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

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), John Brown (Board of Selectmen), Peter Palmieri, Matthew Dacey, Jonathan Cohen, Stacy Minihane, Jeffrey Murphy, Ann Fafel, Mark Fafel, Debi Breen, Ellen Bayliss, Carl Jacobson, Brian Mollo, Thomas Osborne, Brian Murphy, Susan Spratt, Kimberly Kroha, John Danehey, Russell Field, Kathy Field and others.

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

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Board members Ms. Coletta, Mr. Wandell, Mr. Irving, Mr. Scholl, Mr. Smith and Mr. Noone were present at the opening of the meeting.

Mr. Scholl made a motion to approve the minutes for December 2, 2019, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Ms. Coletta noted that the zoning bylaws will need to be amended to update certain technical information related to flood hazard management.

Ms. Coletta said a building permit for the demolition of an existing building, at the site of 345 Oak Street where the board recently approved a site plan, needed to be signed by the board.

Matthew Dacey, the developer of Site Plan #SP6-19 at 345 Oak Street, explained that he wished to demolish the existing, abandoned building on the property (which has experienced break-ins and a fire). He said he understood the board would need to sign the building permit for the proposed new building separately, and that some conditions remain to be satisfied before that happens.

Board member Mr. Taylor arrived at approximately this time.

Mr. Noone made a motion that the board authorize its clerk to sign the building permit for demolition of the existing building at 345 Oak Street, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Irving, the board’s clerk, signed the building permit.
Mr. Wandell made a motion that the board authorize the Planning Board Assistant, Matthew Heins, to sign demolition building permits in the future when they are in accordance with an approved site plan. Mr. Irving seconded the motion, and the board voted unanimously in favor.

Mr. Heins and the board discussed certain rules relating to the site plan review process, and it was agreed that Mr. Heins would confer with town counsel to get clarification on a few points.

Mr. Wandell and Mr. Noone gave an update of their experiences on the town’s Affordable Housing Committee. Mr. Wandell said it would be advisable to create an affordable housing trust, which would require a change to the town bylaws. He explained that the committee was considering amending the Industrial A and B zones to allow multifamily housing by special permit, with a particular emphasis on affordable housing. He also said they were considering allowing denser multifamily housing, with an affordability component, in the Residential-Commercial zone along Route 53.

Ms. Coletta, Mr. Noone and Mr. Wandell discussed the possibility of allowing smaller houses or creating a 40R overlay zone. Mr. Noone described some factors to keep in mind when the town sells any town-owned property. Mr. Taylor asked who the trustees would be for an affordable housing trust, and Mr. Wandell said that they would be appointed by the Board of Selectmen, and that typically one Selectman would be a trustee and the others would have experience in real estate and/or finance.

Mr. Scholl asked what limits can be imposed if housing is allowed in the Industrial zones, and discussion followed. Mr. Smith questioned whether it would be wise to allow housing in these zones given the presence of industry, and the board members talked about this.

Ms. Coletta asked that the board authorize her to write a letter to the Town Manager asking for help finding funds for a new master plan for the town, and the board members agreed.

Mr. Wandell made a motion that the board authorize its Chairman to send a letter to the Town Manager requesting guidance on seeking out grant money for a revision of the current town master plan. Mr. Scholl seconded the motion, and the board voted unanimously in favor.

Ms. Coletta noted that someone had asked about whether the previously approved Subdivision #1801 Dominic’s Way could be built out with wells on the two new lots instead of using town water. The board members generally agreed this would be a matter for the Board of Health and/or D.P.W., and Mr. Smith mentioned that a fire hydrant might be necessary.

**PUBLIC HEARING FOR PROPOSED SITE PLAN #SP7-19 CAMP PEMBROKE YURT VILLAGE**

Ms. Coletta opened the public hearing for proposed Site Plan #SP7-19 Camp Pembroke Yurt Village, to construct new buildings and facilities to expand an existing summer camp, at 306 Oldham Street (also known as 290 Oldham Street), located in Residence District A and the Water Resource and Groundwater Protection District.

Mr. Wandell stated for the record that since he is an abutter to the property, he will be recusing himself from the eventual vote on the site plan.

Stacy Minihane introduced herself, explaining that she is a wetlands scientist with Beals & Thomas, and that Jeffrey Murphy, also with Beals & Thomas, was present too. She provided a summary of the
proposed project, which consists of a two-story “common house” (or “meeting house”) and four one-story “yurt tents,” along with a fire pit, benches and landscaping. The project would expand the facilities of the existing summer camp known as Camp Pembroke, and would be roughly in the southwest portion of the property.

