

## **ZONING BOARD OF APPEALS / TOWN OF PEMBROKE**

### **MEETING MINUTES: OCTOBER 7, 2019**

**BOARD MEMBERS PRESENT:** Christine Griffin (Vice-Chairman), James Gallagher (Clerk), and Michael Fay (Alternate)

**ALSO PRESENT:** Sheila Landy (Office of the Board of Health), Paul Overgaag, John Grenier, Scott Pennoyer, Joseph Webby, Amanda Monti, and others

#### **PUBLIC HEARING FOR CASE #25-19 SPECIAL PERMIT TO OPERATE A RESTAURANT AT 340 OAK STREET (WOLVES DEN SPORTS COMPLEX)**

Ms. Griffin opened the public hearing for Case #25-19 at 7:00 pm, on the application of Wolves Den L.L.C., 340 Oak Street, Pembroke, MA 02359, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.5.B.4. (Restaurants Allowed by Special Permit in Industrial District A), to operate a new restaurant within an existing building, the Wolves Den Sports Complex. The existing activities and uses in the Wolves Den Sports Complex would also continue. The establishment would be located at 340 Oak Street, Pembroke, MA 02359, in Industrial District A, as shown on Assessors' Maps F15 Lot 47 and F14 Lot 36.

Paul Overgaag, representing the project, came before the board, and explained that the objective is to open a restaurant that would be patronized by those who come to events at the Wolves Den Sports Complex. He said that the exterior of the building won't change, and that the restaurant's operating hours would probably be 11 am to 10 pm. Mr. Overgaag explained that he has 35 years of experience in the restaurant industry, and currently owns and runs two restaurants in Cambridge.

Mr. Overgaag described how the interior of the existing building will be reconfigured to accommodate the restaurant, and how the restaurant will be laid out.

Scott Pennoyer, representing RK Centers, addressed the board. RK Centers owns the adjacent property containing a large shopping plaza, which includes the Stop & Shop and other businesses. Mr. Pennoyer explained that water runoff from the 340 Oak Street property onto RK Centers' property has been a problem for a long time, and that it was previously agreed that a swale (trench) with rip-rap would be built to connect the new stormwater management system to the existing system. However, the swale hasn't been built yet, and so RK Centers has concerns. Mr. Overgaag assured Mr. Pennoyer that the swale would be built, and the problems would be fixed.

Mr. Gallagher made a motion to close the public portion of the hearing, Mr. Fay seconded the motion, and the board voted unanimously in favor.

Ms. Griffin said that she sees no problems with the application, but that they might require compliance with any decisions or actions of the Planning Board (regarding the swale and stormwater).

Mr. Gallagher made a motion to allow the application of Wolves Den L.L.C., 340 Oak Street, Pembroke, MA 02359, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.5.B.4. (Restaurants Allowed by Special Permit in Industrial District A), to operate a new restaurant within an existing building, the Wolves Den Sports Complex. The existing activities and uses in

the building would continue. The establishment is located at 340 Oak Street, Pembroke, MA 02359, in Industrial District A, as shown on Assessors' Maps F15 Lot 47 and F14 Lot 36. Conditions to be the restaurant is to operate between the hours of 11 am and 10 pm, and the applicant is to comply with any and all Planning Board decisions and directives, and this will be subject to the plans submitted with the application for the special permit. Mr. Fay seconded the motion, and the board voted unanimously in favor.

#### **PUBLIC HEARING FOR CASE #26-19 SPECIAL PERMIT TO CONSTRUCT A NEW SINGLE-FAMILY HOUSE AT 47 FAIRVIEW AVENUE**

Ms. Griffin opened the public hearing for Case #26-19 at 7:20 pm, on the application of Amanda Monti, P.O. Box 562, Hanson, MA 02341, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. V.5. (Nonconforming Uses), to construct a new single-family house and demolish an existing single-family house. The property is located at 47 Fairview Avenue, Pembroke, MA 02359, in Residence District A and the Water Resource and Groundwater Protection District (Zone II), as shown on Assessors' Maps A6, Lot 148, and A6, Lot 149.

The applicant and property owner Amanda Monti and the project engineer Joseph Webby came before the board. Mr. Webby explained that the new house would have roughly the same square footage as the existing house, and would be about 20 feet from the rear lot line and 16 feet from each side lot line. The existing garage, a separate building, would remain.

Mr. Gallagher noted that the siting of the new house would be an improvement over the existing structure, since it would be closer to the center of the lot.

Ms. Griffin asked if anyone was present who wished to comment, but there was no one. She stated for the record that no abutters were present to comment either for or against the project.

Mr. Gallagher made a motion to close the public portion of the hearing, Mr. Fay seconded the motion, and the board voted unanimously in favor.

Ms. Griffin said that this is a fairly typical application for a preexisting nonconforming use, and that the petitioner is doing well to decrease the nonconforming nature of the property so it won't be more detrimental to the neighborhood. Mr. Gallagher and Mr. Fay agreed.

Mr. Gallagher made a motion to allow the application of Amanda Monti, P.O. Box 562, Hanson, MA 02341, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. V.5. (Nonconforming Uses), to construct a new single-family house and demolish an existing single-family house. The property is located at 47 Fairview Avenue, Pembroke, MA 02359, in Residence District A and the Water Resource and Groundwater Protection District (Zone II), as shown on Assessors' Maps A6, Lot 148, and A6, Lot 149, with the new dwelling to be constructed in accordance with the plan dated July 10, 2019, and submitted with the application. Mr. Fay seconded the motion, and the board voted unanimously in favor.

#### **ADMINISTRATIVE ACTIONS**

Mr. Gallagher made a motion to approve the meeting minutes of September 23, 2019, Mr. Fay seconded the motion, and the board voted unanimously in favor.

The meeting was adjourned.