

BOARD OF  
ZONING AND BUILDING LAW APPEALS  
PEMBROKE, MASSACHUSETTS  
02359

Case #28-17

November 1, 2017

The members of the Zoning Board of Appeals hereby certify that the following is a detailed record of all the Board's proceedings regarding the petition of Roger Warren by Collins Civil Engineering Group, Inc., George R. Collins, P.E., Pembroke, regarding property located at 0 Crescent Avenue, as shown on Assessors' Map B-2, Lots 48, 2594 thru 2599, said property owned by Roger Warren, which is the property affected by this requested special permit.

The petition to the Board is dated September 28, 2017. The petition requests a special permit as per Sec. V, 5. Non-Conforming Property of the Zoning By-Laws of the Town of Pembroke to raze the existing structure and construct a new three bedroom single-family dwelling.

A notice of the public hearing on this petition will be retained in the file. It was published in the Pembroke Mariner and Express, a newspaper of general circulation in the Town of Pembroke on October 6, 2017 and October 13, 2017, posted in a conspicuous place in the Town Hall and mailed on October 6, 2017 to abutters whose property is located within 300 feet of the property line of the property in question. The notice was mailed to the names of the persons at the addresses as provided by the most recent tax list kept by the Town Assessor.

The public hearing on this petition was held on Monday, October 23, 2017 at 7:15 p.m. in the Pembroke Town Hall Hearing Room at which time opportunity was given to all those interested to be heard in favor or opposition to said petition. The following members of the Board were present at the hearing: Rick Casavant, Vice Chairman, James Gallagher, Clerk and Christine Griffin, Alternate. The tape recording of the hearing is attached to the file and a copy of the tape will be provided upon request.

October 23, 2017 at 7:15 p.m.

Casavant:	Opens hearing by reading notice as it appeared in the Pembroke Mariner and Express and turns floor over to the petitioner for presentation of his request.
Collins Eng.:	Describes the area off of Plymouth Street where Crescent Avenue is, the lots being used and that Crescent Avenue is a paper street. The application has been approved by the Board of Health. This land is right on the Pembroke-Halifax line and is right off of Crystal Lake. We went to the Halifax Conservation and they are very strict on the no touch fifty foot buffer zone. We wanted to do two things, one to keep the taxes all in one Town and we have to

abide by Halifax's policy. Halifax has approved this plan as it was presented here tonight.

Using a set of their plans he goes on to describe the area, the location of the existing dwelling and what they propose to do and build a two story, three bedroom, 2,000 square feet dwelling with a single garage which will be eleven feet off of Crescent Avenue. We've started the process with the Planning Board to put in a roadway access to the property. Pembroke Conservation has already approved this plan. The Board of Health has also approved this plan. Mr. Warren has three other lots.

Gallagher: Will the other lots be developed?

Collins: In conclusion there will be three buildable lots, but at present only this one is being developed.

Casavant: Will the new dwelling be on the same footprint as what's there now?

Collins: No, it will be less non-conforming.

Gallagher: I'm okay with this.

Casavant: Are there any abutters here who have something to say?

Abutter: We heard it was rejected about a year and half ago from Conservation because it was wetland.

Collins: We have approvals from both Halifax and Pembroke Conservations.

J.Poirier: When was that?

Collins: Both this year.

Poirier: What happened a year and half ago?

Xollins: I don't know.

Poirier: I'm a direct abutter and I bought my land because I was told the abutting land was all wetlands and unbuildable. Will this make the new dwelling closer to me?

Collins: No, further away.

Collins: We had the lots delineated by a botonist and the only wetlands are right along the shore.

Casavant: And you got your necessary approvals?

Collins: Yes, from both Halifax and Pembroke. The only thing left is this and then we have to go to Planning Board on the roadway.

Casavant: Christine?

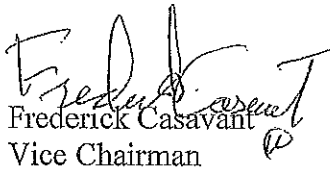
Griffin: I'm fine with it.

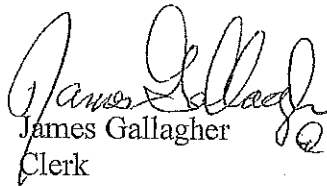
Casavant: Considering it's not more detrimental than the existing non-conforming use, I'm inclined to allow it. So lets hear a motion:

Griffin:: I make a motion to grant a special permit as per Sec. V, 5 Non-Conforming Property. of the Zoning By-Laws of the Town of Pembroke to Roger Warren for property as shown on Assessors' Map B-2, Lots 48, 2594-2599 for property located 0 Crescent Avenue, Pembroke to raze the existing dwelling and construct a new two-story, three bedroom single-family dwelling with single

garage as shown on the drawings by Collins Civil Engineering Group, Inc., dated March 19, 2015.

Gallagher: Second.  
Casavant: All in favor.  
Casavant:: Aye.  
Gallagher: Aye.  
Griffin: Aye.  
Casavant Motion carried.  
Hearing adjourned.

  
Frederick Casavant  
Vice Chairman

  
James Gallagher  
Clerk

  
Christine Griffin  
Alternate