

**PEMBROKE ZONING BOARD OF APPEALS**

**MEETING MINUTES MAY 6, 2019**

**BOARD MEMBERS PRESENT:** Rick Casavant, Chairman; Christine Griffin, Vice Chairman; James Gallagher, Clerk

**PUBLIC HEARING FOR SPECIAL PERMIT CASE #01-19 AT 171 MATTAKEESETT STREET FOR SPECIAL PERMIT AND/OR VARIANCE TO BUILD THREE 7,000 SQUARE FOOT BUILDINGS**

Mr. Casavant re-opened the public hearing for the requested special permit case #01-19 at 171 Mattakeesett Street, for constructing three 7,000 square foot buildings. It is noted that there is a request for a continuance from the applicant. Fire Chief Hill and Building Inspector/Zoning Enforcement Officer George Verry are both present to provide an update to the Board regarding the violations on the property.

Mr. Casavant asks for Chief Hill's update in which he states that progress is slowly being made. Hydrants are still blocked. The applicant has until the middle of next week to correct these issues, including violations found during an interior inspection. Chief Hill notes that the hazards that were found are being addressed; the Fire Department will update the Board on June 3.

Mr. Verry updates the Board and states that the tenants are making progress. The fine has been capped at \$1,000.00. He will report back to the Board for the next meeting.

Ms. Griffin makes a motion to continue the public hearing to June 3, 2019 at 7pm, Mr. Gallagher seconds the motion, all members vote unanimously in favor.

Mr. Casavant suggests calling a brief recess until the next hearing can be opened at 7:20 pm. Ms. Griffin makes a motion to take a brief recess, Mr. Gallagher seconds, all members vote unanimously in favor.

**PUBLIC HEARING FOR SPECIAL PERMIT CASE #14-19 AT 44 CHAPEL STREET TO CONSTRUCT AN ADDITION TO A SINGLE FAMILY HOME**

Mr. Casavant opened the public hearing for the requested special permit case #14-19 at 44 Chapel Street to construct an addition to an existing single family home.

Mr. and Mrs. Grenier are present as the applicants. Mr. Grenier explains they would like to build a garage with a master suite above as well as construct a new deck. Ms. Griffin notes that it is not increasing the nonconformity of the lot.

There are no abutters present. Ms. Griffin makes a motion to close the public portion of the meeting, Mr. Gallagher seconds, all members vote unanimously in favor.

Mr. Casavant and Mr. Gallagher are okay with the project, as is Ms. Griffin. Ms. Griffin makes a motion to allow the application for a special permit, the addition to be constructed in accordance to the plans submitted with the application, Mr. Gallagher seconds, and all members vote unanimously in favor.

## **PUBLIC HEARING FOR VARIANCES CASE #13-19 AT 345 OAK STREET TO CONSTRUCT AN OFFICE BUILDING**

Mr. Casavant opened the public hearing for the requested variances case #13-19 at 345 Oak Street to construct an office building.

Rick Grady from Grady Consulting, Tony Riley from Attorney Galvin's office, and Matt Dacy from Champion Builders are all present. Mr. Tomasi, the property owner, is also present.

The applicants are seeking three variances (lot size, side yard setback from 30' to 21', rear setback 40' to 27.5'). There would be a hardship if the variances weren't granted as the lot could not be used. The applicant is looking to demolish the existing building and construct an office building with a detached garage.

Mr. Gallagher and Mr. Grady discuss parking for the area as well as inside the garage. The space would be used for Mr. Dacy's residential home building company. There is no floor plan as of yet; the applicant will go before the Planning Board for site plan approval.

There is discussion about a proposed zoning bylaw that may apply here; however it may not be effective for another few months after Town Meeting if approved.

Mr. Gallagher asks the height of the building; it will be no more than thirty feet to the ridge. More changes will be made for Fire Department access. The new building will be in the same approximate area as the current existing building.

The owner of the property, Mr. Tomasi is present and in favor of the project. There is discussion about the buffer between the adjacent properties where the relief is sought.

Ms. Griffin makes a motion to close the public portion of the meeting, Mr. Gallagher seconds the motion, all Board members vote in favor.

