

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

### **MEETING MINUTES: AUGUST 30, 2021**

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

**ALSO PRESENT:** Matthew Heins (Planning Board Assistant), Paul William Kaufman, Richard Baker, Scott Leddin, Deb Leddin, Stephen Herrmann, Louis Christian Carpenter, and others.

#### **OPENING THE MEETING**

Mr. McGrail, the Clerk of the board, opened the meeting by reading the Chairman's statement.

Mr. McGrail identified himself and stated he was Acting Chairman of the board for this meeting. The other two board members present, Mr. Grenier and Mr. Boyle, also identified themselves.

#### **PUBLIC HEARING FOR CASE #8-21 VARIANCE TO REDUCE SIZE OF SINGLE-FAMILY RESIDENTIAL PROPERTY BELOW 40,000 SQUARE FEET AT 3 TAYLOR STREET**

Mr. McGrail opened the public hearing for Case #8-21 on the application of Steven Swinhart, 3 Taylor Street, Pembroke MA 02359, requesting a variance in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.1.D.1. Lot Size, to reduce the size of his property to below 40,000 square feet by transferring a portion of the property to a neighbor. The property is located at 3 Taylor Street, Pembroke, MA 02359, in Residence District A, as shown on Assessors' Map G11, Lot 23A.

Paul William Kaufman, an attorney representing the applicant, explained that Mr. Swinhart and his neighbor had agreed to adjust the boundary between their two properties for various reasons. The amount of land that would be shifted from Mr. Swinhart's lot to the neighboring lot is roughly 5,600 square feet. However, this would reduce the size of Mr. Swinhart's property to less than 40,000 square feet, which is the minimum lot size for a single-family residential property in Pembroke, and therefore a variance is needed.

Mr. Kaufman explained that the neighbor is a local lobsterman and so this adjustment would create more space for his equipment. He pointed out that while the change would create an undersized lot, it would also enlarge the adjoining lot which is currently greatly undersized.

Mr. Heins explained, in reply to Mr. McGrail's question, that no comments had been received from the public regarding this application. Mr. Heins noted that typically the board does not grant variances of the minimum single-family residential lot size for new projects, but in this case the two houses and properties have long been in existence and so it does not seem like an attempt to evade the zoning bylaws.

Stephen Herrmann, a neighbor to the property, expressed his support for the proposal. Another neighbor, Richard Baker, likewise stated that he supported it.

Mr. Grenier asked if the presence of the lobstering equipment made the neighboring property commercial rather than residential, but the other two board members felt this was not a problem.

Mr. Boyle stated that he has known Mr. Kaufman for a long time and has done business with him in the past. He explained that Mr. Kaufman did not have any influence over him to sway his vote, but that he did have a previous financial relationship with Mr. Kaufman.

Mr. McGrail made a motion to approve the application, Mr. Grenier seconded the motion, and the board voted unanimously in favor.

#### **INTERVIEW WITH LOUIS CHRISTIAN CARPENTER, APPLICANT TO BECOME NEW BOARD MEMBER**

Louis Christian Carpenter, an applicant to join the Zoning Board of Appeals, came before the board to be interviewed.

Mr. Carpenter said he prefers to go by his middle name "Christian," and explained that he moved to Pembroke about a year ago. Since he is interested in getting involved in local government and politics, he felt that the Zoning Board of Appeals would be a good board to join.

Mr. Carpenter and the board members had a wide-ranging discussion about the board's role and responsibilities, and what the experience of being a board member is like.

Since Mr. Carpenter's father-in-law is Joseph Stack, a building inspector for the town of Pembroke, Mr. Grenier asked if that would ever pose a conflict of interest. Conversation followed, the general consensus being that typically it would not be a conflict but in some instances it might.

The board and Mr. Heins talked about the role of alternate board members versus regular board members.

#### **VOTES TO RECOMMEND LOUIS CHRISTIAN CARPENTER BE APPOINTED TO BOARD, CHRISTOPHER MCGRAIL BE APPOINTED VICE-CHAIRMAN, AND JOHN GRENIER BE APPOINTED CLERK**

Mr. Heins explained that, in addition to the decision regarding Mr. Carpenter, the board needed to select a new Vice-Chairman and if necessary a new Clerk. (Frederick Casavant, who was absent from this meeting, is the board's Chairman.) Mr. Heins said that the board's votes should be recommendations, with the Selectboard having the power to make the official appointments.

Mr. McGrail made a motion to recommend that Louis Christian Carpenter be appointed to the Zoning Board of Appeals. Mr. Grenier seconded the motion, and the board voted unanimously in favor.

The board members discussed who should be Vice-Chairman and Clerk.

Mr. Boyle made a motion to recommend that Christopher McGrail be appointed Vice-Chairman of the board, and Mr. McGrail seconded the motion.

Mr. McGrail made a motion to recommend that John Grenier be appointed Clerk of the board, and Mr. Boyle seconded the motion.

Mr. McGrail made a motion to recommend that Louis Christian Carpenter be appointed an alternate member of the board, and Mr. Grenier seconded the motion.

The three motions being on the floor, the board voted unanimously in favor on all three motions.

#### **ADMINISTRATIVE ACTIONS**

The board members and Mr. Heins discussed the schedule of upcoming board meetings, and talked about current conditions of development and real estate in Pembroke.

Mr. Boyle made a motion to approve the minutes for June 7, 2021, June 8, 2021, and August 3, 2021, Mr. McGrail seconded the motion, and the board voted unanimously in favor.

Mr. Heins explained that guidelines had been developed to clarify when a new restaurant replacing an existing restaurant needs to apply for a special permit and when it does not. The board members and Mr. Heins went over these written guidelines and a thorough conversation took place. Several concerns were raised and various factors were discussed. It was agreed to check with town counsel about the issue.

Mr. McGrail made a motion to adjourn the meeting, Mr. Grenier seconded the motion, and the board voted unanimously in favor.

The meeting was adjourned.