



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, SEPTEMBER 10, 2018**

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

**BOARD MEMBERS ABSENT:** Daniel Smith, Jr., and James Noone.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Peter Palmieri, Shawn Kelly, Robert Clarke (Conservation Commission Field Agent), Douglas Arsham, Theo Kindermans, Otis Hathon, Carolyn Murray, Michael Riccardi, Richard "Rick" Grady, William "Terry" McGovern, and others.

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

### **DISCUSSION ABOUT ISSUES OF STORMWATER DRAINAGE AND STANDING WATER AT SITE PLAN #SP4-16 THE BRIDGES AT PEMBROKE**

Douglas Arsham and Theo Kindermans came before the board to talk about problems of stormwater drainage, in particular standing water in a detention basin visible from Church Street, at the recently constructed Bridges at Pembroke project, Site Plan #SP4-16. They brought new as-built drawings of the project. Robert Clarke, the Conservation Commission Field Agent and a member of the Conservation Commission, was also present. Peter Palmieri (of Merrill Engineers and Land Surveyors), the board's peer review engineer for the project, was present as well.

Mr. Arsham, representing the developer, explained that he believes the irrigation (sprinkler) system was overwatering the site and thus filling the detention basin and not giving it time to drain fully. Mr. Kindermans, an engineer with Stantec, further described how the groundwater and irrigation system are constantly filling the detention basin. He stated that the detention basin appears to be functioning properly, but that more groundwater (and/or irrigation water) is flowing into it than expected, which keeps it from being able to drain completely.

Mr. Irving asked if the detention basin has ever "over-topped," and it was generally agreed that it has not. Mr. Palmieri expressed his concern about the water level and the permanent standing water in the basin, and said the problem may stem from high groundwater. Mr. Palmieri and Mr. Kindermans discussed how the situation could be corrected, whether the basin should now be regarded as a "wet basin," where else the additional water can be collected, and whether new stormwater calculations need to be done.

A discussion took place about the groundwater level, the uncertainty about it, whether it was originally determined correctly, and the variability of the soil. A technical conversation followed

about the outlet invert in the detention basin and the need for it to be shown on the as-built drawings.

Board member John Scholl arrived at approximately this time.

There was a discussion about the Conservation Commission's order of conditions, which must be met. Mr. Arsham said that he has not yet filed for the final certificate of compliance (relating to the order of conditions). Mr. Clarke explained that the Conservation Commission is aware of this and generally seeks to coordinate with the Planning Board.

The board members and Mr. Arsham agreed that he would return to talk with the board once an engineering solution acceptable to Mr. Palmieri has been reached, so the board can review any proposed changes.

Mr. Heins noted that the engineering review balance for the project is getting low and will need to be replenished soon, and Mr. Arsham acknowledged this.

A discussion took place about stormwater management policy and the overlapping roles of the Conservation Commission and the Planning Board.

#### **DISCUSSION ABOUT POSSIBLE DEVELOPMENT OPTIONS FOR PROPERTY AT 7-15 MATTAKEESETT STREET**

Shawn Kelly, a developer, came before the board to briefly discuss the possible future of the property at 7-15 Mattakeesett Street, the current site of Shepherd Funeral Home. He asked if a new gas station, such as a Cumberland Farms, would be an allowed use on this site, which is in the Center Protection District zone (though it also falls partly within the Residential A zone).

Some board members were doubtful as to whether a gas station would be an allowed use, as per the zoning bylaw, but the board did not offer a definite opinion. A few board members pointed out that the zoning bylaw does not explicitly prohibit gas stations, nor does it explicitly allow them, in the Center Protection District. Ms. Coletta described some of the requirements for development in the Center Protection District. A general conversation followed about the history of the site and previous development efforts in the area.

#### **DISCUSSION ABOUT RENOVATION AND EXPANSION OF PEMBROKE POLICE BOYS CLUB AT 140 CENTER STREET, AND DECISION TO ACCEPT CHANGES AS MINOR SITE PLAN MODIFICATION**

Otis Hathon came before the board to discuss the renovation and expansion of the Pembroke Police Boys Club building at 140 Center Street, in which he is involved. He went over the changes to the design in detail with the board. Most of the work would involve repairs to the inside and outside of the building and would not expand the building, but a handicapped-accessible ramp would be added to the exterior in the rear of the building. It was originally proposed to expand the porch also, but Mr. Hathon explained that this idea had been dropped.

