



PEMBROKE PLANNING BOARD MINUTES

MONDAY, OCTOBER 1, 2018

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

BOARD MEMBERS ABSENT: James Noone.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Michael "Mickey" Marcus, Patrick Jackson, Donald McGill, Gregory Morse, and others.

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

DISCUSSION ABOUT POSSIBLE LARGE SOLAR ARRAY PROJECT AT 235 VALLEY STREET

Michael "Mickey" Marcus of SWCA Environmental Consultants and Patrick Jackson of SunRaise Investments came before the board to discuss a large solar array project that is being considered for the property at 235 Valley Street.

Mr. Jackson described the role of SunRaise Investments in financing and owning large solar projects, and in generating tax revenue for towns and selling electricity through these projects. Mr. Marcus showed the board a rough preliminary map/site plan of the project, and explained that the property (Parcel #F4-2) consists of about 112 acres and the solar array would be about 15 acres in size. The property, owned by the Mathias family, also contains a working cranberry bog.

The board, Mr. Jackson and Mr. Marcus discussed the legal and tax details of how the area containing the solar array would be transferred from agricultural to solar use, and also talked about the history and current usages of the property. Other aspects of the proposed project, and the rules of the zoning bylaws relating to large ground-mounted solar arrays, were discussed. Mr. Jackson and Mr. Marcus described how the construction process would take place.

Mr. Irving, Mr. Jackson and Mr. Marcus conversed about where the array would be located and what land could be cleared. It was clarified that a large ground-mounted solar project of this nature goes through site plan review and does not require a special permit, per the zoning bylaws.

DISCUSSION ABOUT POSSIBLE ALTERATION TO MIXED-USE PROJECT AT 220 CENTER STREET (SITE PLAN #SP1-17), AND ABOUT SUBMITTAL OF AS-BUILT PLANS FOR THE PROJECT

Donald McGill, the developer of the mixed-use project at 220 Center Street (Site Plan #SP1-17) currently near the end of construction, came before the board to discuss a possible change to the project.

Mr. McGill explained that he wishes to convert part of the commercial space in the project (in the project's largest building, i.e., the one nearest Center Street) into two apartments, because he has found that there is little demand for commercial real estate and a lot of interest in apartments. He seeks to reduce the commercial square footage to about 700 square feet, and to add two one-bedroom apartments each of which would also be roughly 700 square feet.

Ms. Coletta noted that the project's residential component is already significantly over the allowed residential percentage for a mixed-use project (as per the zoning bylaws at the time), which previously necessitated a variance. She added that the original intent was to have a commercial component to the project, and this change would make the project almost completely residential.

Mr. McGill stated that when he built the project he did intend to find an occupant for the commercial space in this building, and he is continuing to try to rent it out, but there just hasn't been any interest over the past several months. A conversation followed, and some board members questioned whether the board even has the authority to grant additional multifamily units in the project, given that in the Center Protection District (where this project is located) the zoning bylaws no longer allow mixed-use, and do not allow multifamily residential use. A discussion took place about the progress of the project and Mr. McGill's ongoing efforts to rent the commercial space.

The board, Mr. Heins and Mr. McGill also talked about the required as-built drawings for the same project (Site Plan #SP1-17), and whether Mr. McGill is responsible for the cost (through the engineering review account) of the board's peer review engineer to review these. The discussion also encompassed the as-built drawings not yet submitted for Site Plan #SP3-15, an apartment complex completed roughly a year ago at 590 Washington Street.

DISCUSSION ABOUT ESTIMATE OF CONSTRUCTION INSPECTIONS FOR RECENTLY APPROVED SUBDIVISION #1801 DOMINIC'S WAY

Mr. Heins and the board had a discussion about the estimate of construction inspections for recently approved Subdivision #1801 Dominic's Way by the board's peer review engineer for the project, Peter Palmieri of Merrill Engineers and Land Surveyors.

Mr. Heins explained that the developer, Michael Riccardi, was unhappy with the amount of the estimate, though he had not identified any specific problems with it. Mr. Heins said that Mr. Riccardi had initially requested this discussion but then was unable to attend, and was asking that the topic be discussed at the next board meeting when he would be available to come.

The board members discussed the issue, reviewed the applicable subdivision rules and regulations, and concluded there was no need to have a further discussion or debate about the estimate at a future board meeting. (More generally, the board also talked about the challenge of obtaining as-built drawings before the issuance of certificates of occupancy.) The board agreed that Mr. Riccardi should pay the full amount of the estimate before construction begins.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion that the board accept the minutes for September 10, 2018, as presented, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained that discussions were taking place with Robert Clarke (the field agent of the Conservation Commission, and also a commission member) and others about creating a new layer on

the Assessors online map to show town-owned land and open space. The cost of this would be \$312.50, and Mr. Clarke had indicated that the office of the Conservation Commission was willing to pay half of this amount. Creating this layer in the web-based maps could also be the first step toward creating new hard-copy maps showing town-owned land and open space.