Ms. Minihane explained that the common house would be about 2,600 square feet (not counting the deck), and would contain bathrooms, 3 bedrooms, showers, office space and a common room. The four yurts would contain seasonal housing, and each would be about 30 feet in diameter, on raised wooden platforms. There would also be a gathering area with a fire pit and wood chip paths. Some trees and shrubs in the vicinity would be trimmed.

Ms. Minihane explained that the stormwater system would consist of a perimeter trench and two subsurface infiltrators for the common house, and a crushed stone edge around the yurts. She stated that the project has received an order of conditions from the Conservation Commission.

Ms. Minihane said they had requested a waiver from submitting certain dimensional information and other data, but now realize they need a variance for this. A conversation followed about the nature of this requirement, and whether it would apply to the property as a whole or just this particular project.

It was noted that the septic system was not shown on the drawings. A discussion ensued about the utilities provided to the common house and yurts.

Jonathan Cohen, the president of Cohen Camps, said the purpose of the expansion is for counselors in training, and described the uses of the buildings. He said that they regard the camp’s maximum capacity as about 320 campers, and that this expansion would add about 20 to 30 people to the camp.

A brief discussion took place about whether a traffic study should be submitted. Ms. Minihane clarified the distance from the project to the property boundary, and explained that this area is mostly wooded.

Ms. Minihane explained that they are requesting a waiver from the 3-foot-wide landscaping requirement along building foundations. She mentioned that the town assessors list Eli and Bessie Cohen as the property owners, but they are no longer alive, and so it’s not possible for them to give written permission for the project as required by the site plan rules & regulations. It was clarified that the property’s owner should be Eli and Bessie Cohen Camps of Massachusetts. Discussion ensued about how and whether to correct this.

A conversation took place about whether a development impact statement is required, and whether a registered landscape architect’s stamp is required. Mr. Irving said the board would like to see lighting information on the drawings. It was clarified that the identity of the species to be planted was given on one of the drawings.

Ms. Minihane asked what the board would require for the stormwater system, and described the approach they had used for stormwater. She explained that the project doesn’t fit into the typical categories, and that they tried to design the stormwater system to the maximum extent practical. A discussion took place about the stormwater handbook’s regulations, and Mr. Palmieri described some of the nuances of the stormwater situation. Ms. Minihane said they hoped that soil testing
could be made a condition of site plan approval. There was a conversation about the soil on the property, and the stormwater regulations.

Mr. Palmieri and Ms. Minihane talked about the area being a “Zone A” due to its proximity to the pond, and how this affects the stormwater regulations. A discussion followed about the complexities of stormwater in this context, two key issues being infiltration in Zone A and pre-development versus post-development analysis. Mr. Noone suggested the infiltrators be moved outside the Zone A area. The board, with the exception of Mr. Irving, generally felt that a pre-development versus post-development analysis would not be needed.

Ms. Coletta opened the hearing to comments from members of the public who were present.

Carl Jacobson, an abutter to the project, asked how much deforestation was associated with the project. Ms. Minihane said it was less than an acre. A conversation followed about the extent of the clearing of vegetation.

Brian Mollo, who lives near the project, said that he believes the tree line as shown on the drawings is incorrect, because the vegetation would not be so close to the yurts or else it would gradually be pruned back. A conversation took place about how property owners are prevented from gradually cutting vegetation back into a wetland area.

A member of the public made some general complaints about the noise coming from the camp due to music events, and about the behavior of the campers and counselors. Discussion followed among the board members about whether such issues were properly under the board’s purview.

Mr. Cohen explained that the events end at 9:30 at night, and that they have taken steps to reduce the music’s volume. He noted that the camp only operates for seven weeks each year, and there are only a few music events each summer.

Mr. Taylor made a motion to continue the public hearing for proposed Site Plan #SP7-19 Camp Pembroke Yurt Village to January 6, 2020, at 7:30 pm, Mr. Scholl seconded the motion, and the board voted unanimously in favor.

PUBLIC HEARING FOR PROPOSED MAJOR MODIFICATION TO SITE PLAN #SP2-17 AT 260-280 OAK STREET

Ms. Coletta opened the public hearing for the proposed major modification (amendment) to Site Plan #SP2-17 at 260-280 Oak Street. The site plan is to build two industrial buildings totaling 20,000 square feet of modular units occupied by multiple users, on property located in Industrial District A and the Medical Marijuana Overlay District, and its construction is nearly complete. The major modification makes various changes to the site plan, generally reflecting what has actually been built, especially regarding the access drive, parking areas, drainage system, landscaping, grading, fencing, retaining walls, vegetation, building interiors, and building entrances.

