

**MINUTES OF THE SELECTMEN'S MEETING
APRIL 23, 2019**

PRESENT: Matthew J. Furlong (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), John G. Brown, Jr. (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Interim Town Manager), Erin Obey (School Superintendent), Michael Hill (Fire Chief), Richard Wall (Police Chief), Marybeth Brust (Asst. Superintendent), Kathleen McCarthy (Treasurer/Collector), Catherin Salmon (Chief Assessor), Patrick Chilcott (School Committee), Stephen Curley, Walter Roenick, Michelle Burt, Larissa Curley, Michelle Sullivan, Wayne Rankin, Greg Howell, Jessica Rushing, Brooke Young, Sabrina Chilcott (Assistant to the Town Manager), and others.

At 7:30 pm, Mr. Furlong opened the meeting and advised that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

**7:30 SELECTMEN'S PRESENTATION TO PEMBROKE GIRLS HIGH SCHOOL
BASKETBALL TEAM**

Selectman Furlong and the Board congratulated the members of the Pembroke High School Girls Basketball team led by Head Coach Tim Lopes, Assistant Coaches Jazz Silva and Emma Harnett and Managers Caroline Hickie and Kayla Tynan for their distinguished winning of the Massachusetts Division II South title and advancement to the Division II State Semi-Finals. Congratulations and certificates were individually presented to team members Abby Obermann (guard), Kylie Gates (guard), Sophie Considine (guard), Cristen McSweeney (guard), Katelyn Howe (guard), Kierstin Dineen (forward), Megan Willshire (guard, Captain), Cailan Armstrong (forward), Kylee Dineen (forward), Katie Galligan (guard, Captain), Caitlin Pekrul (wing), Haley March (guard), Jayne Howe (wing, Captain), Bella Pizzi (wing) and Amanda Little (forward).

**7:40 PLANNING BOARD MEMBERS REBECCA COLETTA (CHAIRMAN), ANDREW
WANDELL (VICE-CHAIRMAN) GENERAL DISCUSSION: ARTICLE 18 ZONING BYLAW**

Ms. Coletta and Mr. Wandell were present to review details of the Age Qualified Custer Zoning Bylaw that will be presented at Town Meeting; the bylaw would allow the construction of cluster housing by permit through the Planning Board on parcels over 30 acres in size only and will be over fifty-five (55) aged communities with a 10% affordable housing component and open space requirement. Ms. Coletta advised that the Planning Board scaled back the original proposal to limit the total number of units in the cluster to be the same number overall allowed under existing zoning for the total parcel. Mr. Trabucco stated that he is not a supporter of cluster housing, but the bylaw is well written and it is clear a lot of effort went into crafting it. Mr. Trabucco inquired as to what guard exists against future buildout of property that originally builds using cluster zoning, and is there any failsafe for the future should the Homeowners Associations fail, requiring the town to assume responsibility for their roadways. Ms. Coletta advised that the future of the town cannot be predicted and would be for a future town meeting to decide. Ms. Coletta clarified that the project's approval requires a deed restriction be filed which is very hard to overturn. Ms. Coletta added that the Condo Association would be responsible for maintaining the roadways which wouldn't be built to the same specifications as the town's main roadways, eliminating their qualifications as an accepted road. Ms. Coletta stated that town counsel cautioned the board not to include language in the bylaw restricting residence to people over eighteen years of age, but the Condo Association could require it, and a 55+ aged community is generally two to three bedrooms with a much lower tax impact to the town. Mr. Wandell stated that the Planning Board was mindful of the new Housing Production Plan, and this bylaw supports the Plan and the building of affordable housing in Pembroke. Mr. Wandell added that this bylaw allows the Planning Board to plan, bringing sensible housing strategies that the marketplace is demanding. Mr. Wandell concluded with the fact that there are only six (6) parcels in Pembroke that would qualify under this bylaw. Mr. Brown asked if the town was able to charge impact fees; Mr. Wandell stated that state grant funding is available to the developer or the town to repair roadways damaged or degraded during construction. Ms. Coletta stated that the town does not charge impact fees and she explained the sidewalk fee criteria. Mr. Furlong opened the floor to resident's questions. Ms. Jessica Rushing of Robinson Creek Road asked if the bylaw could be amended to increase the parcel size that qualifies, potentially reducing the impact to residents. Mr. Wandell

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stated that the six parcels that qualify would still qualify if the acreage were doubled to sixty acres, and he cautioned against the appearance of spot zoning. Ms. Coletta also cautioned that bylaws that are too restrictive increase the likelihood of developers seeking MGL c.40B relief through DHCD. Discussion ensued on Chapter 40B regulations. Mr. Wayne Rankin of Dwelley Street asked the Selectmen to place an article in the warrant to buy the golf course. Mr. Trabucco asked Mr. Rankin to stay to discuss this when the item comes up on the agenda after the current topic has been resolved; however, Mr. Trabucco did state that he is opposed to the purchase of the property. Mr. Boyle questioned whether the town could buy the land and subdivide it for a profit. Mr. Trabucco stated that he is opposed as it is not the town's strength to act as a land developer and land sales agent; the private owner and developer have a plan to save the golf course with responsible land development for profit with a tax positive result to the town. Mr. Thorne reminded the Board that a vote was taken two weeks ago to recommend unfavorable action on this bylaw, article 18, and this is an opportunity to take another vote on the issue with new information. Mr. Trabucco moved to reconsider the Selectmen's recommendation on article 18. The motion died for lack of a second.

