

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

## **MEETING MINUTES: JUNE 7, 2021**

**BOARD MEMBERS PRESENT:** Christopher McGrail (Clerk), Arthur Boyle, Jr. (Alternate), and John Grenier (Alternate).

**BOARD MEMBERS ABSENT:** Frederick Casavant (Chairman)

**ALSO PRESENT:** Matthew Heins (Planning Board Assistant), Kenneth McCormick (Fire Chief), Patricia Pflaumer, John Danehey, Jeffrey Perette, "Gerald's iPad," Robert DeMarzo, 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.

### **OPENING THE MEETING**

At 7:00 pm, Mr. McGrail opened the meeting. He read a modified version of the Chairman's statement, adjusted for the circumstances of the coronavirus pandemic and remote participation:

This meeting of the Pembroke Zoning Board of Appeals on June 7, 2021, is now open.

Please note that this meeting is being made available to the public through an audio and/or video recording which will be used to ensure an accurate record of proceedings produced in the minutes of the meeting. All comments made in open session will be recorded.

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 meeting of the Pembroke Zoning Board of Appeals is being conducted via remote participation.

No in-person attendance of members of the public will be permitted, but the public can view and listen to this meeting while in progress. PACTV is providing this service live on Comcast Government Access Channel 15, and for those without cable, via livestream at <https://www.pactv.org/pactv/towns/pembroke> or [www.pactv.org/pactv/watch/meetings-streamed-live-youtube](https://www.pactv.org/pactv/watch/meetings-streamed-live-youtube).

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of any public hearing designated for public comment, by emailing [mheins@townofpembrokemass.org](mailto:mheins@townofpembrokemass.org).

All votes taken during this meeting will be roll call votes. At the start of this meeting, and at any time when a member of the Zoning Board of Appeals enters or leaves the meeting, we will identify the board members participating and note the time.

### **PUBLIC HEARING FOR CASE #7-21 SPECIAL PERMIT AND VARIANCE TO CONSTRUCT CARPORT OVER DRIVEWAY AT 5 BEEBE LANE**

Mr. McGrail opened the public hearing for Case #7-21 on the application of Patricia Pflaumer, 5 Beebe Lane, Pembroke MA 02359, requesting a variance and special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.1.D.3. Side Yard Setback and Sec. V.5. Nonconforming Uses, to construct a carport with a size of 12 feet by 20 feet over an existing

driveway on a single-family residential property. The property is located at 5 Beebe Lane, Pembroke, MA 02359, in Residence District A and the Water Resource and Groundwater Protection Overlay District, as shown on Assessors' Map B9, Lot 89.

The three board members verified their presence. Board member Mr. McGrail served as Acting Chairman in the absence of Mr. Casavant.

The applicant Patricia Pflaumer was present. Kenneth McCormick, Pembroke Fire Chief, was also present.

Mr. McGrail asked if any messages in support of or opposition to the project had been received from the public, and Mr. Heins said that none had.

The board members agreed that the project was reasonable, especially given the small size of the property.

Mr. McGrail made a motion to approve the application for 5 Beebe Lane for a 12-foot by 20-foot carport for Ms. Patricia Pflaumer.

Mr. Heins explained that the posts and the edge of the carport's roofline would be one foot from the property boundary, and that potentially this would give the property owner or future property owner the right to expand the building itself (such as with a new garage) to this one-foot setback without needing the board's approval. The board decided to include a condition to prevent this.

Mr. McGrail made a motion to approve the carport at 5 Beebe Lane, on the condition that the owner, whether it is Ms. Pflaumer or a future owner, be required to apply again to the Zoning Board of Appeals before enclosing the carport or otherwise expanding the building to the new one-foot setback. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

#### **ADMINISTRATIVE ACTIONS**

Mr. McGrail made a motion to approve the minutes for May 17, 2021, and May 18, 2021, Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

#### **PUBLIC HEARING FOR CASE #1-21 VARIANCE TO CONSTRUCT BUILDING FOR STORAGE OF MOTOR VEHICLES AT 37 MATTAKEESETT STREET**

Mr. McGrail reopened the public hearing for Case #1-21 (continued from February 22, 2021, March 15, 2021, March 29, 2021, April 26, 2021, and May 17, 2021) on the application of Jeffrey Perette/Old Salt Realty Trust, 43 Mattakeesett Street, Pembroke, MA 02359, requesting a variance in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.1.A.4 (garage for storage of more than four automobiles), to construct a large garage of 7,500 square feet for the business of storing motor vehicles behind an existing house. The property is located at 37 Mattakeesett Street, Pembroke, MA 02359, in Residence District A and the Center Protection District, as shown on Assessors' Map C9, Lot 66.

The applicant's attorney John Danehey was present, along with the applicant Jeffrey Perette. Robert DeMarzo, a nearby property owner, was also present. Kenneth McCormick, Pembroke Fire Chief, was present as well.

Mr. McGrail explained that the previous session of the public hearing was continued to give the board time to review the revised drawings. The board members were in agreement that the project was acceptable.

Mr. McCormick said he was comfortable with the design from a fire safety point of view, though he would need to do more detailed review during the site plan application process.

Mr. Heins expressed concern about whether the project adheres to the zoning bylaws, and said that nothing new had been received regarding the project since the last hearing.

Mr. Grenier mentioned the issue of possible traffic going in and out of the proposed building, if the users are frequently moving their vehicles in and out or doing maintenance there. Mr. McGrail shared this concern. Mr. Perette assured the board that the facility would be for “dry storage,” and vehicles would not be constantly moving in and out.

Mr. McGrail made a motion to approve the project at 37 Mattakeesett Street, the applicant being Jeffrey Perette/Old Salt Realty Trust, with the condition that the building be for 24 cars in “dry storage” as a non-maintenance facility. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Danehey offered to submit draft language for the decision, and discussion followed.

Mr. Heins informed the board members that it probably wouldn't be necessary to meet on June 21, as previously scheduled. The board members and Mr. Heins talked about the timeline of future board meetings and whether they would be remote or in-person.

The meeting was adjourned.