The board members agreed that the most appropriate way to handle the project was to regard it as a minor modification to an existing site plan.

Mr. Taylor made a motion that the board approve a minor modification to the existing site plan for the Pembroke Police Boys Club building at 140 Center Street, to provide handicapped access to the

building, as shown on the plan dated September 10, 2018. Mr. Irving seconded the motion, and the board voted unanimously in favor.

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

Mr. Wandell made a motion that the board approve the applicant's request for a one-year extension of the deadline for completion for Site Plan #SP2-06, the Pembroke Recreation Mattakeesett Ball Fields, until October 14, 2019. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion that the board accept the minutes for August 27, 2018, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta noted that Mr. Heins will be on vacation September 17 to 21, and that the next board meetings will be October 1 and 15.

The board members and Mr. Heins discussed the "special" municipal employee designation.

Ms. Coletta noted that Robert Gosselin, developer of Subdivision #1802 recently approved, wishes to change the name of the project from Libby's Lane (the title under which it was submitted and approved) to Lisa's Lane. The board discussed what mechanism exists to change a subdivision name and whether any formal process or action is necessary, and directed Mr. Heins to look in the files of a previous subdivision whose name was altered.

The board and Mr. Heins discussed the fencing that the board intends to have built along Hobomock Street to partially shield the recently constructed Hobomock Solar Project from view.

#### **ENTERING EXECUTIVE SESSION**

Ms. Coletta made a motion that the Planning Board go into Executive Session pursuant to G.L. c. 30A, Section 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body. Specifically, the Board will discuss and take appropriate action with respect to the matter of Grissom Park Co., LLP v. Planning Board, et al., Land Court case No. 18-MISC-000154 regarding the property located at 240 and 258 Oak Street in Pembroke, and the Chair so declares that having a discussion in open session would have a detrimental effect on the Town's litigating position.

Mr. Taylor seconded the motion.

The board voted by roll call on whether to enter executive session:

John Scholl: Yes

Daniel Taylor: Yes

Thomas Irving: Yes

Andrew Wandell: Yes

Rebecca Coletta: Yes

The motion passed.

Ms. Coletta stated that the board would return to open session at the conclusion of the executive session.

Everyone left the room except for the board members, Mr. Heins, and Carolyn Murray (attorney with KP Law, town counsel for Pembroke). All recording devices were turned off.

The board entered executive session.

***The minutes of executive session are a separate document.***

**DISCUSSION ABOUT, AND DECISION TO ENDORSE, FORM A (APPROVAL NOT REQUIRED SUBDIVISION) FOR PROPERTY AT 44 CENTER STREET**

Upon returning to open session from executive session, the board considered a proposed Form A (also known as an Approval Not Required Subdivision) at 44 Center Street. Richard “Rick” Grady, of Grady Consulting, was present to describe the proposed subdivision of land, which involved the dividing of a lot with an existing single-family house into two smaller, buildable lots, both with sufficient uplands and adequate frontage.

Mr. Wandell made a motion that the board’s clerk endorse (i.e., approve) the Form A, Mr. Taylor seconded the motion, and the board voted unanimously in favor.

Mr. Irving, the board’s clerk, signed the Form A drawings.

**DISCUSSION ABOUT AND VOTE ON FINAL CONDITIONS OF APPROVAL FOR DEFINITIVE SUBDIVISION #1801 DOMINIC’S WAY**

The board reviewed the draft of the final conditions of approval for Definitive Subdivision #1801 Dominic’s Way located at 56 Gorham Avenue, a project recently approved by the board. William “Terry” McGovern, the engineer for the project, was present, and Michael Riccardi, the project’s developer, was also present.

The board, Mr. Heins and Mr. McGovern discussed the anticipated required payment into the sidewalk fund, and also talked about the issue of whether the curbing at the intersection of Dominic’s Way and Gorham Avenue should be set back from the existing edge of pavement.