Mr. Wandell made a motion that the Office of the Planning Board pay half the cost of creating this new layer on the Assessors online map, Mr. Irving seconded the motion, and the board voted unanimously in favor.

Ms. Coletta explained that it was necessary for her (as the board's Chairman) to sign a letter to the state's Department of Housing and Community Development which states that the board adopted the housing production plan created by Old Colony Planning Council. Mr. Wandell made a motion that the board authorize Ms. Coletta to sign the letter, Mr. Irving seconded the motion, and the board voted unanimously in favor. Ms. Coletta signed the letter.

The board and Mr. Heins discussed the proposal of the developer of the recently approved Subdivision #1802 at 45 Taylor Street to change its name from Libby's Lane to Lisa's Lane. In a similar situation previously, this was authorized by a vote of the board after checking with other town departments. The board agreed that Mr. Heins would check whether this name change is acceptable to other town departments.

Ms. Coletta noted that Mr. Heins will be on vacation October 17 to 19, and that the next board meeting will be October 15.

DISCUSSION ABOUT POSSIBLE CONSTRUCTION OF SELF-STORAGE UNITS ON PROPERTY WITH EXISTING OFFICE BUILDING AT 50 MATTAKEESETT STREET

Gregory Morse, of Morse Engineering, came before the board to discuss the possibility of constructing self-storage units at 50 Mattakeesett Street, a property with a small existing office building that lies mainly in the Center Protection District.

Mr. Morse explained that the existing office building on the property is owned and used by the Jack Conway real estate company, which wishes to build the self-storage units as an accessory use. The self-storage facility would only be for clients of Jack Conway, such as people moving from one house to another and in temporary need of storage; it would not be available to the general public. The property is about 1.5 acres in size, with the office building and parking lot toward the front and woods in the rear.

Mr. Morse described the two concepts under consideration. One concept involves two buildings with the paved area in between them, and the other concept involves one larger building. Mr. Morse explained that the first concept would violate the required fifty-foot landscape buffer to residential properties (though it would exceed the zoning code's mandated twenty-foot setback), a requirement in the site plan rules and regulations, and so a waiver would be needed.

The board and Mr. Morse discussed the details of the project, and the differences between the two concepts. The accessory usage, and the conditions it would entail to be allowed, were discussed. The board and Mr. Morse discussed the zoning bylaw's requirement for screening (i.e., a natural hedge) along the boundary of a residential land use, and Mr. Morse stated that his design provides this screening where the project abuts residential properties.

Mr. Morse explained that the site plan rules and regulations prohibit subsurface leaching dry wells and catch basins, and that this project would involve one or both of these. Thus he asked if the board would allow these types of stormwater systems. The board members said it would depend on the advice of the board's peer review engineer, typically Peter Palmieri of Merrill Engineers and Land Surveyors.

In reply to Mr. Smith's query, Mr. Morse said that his preferred concept is the two smaller buildings. The board, Mr. Heins and Mr. Morse discussed the issue of the building and/or parking extending slightly into the Residential A Zone, and how section III. #8 (p. 11) of the zoning bylaw allows this for up to 30 feet.

Ms. Coletta asked the board members if they had any preference for one concept or another. Mr. Smith emphasized that having the two buildings would help muffle noises in the area between them. Ms. Coletta suggested that the facades on all sides of the building or buildings—not only on the side facing toward the street—would be important. The board members generally agreed that screening and appearance would be important for the project, given the proximity of residential uses.

DISCUSSION ABOUT POSSIBLE CHANGES TO THE TOWN OF PEMBROKE'S ZONING BYLAWS

The board and Mr. Heins discussed possible changes to the zoning bylaws of the town.

Regarding appeals of site plans, Mr. Heins and the board generally agreed that it would make more sense to have an immediate 20-day appeal period with appeals going directly to court, as is the case for subdivision appeals.

The board members decided to discuss the possible zoning bylaw changes in more detail at the next board meeting.

DISCUSSION ABOUT CONSTRUCTION OF FENCE ALONG HOBOMOCK STREET TO VISUALLY SCREEN EXISTING SITE PLAN #SP7-16 HOBOMOCK SOLAR PROJECT

The board and Mr. Heins discussed the planned construction of a fence along Hobomock Street to create visual screening of Site Plan #SP7-16, the Hobomock Solar Project. Mr. Heins and the board members talked about various aspects of this project, when the deadline is to complete it, and what its final appearance will be.

Mr. Taylor 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