Susan Spratt, the project engineer (of McKenzie Engineering Group), summarized some of the changes made to the design. Mr. Irving stated that the catch basins along Oak Street were originally installed without the town’s permission, and the town has installed drop inlets to prevent the flooding caused by these catch basins.
Ms. Coletta noted that a letter regarding the project had been received from Russell Field, trustee of 290 Oak Street Realty Trust which is an abutting property owner. Certain letters from McKenzie Engineering Group accompanying the major modification submission and revision were not in the board members’ folders, and so Mr. Heins left the room briefly to make copies of them for the board.

Ms. Coletta asked about the intersection of the access drive and the parking lot of an adjacent property, and Ms. Spratt described the revised design for this. Ms. Coletta asked where the drainage along Oak Street is going to, and Ms. Spratt described some aspects of the drainage system.

Brian Murphy, the developer of the project, stated that the grates (catch basins) along Oak Street had been functioning properly before the town installed the drop inlets, and discussion followed.

Mr. Palmieri and Ms. Coletta discussed the new design for the intersection of the access drive and the parking lot of an adjacent property. Mr. Palmieri also noted the issue of a common driveway and 40% site coverage.

Attorney John Danehey, representing Russell Field (trustee of 290 Oak Street Realty Trust), addressed the board to describe his client’s concerns.

Mr. Danehey said that some water is flowing from a detention basin (on the 260-280 Oak Street property) onto Oak Street.

Mr. Danehey stated that the project contains a common driveway—albeit a “secondary” rather than “primary” one—and the zoning bylaws prohibit common driveways in all zoning districts.

Mr. Danehey said the bylaws require 40% natural or landscaping coverage in the required yards (i.e., setbacks) of a site plan, and the project does not fulfill this requirement on one side.

Mr. Danehey acknowledged that variances were received for certain things (through constructive approval), but pointed out that the variance application had a somewhat different design from the eventual site plan design, and furthermore that the variances have lapsed. Thus, he argued, the applicant must submit a new application to the Zoning Board of Appeals for the variances associated with the project.

Mr. Danehey also explained that the adjacent property (owned by Corporate Park) must undergo site plan review, because it is being slightly modified by the project.

Kimberly Kroha, the attorney representing the developer (Mr. Murphy), addressed the board. She said she had not yet received a copy of the letter from Russell Field (290 Oak Street Realty Trust), but would respond to what Mr. Danehey had said.

Ms. Kroha said the zoning bylaws only require site plan approval for a change in use or structure, and since neither of these would happen on the Corporate Park property, it doesn’t need site plan review. A conversation took place about this issue.

Mr. Murphy noted the board originally insisted the access drive be built to Oak Street to avoid having a common driveway.

Ms. Coletta asked about the design change (during construction) that took away the dumpster pad, and Mr. Murphy explained that generally in Corporate Park they don’t use full-size dumpsters or
dumpster pads. Instead, he said, the tenants use six-yard dumpsters which provide more flexibility and can be moved around. This led to further discussion about dumpsters and their impacts.

Ms. Kroha said that the variances that were granted haven’t lapsed, because site plan approval was granted within the allowable time. She argued that the variances are applicable regardless of whether they were originally granted for a different design on the property.

Ms. Coletta asked if the proposed six-yard dumpsters could wind up in designated parking spaces, and Mr. Murphy said it was unlikely but acknowledged it was possible. Discussion ensued.

Mr. Heins noted that the proposed design submitted as part of the variance application was significantly different from the eventual site plan design. Ms. Coletta asked Ms. Kroha to discuss this. Ms. Kroha said that this is a finalized site plan and it was not appealed within the appeal period, so the issue doesn’t matter. Ms. Kroha also said the variances are valid even if the design changed. A conversation followed about the legal nature of constructive approval and the relevant case law.

The board agreed to continue the public hearing, and to seek assistance from town counsel regarding the legal issues at stake. Ms. Coletta asked that the two attorneys each submit written legal arguments, which would help town counsel evaluate their positions.

Ms. Kroha asked if the board could vote on the proposed major modification to the site plan, with the remaining legal and engineering issues to be conditioned, but the board members were opposed to this idea.

Mr. Noone noted that part of the site plan’s parking area would overlap onto the adjacent property in the revised design, and this was discussed.

Mr. Wandell made a motion to continue the public hearing for the proposed major modification to Site Plan #SP2-17 at 260-280 Oak Street to January 27, 2020, at 7:00 pm. Mr. Noone seconded the motion, and the board voted unanimously in favor.

**REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

A discussion took place about the application fee for an industrial Form A (ANR Subdivision), which as specified in the subdivision rules & regulations is much higher than the application fees for residential and commercial Form A’s. The board agreed this was excessive.

Mr. Scholl made a motion to make Pembroke’s application fee for an industrial Form A (ANR Subdivision) the same as for a commercial Form A. Mr. Noone seconded the motion, and the board voted unanimously in favor.

Mr. Wandell 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

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*Pembroke Planning Board Minutes / December 16, 2019*