

PEMBROKE ZONING BOARD OF APPEALS

MEETING MINUTES JULY 15, 2019

BOARD MEMBERS PRESENT: Christine Griffin, Vice Chairman; James Gallagher, Clerk; Michael Fay, Member

Ms. Griffin opens the meeting but states that there will be a brief recess taken to wait for the third Board member to arrive. Ms. Griffin makes the motion to recess, Mr. Gallagher seconds the motion.

PUBLIC HEARING FOR SPECIAL PERMIT CASE #17-19 AT 125 CHURCH STREET TO OPERATE A PIZZA RESTAURANT AT THE FORMER PAPA GINO'S LOCATION

The meeting reconvenes at 7:20 p.m. Ms. Griffin opens the public hearing for the requested special permit to operate a pizza restaurant at the former Papa Gino's location at 125 Church Street.

Mr. Luis Bermejo is present as the applicant as well as his attorney Paul Kaufman. There are no abutters present.

Attorney Kaufman explains to the board that his client would like to open and operate a pizza shop where another pizza shop previously existed. The set up inside would be the same as before, the same hours of operation as committed by the lease with the landlord would also be in place. There would be no exterior changes to the building. The board does not have any questions for the applicant or his attorney. Ms. Griffin asks if anyone is present in favor or against the project; no one is present. She asks for a motion to allow the project. Mr. Fay makes a motion to allow the application and notes that there will be no exterior changes and the hours will be restricted by the lease contract with the landlord. Mr. Gallagher seconds the motion, all board members vote unanimously in favor.

PUBLIC HEARING FOR SPECIAL PERMIT CASE #18-19 AT 216 HOBOMOCK STREET TO CONSTRUCT A 12X12 ADDITION TO AN EXISTING SINGLE FAMILY DWELLING

Ms. Griffin opens the public hearing for the requested special permit to construct an addition onto an existing single family dwelling.

Mr. Timothy White is present as the applicant; there are no abutters present.

Mr. White explains that he would like to build a single story addition. The frontage of the lot is forty feet, which is the questionable part of this application. Mr. Gallagher asks about the driveway; Mr. White informs the board that it is a shared driveway. All other setbacks are appropriate for the bylaws. Mr. Gallagher has no issue, Mr. Fay has no questions. Ms. Griffin states that this addition would not increase the non-conformity. There are no abutters present; Ms. Griffin asks for a motion to be made.

Mr. Fay makes a motion to allow the application requesting the special permit to construct an addition at 216 Hobomock Street, with the project being limited to the plans dated July 10, 2019. Mr. Gallagher seconds the motion, all board members vote unanimously in favor.

PUBLIC HEARING FOR VARIANCES CASE #19-19 AT 275 OAK STREET TO MODIFY PREVIOUSLY GRANTED VARIANCES AND OPERATE A KENNEL, DOG DAYCARE, DOG TRAINING AND/OR DOG GROOMING FACILITY NAMED SOUTH PAWS DOGGY DAYCARE

Ms. Griffin opens the public hearing for the requested variances to amend a previously granted variance by the board.

Ms. Karen Price is present as the applicant. There are no abutters present.

Ms. Price explains that she was reviewing her previously granted variance and there were a few things that she needed altered in order for the business to continue if at any point she stepped away from owning it. She explained that the variance had been granted to run with her as the owner instead of the property which would not allow someone to buy the business and continue to operate it as it is now. The old variance was granted prior to the building being constructed; there is now a second floor which houses administrative offices and a classroom so there is more room on the first floor.

Ms. Price states that there is no parking issue. She states the original variance allows for seventy five dogs but they are able to accommodate more than that amount. Ms. Price reviews all rooms available to house dogs for dog daycare, grooming, etc. She states that currently she has enough room for over 120 dogs. Mr. Gallagher asks the sizes of the rooms; Ms. Price informs the board of the room sizes.

Ms. Griffin notes that Ms. Price also would like to change the hours of operation to allow the business to open thirty minutes earlier than what was previously granted (6:30am to 6:00am). Ms. Griffin also asks Ms. Price to clarify the amount of dogs to be allowed, Ms. Price would like a maximum of 125 dogs, with an overnight maximum of twenty five dogs. The last change that Ms. Price would like is to have the variance run with the property rather than with her as the owner.

Ms. Griffin asks if there are any abutters, there are not.

Mr. Gallagher points out that the building was approved as a single story but now it is two stories; he asks if parking spaces have increased. Ms. Price shows that they did create a gravel area for extra parking. Mr. Gallagher would like to see the area paved and lined to increase the amount of spots available. Mr. Gallagher states that there needs to be more parking because of the increase in building square footage. He would be in favor of the proposed amendments if the parking can be increased.

There is discussion about parking requirements in relation to the original variance. Ms. Price states that she can add a few more spaces as is being asked. Ms. Griffin states the required amount of spaces is sixty six, she would like to see the same percentage that was granted for the previous variance. Mr. Gallagher has no issues if the parking can be increased.

Ms. Griffin states that typically variances do run with the property, so there should be no issue to change the language to run with land. Mr. Gallagher asks Mr. George Verry, who is present as the building inspector, if the area over a septic system can be paved. Mr. Verry states that if it was designed a certain way, then yes it can be. Ms. Griffin asks if a crushed stone area can count as parking; Mr. Verry stated that it does. Ms. Griffin would like thirty five spaces in the area, Ms. Price agrees to add more spaces to get up to thirty five.

Mr. Fay inquires if parking spots are required to be asphalt. Mr. Matthew Heins states that he believes there is a rule in the bylaws that parking spots need to be paved. Mr. Verry states that are conditions that it does not have to be paved when it comes to water run-off. Mr. Gallagher's concern is if the building and property are to be sold eventually and the business changes, there would need to be more

parking. Ms. Griffin states that they can condition the variances to only be allowed with this particular type of business in order to have the variances run with the land rather than Ms. Price.

Mr. Fay makes a motion to allow the application for the requested amended variances to a previously granted decision with conditions. Ms. Griffin lists the changes to the previous decision including increasing parking to thirty five spaces, allowing 125 dogs with a maximum of twenty five dogs overnight, and a change to the hours of operation to 6:00am Monday through Friday, and finally for these variances to run with the property instead of the property owner so long as the business on site is being operated as a boarding, daycare, grooming and training facility. Mr. Gallagher seconds the motion, all board members vote unanimously in favor.

PUBLIC HEARING FOR SPECIAL PERMIT CASE #01-19 AT 171 MATTAKEESETT STREET FOR SPECIAL PERMIT AND/OR VARIANCE TO BUILD THREE 7,000 SQUARE FOOT BUILDINGS

Ms. Griffin re-opened the public hearing for the requested special permit case #01-19 at 171 Mattakeesett Street, for constructing three 7,000 square foot buildings. She states that the hearing must be immediately continued as Mr. Casavant is not present to hear further testimony.

Mr. Gallagher makes a motion to continue the public hearing to August 5, 2019, time to be determined; Mr. Fay seconds the motion, all members vote unanimously in favor.

The meeting is adjourned at 7:50 pm.