

**ZONING AND BUILDING LAW APPEALS**  
**PEMBROKE, MASSACHUSETTS**  
**02359**

Case #36-17

March 7, 2018

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 Archibald Builders Inc. regarding property located at Indian Trail, Pembroke as shown on Assessors' Map B-8, Lots 256 and 277, said property owned by John D. McGarrell and Bonnie H. McGarrell, John D. McGarrell and Diene K. McGarrell, and Robert K. McGarrell et al, which is the property affected by this request for a special permit.

The petition to the Board is dated November 30, 2017. The petition requests a special permit of the Zoning By-Laws of the Town of Pembroke. Sec. V, 5. Non-Conforming Property to construct a new single-family dwelling. A true copy will be retained in the file.

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 January 5, 2018 and January 12, 2018, posted in a conspicuous place in the Town Hall and mailed on January 8, 2018 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 advertised to be held on January 22, 2018 at 7:45 p.m. at 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: James Gallagher, Clerk, Christine Griffin, Alternate, and Linda MacDonald, Alternate. The tape recording of the hearing is attached to the file and a copy of the tape will be provided upon request.

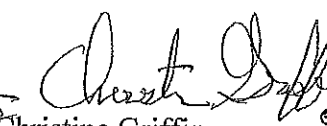
Monday, January 22, 2017 at 7:45 p.m.

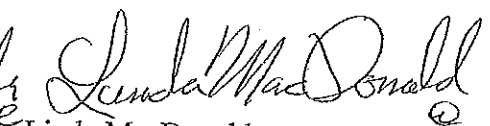
Griffin: Opens meeting by reading the notice which appeared in the Pembroke Mariner and Express and turns the floor over to the petitioners for explanation.

F. Archibald: We'd like to build a one bedroom single-family home on this parcel. Do you have any questions about the layout?

Gallagher: What's behind it?  
Archibald: That's No Bottom Pond and belongs to the Town.  
Griffin: Jim, do you have any questions?  
Gallagher: I went by the property, I like the setback on both sides and the back and the house will fit in just fine.  
Archibald: It's not a big house and the house next door is also new.  
MacDonald: How big will the house be?  
Archibald: 44 feet long and 24 feet deep, one level, one bedroom home.  
Gallagher: With a 8 by 10 deck off the back.  
Archibald: Correct.  
MacDonald: One bedroom because of the septic?  
Archibald: That's right.  
Griffin: We'll open it up for public comment.  
D.Griswold: Will we still have a right of way to get into the bog? The abutter to the right of way has developed the right of way so that it looks like his yard now.  
Dowling: I would get all the neighbors to sign a petition and submit it to the Board of Selectmen.  
Archibald: I'll even do it if I have the legal right.  
Dowling: You can also put that in your petition.  
Griffin: Anyone else have a comment?  
(no response)  
Griffin: I make a motion to grant a special permit of the Zoning By-Laws of the Zoning By-Laws of the Town of Pembroke Sec. V, 5. Non-Conforming Property to Archibald Builders Inc., for property located at Indian Trail, Pembroke as shown on the Assessors' Map B-8, Lots 277 and 256 to construct a new one bedroom single family dwelling as shown on the drawing by Webby Engineering Associates, dated November 7, 2017.  
Gallagher: Second.  
Griffin: All in favor.  
Griffin: Aye.  
Gallagher: Aye.  
MacDonald: Aye.  
Griffin: Motion carried  
Hearing adjourned.

  
James Gallagher  
Clerk

  
Christine Griffin  
Alternate

  
Linda MacDonald  
Alternate