

## **PEMBROKE ZONING BOARD OF APPEALS**

### **MEETING MINUTES AUGUST 3, 2015**

#### **PUBLIC HEARING FOR SPECIAL PERMIT FOR 2 CAR DETACHED GARGAGE WITH 8 FOOT DECK FACING POND. CONTINUED PUBLIC HEARING FROM 6/29/2015**

Board opened the public meeting at 7pm on the special permit at 28 Elmer Ave. Pembroke, MA 02359, for a two car two floor detached garage with 8-foot deck out back facing the pond. 28 by 34 and max height at 24 feet from the grade up.

Board asked regarding the second floor will it be closed in and yes it will and will be used for storage only.

There is discussion that this will be reviewed by conservation and approved through them and get approved.

The deck will be on the second floor, surrounded by a wooded wet land area.

Property is flat and a slit decline, there is no abutting house that will have obstructed view of the pond.

Board made motion to grant this special permit for a 2-floor detached garage with deck at the address 28 Elmer Ave. Pembroke, MA 02359. The motion was seconded, and the board voted unanimously in favor.

#### **PUBLIC HEARING FOR SPECIAL PERMIT TO OPERATE A RESTURANT AT 615 WASHINGTON STREET (DISCH'S RESTURANT).**

The public hearing started at 7:15 pm, on the application from LED 2 LLC, 615 Washington street, Pembroke MA 02359 requesting a special permit in accordance with the zoning by-laws of the town of Pembroke, Sec. IV.2.B.4 ( Restaurants Allowed by special permit in Industrial District A), to operate a new restaurant within the existing building, Disch's Restaurant. The establishment would be located at 615 Washington Street, Pembroke MA 02359 shown on Assessors' Map E10 Lot 17.

Paul Disch, representing the project came before the board and explained the objective is to open a new restaurant in the existing building. He said the exterior of the building will not change other than the removal of the existing awning, landscaping and adding a new sign. He explained the sign will be an oval shaped sign. The board suggested having the hours of operations be Sunday's

10am-10pm and Monday thru Friday 11am-12pm, that way Mr. Disch has the option to open later if he wishes but has the option to open earlier without having to come back for approval of new hours. Mr. Disch explained he was the manager the Fairview Tavern for 14 years and has experience in the restaurant industry.

Mr. Disch explained he was not changing to much of the structure on the interior of the building, he just wants more functionality and a better flow in the kitchen and bar. He wants to use some old and new appliances in the existing kitchen and add 4 new complete stations at the bar to provide a better service for guest to eat since there is 40 seats at the bar. The board asked about entertainment at the bar and Mr. Disch explained he is undecided about that he is more of a food guy and providing a great service he explained. He also got permission to name the function room The Bobby Hackett Room from the Hackett family because of the big impact that restaurant had on the town of Pembroke.

The board made a motion to close the public portion of the hearing, the permit was seconded, and the board voted unanimously in favor.

The board made a motion to allow the application of Disch's Restaurant, 615 Washington Street, Pembroke MA 02359, requesting a special permit in accordance with the Zoning Bylaws of The Town of Pembroke, MA 02359 Sec. IV.2.B.4, to operate a new restaurant within an existing building. The Establishment is 615 Washington Street, Pembroke, MA 02359 as shown on Assessors' Map E10 Lot 17. Conditions to be the restaurant is to operate Sunday 10am-10pm, Monday – Friday 11am-12pm.

## **PUBLIC HEARING FOR COPPERWOOD HOUSING DEVELOPMENT FOR SPECIAL COMPREHENSIVE PERMIT – CONTINUED PUBLIC MEETING FROM 6/29/15**

### **UPDATES**

After the meeting on 6/29/15 there were a few things that were unclear on the design concept, of the common septic and how many lots would be included with common septic. The good news is that the Board of Health has all the info on septic systems for each lot from the engineers from the Copperwood Builders. All tested good so the board is taking off the table of having a common Septic for all the lots. It then was stated that all the septic systems will have to follow all state regulations for a title 5 inspection. Paul will be reviewing all title 5 compliance information.

The Board then addressed getting copies of the 131-page plan for the build, and Copperwood addressed they can get them printed if need be.

There was a discussion about the traffic report which is included in that 131-page report. Tom meet with all 8 concerned abutters and their concerns about preexisting conditions such as drainage problems and other problems they brought to his attention.

The board got a preliminary plan and Copperwood then returned that their plan was above the preliminary stage and is more definitive plans. Then there was discussion on a secondary means of accessibility and Acher Ave. was in discussion. The secondary means would only be for emergency and would possibly be just a dirt road if the fire chief could determine if it should be gated or not. This access would be maintained by the homeowner's association. This is still in discussion.

The Board then asked to get a Street plan put together so they could see what the development would look like from the street and Copperwood said they will get that together no problem.

The Board asked if there was any discussion on street lighting down the development, Copperwood replied that typically towns do not want the responsibility to have to pay that fee and hope that the street will be accepted as a private street.

There was lots of discussion on what will have to wait and go to town meeting to get a vote.

Abutters questions:

Judy Sullivan (79 Birch Street)

Asks why the original plan of 36 houses changed to 40?

Answer:TBT

Also, she asks if the street lighting can be downward facing lights

Answer: The Board said there will be no spot light lighting, they will be downward facing.

Judy voiced her concern about displacing vernal water and the board replied that there will be storm water circulation testing done to avoid any type of flooding.

Robert Healy (83 Birch Street)

His question is inquiring about the size of the lots and that they are pretty small and if and when the septic fails on one of the units where will the new one be placed?

The board responded that all state title 5 has a requirement that there are two designated areas where the original tank will go and have a backup spot mapped out.

Meeting is coming to an end and the board made a statement to follow up with Paul getting all the plans together that were addressed this evening and to get feed back from planning board in regards to the street lighting issues, if there will be a side walk and street lighting. Also follow up with conservation about the wetlands crossing.

The Board then explains that there will be no discussion about these matters privately, only through public meeting such as tonight.

Board made a motion to continue meeting to September 14, 2015, was second and all board members in favor unanimously.