

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: JANUARY 12, 2021

BOARD MEMBERS PRESENT: Frederick Casavant (Chair), Christopher McGrail (Clerk), and Arthur Boyle, Jr. (Alternate).

ALSO PRESENT: Sabrina Chilcott (Assistant Town Manager), Matthew Heins (Planning Board Assistant), Amy Kwesell (Town Counsel, KP Law), William Chenard (Town Manager), Brian Murphy, Warren Baker, Kimberly Kroha, Susan Spratt, Bradley McKenzie, and others.

Due to the coronavirus pandemic, this meeting of the Zoning Board of Appeals was held by remote participation using the internet, through the Zoom software platform arranged by PACTV, with nobody in physical proximity.

PUBLIC HEARING FOR CASE #48-18 COMPREHENSIVE PERMIT [40B] FOR “RIVER MARSH VILLAGE” PROJECT AT 0 AND 274 WATER STREET

At 7:00 pm, Mr. Casavant opened the meeting and the public hearing, and read aloud the notice of the public hearing:

The Town of Pembroke Zoning Board of Appeals will conduct a public hearing on Tuesday, January 12, 2021, at 7:00 pm for the purposes of hearing the application of River Marsh, LLC, for a comprehensive permit pursuant to G.L. Chapter 40B filed for fourteen (14) 1.5 story residential townhome buildings containing fifty-six (56) condominium units for sale, eleven (11) two bedroom and forty-five (45) three bedroom units, of which not less than 25% or fourteen (14) units shall be restricted as affordable for low or moderate income persons or families, to be constructed on the property located at 274 Water Street, containing 48.9 acres +/- of land area. The project is Case #48-18, and is located at 0 and 274 Water Street, Pembroke, MA 02359, as shown on Assessors' Map E15 Lots 17 and 17A.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c.30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing is being conducted via remote participation, with no in-person attendance of members of the public permitted, using PACTV's Zoom Webinar format. Access to view this meeting while in progress shall be on Comcast Channel 15 or by livestream at: <https://www.pactv.org/watch/prime>.

Participation during this public hearing will be during the portion of the meeting so designated by pre-registering as an attendee in the Webinar at www.pembroke-ma.gov/RiverMarsh.

The three board members, Mr. Casavant, Mr. Boyle and Mr. McGrail, introduced themselves. Amy Kwesell, Town Counsel of KP Law, also introduced herself. The applicant's attorney, Warren Baker, introduced himself and certain other members of the applicant's team: Brian Murphy, the manager of River Marsh, LLC, Kimberly Kroha, also an attorney for the applicant, and engineers Susan Spratt and Bradley McKenzie.

Ms. Kwesell described the history of the application process for this project, which was originally submitted a few years ago and has been remanded back to the board, and also discussed the state's rules for affordable “40B” housing projects. She explained how this public hearing is likely to progress over multiple future dates and how long it will probably take, and gave suggestions for how to organize it.

Mr. Baker gave a summary of the project, with a site plan drawing displayed. He explained that there would be 56 units, of which 14 (i.e., 25%) would be affordable (limited to those whose income does not exceed 80% of the region's median household income, with residents of Pembroke getting preference). The site contains about 22.5 acres of upland and 27.4 acres of wetland, and it is currently unimproved except for an existing single-family house. There is a cemetery on the other side of Water Street. The site entrance is about 300 feet from the intersection of Water Street and Rt. 139.

The project consists of 11 two-bedroom units and 45 three-bedroom units (and the existing house would remain also). The project has two access entrances to Water Street. The project would include a wastewater treatment plant, and connections to municipal water. The stormwater management system would meet the requirements of the state (DEP). The applicant has received a project eligibility letter from the state, and has control of the site.

Ms. Spratt gave an overview of the project from an engineering and environmental viewpoint, displaying a few maps and drawings. She described the limits of the wetlands and 100-year floodplain, and the extent of the zoning districts. She also talked about the soil conditions. Then she described the buildings, access drives, open spaces, wastewater plant, stormwater system, provision of fire hydrants, utilities, and other features of the project.

Ms. Kwesell suggested the board select an engineering firm to carry out peer review of the project, and this was discussed. It was agreed that estimates for peer review services would be obtained by the next board meeting on January 25, for the board to review.

Ms. Kwesell noted the applicant's control over the property needs to be verified, and Mr. Baker said the agreements have both been extended to 2024.

Mr. Baker asked about the process of selecting the peer reviewer, and Ms. Kwesell described it in more detail.

Mr. Kwesell noted the superseding order of resource delineation which the applicant has obtained, and asked when the applicant plans to file with the Conservation Commission. Discussion ensued, and Mr. Baker said they will probably finish the public hearing with the Zoning Board of Appeals before going to the Conservation Commission.

Ms. Kwesell recommended continuing the public hearing to January 25, solely for the board to select the peer review firm, and then continuing to March 9.

Mr. Baker said they would submit some new engineering drawings and other documents, since minor changes had been made since the previous application two years ago. Ms. Kwesell suggested that an updated waiver list be included.

Mr. Boyle made a motion to continue the public hearing to January 25, 2021, at 6:45 pm, in order to select peer review, and Mr. McGrail seconded the motion. The board voted unanimously in favor by roll call.

The meeting was adjourned.