GENERAL DISCUSSION AND POSSIBLE VOTE: RIGHT OF FIRST REFUSAL, 94 WEST ELM ST (B11-33, A12-47)

Mr. Trabucco opened the discussion stating that he feels the Selectmen should waive the Town's right of first refusal on this parcel. Mr. Brown stated that he is also not in favor of purchasing the property. Mr. Boulter stated that he would love to see the town buy the property, but the town is struggling financially and this is not the first priority. Mr. Boulter inquired into the costs as set forth in the purchase and sale agreement. Mr. Thorne advised that the town may accept the proposal as presented or decline, and there is no mechanism under statute to negotiate a different agreement. Mr. Thorne stated that the purchase and sale is clear that the cost of the land is \$4,360,000 and also clear about the three year lease back to the current owner with two one-year options at \$75,000 per year. Mr. Trabucco stated that the town could not carve off lots with this agreement as written; he also pointed out that the golf course will remain regardless of which entity executes this agreement. Mr. Boyle stated that he feels an appraisal would be advantageous to help determine what the value of the land would be if developed. Mr. Rankin stated that traffic would become terrible on what are essentially country roads and asked if the town had looked into how much a golf course could earn the town. Ms. Coletta advised that there is little to no frontage available to build a subdivision and a land use plan would not be as easy as subdividing and selling off lots. School Committee Chairman Patrick Chilcott stated that the School Superintendent, the Police Chief and the Fire Chief have come together to voice opposition to this purchase. Mr. Chilcott stated that the Advisory Committee voted to recommend against the purchase. Mr. Chilcott stated that town is facing serious financial challenges right now and it is a struggle to see how it is a responsible financial decision to buy the golf course; he further stated that the School Department laid off eleven teachers as a result of this budget cycle. Mr. Chilcott stated that the plan presented by the developer leads to a project that would create \$1million in new revenue; Mr. Chilcott stated that the Revenue Subcommittee struggled to identify additional sources of revenue for the town and no plan presented came close to generating a recurring source of \$1million. Mr. Chilcott concluded by stating that the situation and numbers might have been different if the town could have negotiated a deal, but as they cannot, he requested that the Selectmen vote to waive the town's right of first refusal. Mr. Walter Roenick, Current owner of the golf course and accompanying country club, stated that the purchase of \$4,360,000 will cost the town \$6.1million over twenty years just in the purchase, and that does not account for the millions of dollars' worth of improvements necessary over the next twenty years to maintain the parcel an update the thirty year old facilities. Mr. Roenick confirmed that the fixed lease price payed to the town in the agreement is \$75,000 per year and all profits stay with the lessee. Police Chief Wall stated that he spent over one year on the Capital Committee that stalled for lack of funding, leaving the plans for the station just drawings on the wall with \$0 of funding in sight. Chief Wall stated that he believes that the best thing for the town is to keep the golf course a golf course and accept the revenue stream of \$1million per year. He concluded by stating that the town has to endorse this deal between the owner and the developer, and stated that this is a timely gift to the town and the best news that the town could receive. Fire Chief Hill stated that 55 plus communities are generally very healthy communities with no observable increase in medical service needs; he anticipates no additional needs where no visible increases to Fire Department services are anticipated. Chief Hill concluded by stating that the common sense answer is to accept the revenue and vote to waive the town's right of first

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refusal. Mr. Trabucco moved that the Board vote to waive the Right of First Refusal on this land; Mr. Brown seconded the motion. The vote passed with a 4/1 vote with Mr. Boyle opposed. Mr. Trabucco moved to reconsider the Board's recommendation on article 18. The motion died for lack of a second. Mr. Brown stated that his concerns stem from his feeling that the language is too vague with possible loop holes for the developer to explore. Ms. Coletta stated that the number of units allowable under this bylaw are the same number of units that could be built specifically as of right today; without the bylaw, the developer will have to do a full buildout on one acre lots that will contain a full complement of children, cars and create more traffic that the cluster bylaw would allow. Ms. Coletta also stated that the development would come with a deed restriction that is favorable to the town, that is enforceable, and she summarized by stating that the town pays out more money for services in taxes than it takes in on a buildout. Mr. Wandell concluded by stating that the Planning Board worked to bring the bylaw from the vague to the certain. Mr. Chilcott stated that this bylaw returns the highest yield to the town and increases the town's affordable housing inventory. Greg Howell of Country Club Circle stated that as an abutter, the waiver of the purchase of the golf course and no support for the cluster bylaw is a nightmare scenario for the neighborhood and he requested that the Board discuss their recommendation on article 18. Ms. Coletta stated that she is concerned that the Board's message seems to be support for full single family home development that eliminates the golf course or encourages a 40B project. Michelle Burt asked Ms. Coletta if town meeting doesn't vote for the cluster bylaw, is the option left to the developer to seek relief through a 40B project; Ms. Coletta stated that 40B is one option, and an option that is unpreventable if the town's SHI does not stay above 10%. Ms. Burt asked if the residents only way to save the golf course the cluster bylaw, and Ms. Coletta stated that other than a 40B option, yes, passage of this cluster bylaw is the only mechanism under zoning that would save the golf course. Chief Wall requested that the Board consider changing their recommendation on article 18 to a town meeting floor recommendation. Mr. Brown moved to reopen article 18 for reconsideration of a town meeting floor recommendation. Mr. Boyle seconded the motion. The vote was unanimously in favor.

