vice-Chairman were now being accepted.

Mr. Taylor nominated Andrew Wandell for Vice-Chairman, Mr. Noone seconded the nomination, and the board voted unanimously in favor.

Mr. Taylor made a motion that the nominations for Vice-Chairman be closed, Mr. Noone seconded the motion, and the board voted unanimously in favor.

The vote took place for the position of Vice-Chairman. The board voted unanimously for Andrew Wandell for Vice-Chairman, and Mr. Wandell was elected to the position.

Ms. Coletta stated that nominations for Clerk were now being accepted.

Mr. Wandell nominated Thomas Irving for Clerk, Mr. Taylor seconded the nomination, and the board voted unanimously in favor.

Mr. Taylor made a motion that the nominations for Clerk be closed, Mr. Noone seconded the motion, and the board voted unanimously in favor.

The vote took place for the position of Clerk. The board voted unanimously for Thomas Irving for Clerk, and Mr. Irving was elected to the position.

Mr. Taylor made a motion that Matthew Heins be retained as Planning Board Assistant at the salary approved at the Annual Town Meeting, Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the Planning Board continue to hold its official meetings on the second and fourth Monday of each month, convening at 6:30 pm in the designated Planning Board Room. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

Mr. Noone made a motion that the Chairman, Vice-Chairman and Clerk, singularly or collectively, be authorized to sign plans submitted to the Planning Board which are stamped "Not Subject to Subdivision Control," and to certify any action of the board. Mr. Taylor seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion that the board grant a 30-day extension of the deadline for Definitive Subdivision #1801 entitled Dominic's Way, to extend the deadline from August 5, 2018, to September 4, 2018. Mr. Noone seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT POSSIBLE CHANGES TO ZONING BYLAWS

A discussion took place about possible changes to the town's zoning bylaws. The board members talked about whether zoning changes could bring about more affordability. A conversation also took place about why some of Pembroke's affordable housing units have dropped off the town's list of "40b" units over time. Various options for creating more affordable housing were discussed.

Ms. Coletta mentioned the possibility that the zoning bylaw could disallow use variances, as some other towns in Massachusetts do.

The board discussed whether the town is currently over the 10% figure for its 40b affordable housing. There was also a conversation about whether assisted-living housing could be allowed in some zoning districts. In addition, the board members talked about the scenic road and shade tree regulations.

The board talked about whether to create a subcommittee to consider changes to the zoning bylaws, and the procedures involved in this.

APPROVAL OF CHANGE TO STORMWATER DRAINAGE DESIGN OF SITE PLAN #SP2-17 AT 260-280 OAK STREET

The board considered a proposed change to the stormwater drainage design of Site Plan #SP2-17 at 260-280 Oak Street, a project currently under construction consisting of two buildings. The design originally approved by the board had underground storage for stormwater, but now the developer proposes a drainage retention basin instead.

The developer Brian Murphy and the project's engineer Susan Spratt (of McKenzie Engineering Group) came before the board. Peter Palmieri (of Merrill Engineers and Land Surveyors), the board's peer review engineer for the project, was also present.

The drawings and stormwater calculations for this design change had been previously submitted, Mr. Palmieri had reviewed them, Ms. Spratt had revised them and provided a new submission, and Mr. Palmieri had issued a new review letter for the revised submission. Based on this review letter, the board members concluded there were no remaining issues with the revised submission and it appears to be compliant with the stormwater management rules. Mr. Palmieri verbally confirmed this.

Mr. Murphy stated, in reply to a question, that they still intend to build the sidewalks shown on the drawings during phase I of the project.

Mr. Wandell made a motion that the changes to the stormwater drainage design and stormwater management plan presented for Site Plan #SP2-17 at 260-280 Oak Street are a minor modification to the site plan previously presented to the board, and that the board has no objections to them. Mr. Irving seconded the motion, and the board voted unanimously in favor.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

The board again discussed the letter received from Tyler Nims, the board's peer review engineer for Subdivision #1701 Bristol Estates, identifying certain errors in the ongoing construction of this subdivision relating to the curbing and catch basins. Mr. Palmieri participated in the conversation.

VOTE ON DECISION GRANTING APPROVAL FOR SITE PLAN #SP3-18 AT 340 OAK STREET (WOLVES DEN SPORTS COMPLEX)

The board discussed 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.

The board had previously approved this site plan, but had not yet voted on and signed the decision, including the conditions, granting site plan approval. But at a previous meeting the board members did review the draft of the decision (prepared by Mr. Heins), and went over the conditions.

Mr. Heins mentioned that a further payment into the engineering review account, to cover the cost of the construction inspections, was needed from the applicant, and the board discussed this issue.

Mr. Taylor made a motion that, with reference to the waivers requested on the title sheet of the drawings entitled "Site Plan, #340 Oak Street, Assessors Map F15 Lot 47, Pembroke, Massachusetts, March 26, 2018, Revised June 8, 2018," by Merrill Engineers and Land Surveyors, dated March 26,

2018, and revised June 8, 2018, and accepted by the Planning Board on June 21, 2018, the Board grant the waivers as written on the draft decision. Mr. Irving seconded the motion.

Ms. Coletta stated that these waivers were the Requirement for a Landscaping Plan, the Requirement for a Traffic Impact Study, the Requirement that curbing not be bituminous concrete, the Requirement for a Development Impact Statement, and the Requirement for a Traffic Impact Assessment.

The motion being on the table, Ms. Coletta, Mr. Taylor, Mr. Irving and Mr. Smith voted in favor, Mr. Wandell and Mr. Noone abstained, and the motion passed.

Mr. Irving made a motion that the board accept the draft decision dated July 30, 2018, granting site plan approval for Site Plan #SP3-18 at 340 Oak Street, as written. Mr. Taylor seconded the motion. Ms. Coletta, Mr. Taylor, Mr. Irving and Mr. Smith voted in favor, Mr. Wandell and Mr. Noone abstained, and the motion passed.

The four applicable board members signed the decision.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

A discussion took place about whether irrigation requirements can be imposed for site plans that are approved. The board members talked about the possible benefits of projects that are well irrigated and/or skillfully landscaped, and which present a good image of the town.

This led to a conversation about the recently completed Site Plan #SP4-16, the Bridges at Pembroke, and the board members expressed concern about the appearance of this project. The board, Mr. Palmieri and Mr. Heins also discussed the issue of the detention basin permanently holding water, and considered what enforcement options exist to resolve this. The board directed Mr. Heins to ask the developer of the Bridges at Pembroke to come before the board to discuss this, and to involve the Conservation Commission Agent also.

Mr. Wandell 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