Mr. Wandell read out the waivers for the project, as listed in the final conditions of approval:

With reference to the waivers requested on the cover page of the drawings by Stenbeck & Taylor, Inc., dated January 15, 2018, revised March 15, 2018, revised March 29, 2018, revised July 9, 2018, and revised September 10, 2018, and accepted by the Planning Board on September 10, 2018, the Board grants the following waivers, as previously voted and approved by this board:

- a. Section IV. General Requirements and Design Standards. Section C.2.B. Width – Minor Roadway Cross Section (Plate No. 4 Typical Roadway Section): “The Typical Cross Section for streets shall conform to that indicated in Appendix B.”
  - i. The waiver request is made to allow for a Pavement Width of 21 feet (travel lanes) with 12” Cap Cod Berm along both sides of the main portion of roadway. Conforming berm and vertical granite curbing will be constructed at the roadway entrance from Gorham Avenue.

- ii. The waiver request is made to “superelevate” or pitch the pavement across the 21 foot width to the proposed Cape Cod Berm gutterline in lieu of a standard center crown. Pavement slope is proposed to be 2% (1/4” per foot). Paved runoffs are provided to capture drainage flow in lieu of catch basins.
  - iii. The waiver request is made to install underground utilities, including Electric, Telephone, Cable, Gas and Water as proposed on Sheet 5, Road Layout and Profile Plan, to accommodate the roadway being shifted within the layout.
- b. Section IV. C.4.e. Dead End Streets (Plate 4B): “All turnarounds of cul-de-sacs shall be designed in accordance with Plate 4B of Appendix B, Construction Standards, except where greater widths may be required on major or secondary streets.”
  - i. The waiver request is made to allow a “P” shaped cul-de-sac in lieu of a centered cul-de-sac to allow for conforming 150-foot diameter circles on all lots, including around the existing house. The proposed cul-de-sac will have conforming pavement width. Access is for 2 new single-family homes.
- c. Section V. Required Improvements for Approved Subdivision. Items B. and B.2. Drainage: “No open trench drainage shall be allowed within any subdivision.” And: “Constructed retention areas shall be accessed by an easement that shall exceed the constructed area by a minimum of 10 feet on all sides.”
  - i. The waiver request is made to allow a Low Impact Design use of a Water Quality Grassed Swale with a standard Forebay and Retention Basin in lieu of a standard curb, gutter and piped drainage system, and to allow the location of the basins in the center of the cul-de-sac and adjacent to Gorham Avenue as designed.
- d. Section V. Required Improvements for Approved Subdivision. Item D.1. General Sidewalks: “Sidewalks shall be on both sides of the street for major, secondary and minor streets and as required by the Planning Board.”
  - i. The waiver request is made to eliminate this requirement and not construct a sidewalk within the project. No connection to a nearby sidewalk exists. Applicant will provide contribution to sidewalk fund in lieu of construction.
- e. Section V. Required Improvements for Approved Subdivision. Item F. Sideslopes: “Sideslopes shall have a leveling area of two (2) feet minimum as shown in the Typical Roadway Section.”
  - i. Sideslopes are proposed to start approximately 6 feet from the back edge of the pavement, within the right of way, and maintain a 3:1 slope. The request is made to reduce clearing and grading on the site.
- f. Section V. Required Improvements for Approved Subdivision. Item L. Street Lights: “The applicant shall be responsible for the cost of furnishing, erecting and illuminating street lights at locations approved by the Planning Board...”
  - i. The waiver request is made to eliminate this requirement due to the limited number of lots. Each house will have a driveway post light at the street.

Mr. Wandell made a motion that the board accept these waivers as read, and Mr. Irving seconded the motion. Ms. Coletta, Mr. Wandell, Mr. Irving and Mr. Taylor voted in favor, Mr. Scholl abstained, and the motion passed.

Mr. Wandell made a motion that the board approve the final conditions of approval for Subdivision #1801 Dominic’s Way, as set forth in the draft provided. Mr. Taylor seconded the motion. Ms.

Coletta, Mr. Wandell, Mr. Irving and Mr. Taylor voted in favor, Mr. Scholl abstained, and the motion passed.

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