At 8:55 pm, Mr. Furlong declared a ten minute recess. At 9:05 pm, the meeting resumed.

POSSIBLE SIGNING OF TOWN MEETING WARRANTS

The Board agreed to sign the town meeting warrants at the conclusion of the meeting.

VOTE TO APPROVE HERRING FISHERIES UPDATED MISSION, DUTIES AND STREAM MAINTENANCE PLAN

Mr. Boulter stated that the Herring Fisheries Commission has updated its mission statement and the Commissioner Duties descriptions, as well as adding the Herring Fisheries work locations throughout the town's streams. Mr. Boulter advised that the HFC members logged 700+ hours last year and have logged over 500 hours thus far this year working in the streams. Mr. Boulter stated that over 200,000 fish have been observed to date, putting the town on target to hit their goal of 500,000 herring. Mr. Boulter advised that the HFC submitted their Stream Maintenance Plan to the Board in 2016 as reference, and now the request before the Board is to vote to accept the Plan as contained in the report. Mr. Boulter stated that the Conservation Commission voted to approve the Plan in 2018. As a point of reference, Mr. Boulter explained that town meeting voted in 1973 to go to the Division of Marine Fisheries to request that the Pembroke Herring Fisheries Commission take over the maintenance of the town's streams. In 1974 the DMF approved and granted permission to the Pembroke Herring Fisheries Commission to maintain the town's streams. Additionally, the latest stream maintenance plan as before the Board was written by Brad Chase of the Division of Marine Fisheries and it is a very well written plan. Mr. Boulter concluded by stating that the Pembroke Herring run ranks in the top five runs in the state, and last year was second only to Boston. Mr. Trabucco moved to accept the report as submitted. Mr. Boyle seconded the motion. The vote was unanimously in favor.

DISCUSSION AND POSSIBLE VOTE: SUPPORT OF PEMBROKE ENTREPRENEURSHIP CENTER

Mr. Furlong requested that the Board review the materials for a discussion at the next meeting.

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ACCEPT RESIGNATION OF SANDRA SIMON FROM CONSERVATION COMMISSION

Mr. Boyle moved to accept the resignation of Sandra Simon with regret; Mr. Boulter seconded the motion./
The vote was unanimously in favor.

OLD BUSINESS

Vote Selectmen's Recommendation, Zoning Bylaw Articles 19, 20, 21, 23, 24, 26, 27, 31 and 32

Mr. Boyle moved a Selectmen's recommendation of favorable action on the articles as listed; Mr. Boulter seconded the motion. The vote was unanimously in favor.

TOWN MANAGER'S REPORT

Legislative Update

Mr. Thorne advised that Representative Cutler's office reached out to inform the town that there is a \$25,000 earmark for Library technology improvements and a \$25,000 earmark for improvements to the Mattakeesett Street baseball fields; they have passed the House and are en route to the Senate for a vote.

ASK THE SELECTMEN

Mr. Trabucco requested that an item be added to the upcoming agenda to authorize the Town Manager Search Committee to hire a consultant.

NEW BUSINESS

Mr. Brown distributed a draft of a joint letter of support for the Board's consideration at the next meeting. Mr. Brown advised that both boards were encouraged by Representative Cutler and Senator deMacedo's support of regionalized transportation as expressed in their letter of March 27th, yet Pembroke remains concerned by the lack of action on vocational transportation. Mr. Brown advised that he is presenting this letter for support at the upcoming School Committee meeting on April 30th and would like the Board's support at the next meeting.

At 9:30 pm, Mr. Furlong read the upcoming issues from the agenda. Mr. Boyle moved to adjourn and Mr. Boulter seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Herring Fisheries Comm. Mission Statement, Duties, Stream Maintenance Report (HFC/BOS/TM Office)
Notice of Intent to Sell, Purchase & Sale Agreement; 94 West Elm Street (BOS/TM Office)
Final ATM and STM warrants (BOS/TM Office)
Draft Letter, J. Brown: School Committee/Selectmen re: legislative appeal (BOS/TM Office)