All Board members are okay with the variances that are being sought as it is a commercial use in Business District B. Ms. Griffin makes a motion to allow the application requesting the three variances to be constructed in accordance with the plans submitted with the application and all other bylaws as well as the Planning Board, Mr. Gallagher seconds the motion, all Board members vote unanimously in favor.

## **PUBLIC HEARING FOR SPECIAL PERMIT CASE #15-19 AT 146 CHURCH STREET TO OPERATE A BODY ART ESTABLISHMENT**

Mr. Casavant opens the public hearing for special permit case #15-19 at 146 Church Street to operate a body art establishment.

Mr. Keith White is present as the applicant.

Mr. White explains that the building he is currently located in at the Hanover Mall, will be closing for renovations for the next three years so he needs to move in order to operate his business.

Mr. Gallagher asks about interior changes; Mr. White responds that it will be minimum such as removing carpet and constructing a half wall and plumbing for sinks. He would also like to put up a sign. Ms. Griffin asks about hours of operation, Mr. White states that he is not opposed to whatever hours work best for the Town. He does have enough artists to operate seven days a week.

There is discussion about how many work stations there will be as well as the lobby area situation. Mr. White states that nothing will be able to be seen from the lobby or the outside of the building. It is a mostly appointment based business.

Ms. Griffin has no issues as it is an allowed use by special permit. Ms. Griffin makes a motion to close the public portion of the hearing, Mr. Gallagher seconds the motion, all members vote unanimously in favor.

Mr. Casavant states he is okay with the project in this zone. There is a question about what the sign would be; Mr. White states it would be a white sign with black lettering.

Ms. Griffin makes a motion to allow the application requesting a special permit to operate a body art establishment, with business hours being between 10am and 8pm, with a sign that has no lighting, in accordance with the plans submitted with the application, Mr. Gallagher seconds the motion, all members vote unanimously in favor.

#### **PUBLIC HEARING FOR HEIGHT VARIANCE CASE #07-19 AT 43 MATTAKEESETT STREET**

Mr. Casavant re-opens the public hearing for a building height variance at 43 Mattakeesett Street.

Mr. Jeffrey Perette is present as the applicant. Abutters present are: Mr. Nash of 47 Mattakeesett Street, Mr. DeMarzo of 42 Mattakeesett Street and Mr. Dutson of 37 Mattakeesett Street.

Mr. Perette updates the Board about progress on the project. He spoke with the abutters to go over plans and how it would look. He presents new renderings to the Board after speaking with abutters to make the building look best. To the ridge will be forty two feet, to the eave will be thirty nine feet. Mr. Perette will put arborvitaes in the front of the building

Mr. Casavant asks the abutters if they would like any type of fencing/plants etc. for screening. The abutters are fine with this project and there will be arborvitaes in the front of the building. Mr. Perette agrees to twelve foot trees to be planted that can grow larger. There will be an automatic retractable six foot fence.

Ms. Griffin makes a motion to close the public portion of the hearing, Mr. Gallagher seconds the motion, all members vote unanimously in favor. The Board discusses if they are okay with the project; they are. Ms. Griffin makes a motion to allow the application for the height variance of forty two feet, there must be side screenage that is maintained, a six foot side fence, two-three trees planted in front of the building. The Board notes that the Fire Department and the abutters are in favor of this project. The upper part of the building will not be used for human occupancy, therefore it can be granted by the Board. Mr. Gallagher seconds the motion, all members vote unanimously in favor.

#### **PUBLIC HEARING FOR VARIANCE FOR CASE #11-19 AT 15 LADY SLIPPER CIRCLE**

Mr. Casavant re-opens the public hearing that was continued from April 29, 2019.

Glenn Hall is present as the applicant. There were no abutters present. Mr. Hall presented three different options of plans to the Board; one option that is most desirable to the applicant, pushes the garage back four feet and reduces the width of the building to twenty four feet but only leaves eight and a half feet from the property line.

Mr. Hall states that he would like to eventually have some storage space on the upper level of the garage, possibly at a later time. There would not be a staircase, just a hatch/scuttle hole to access above storage. Ms. Griffin notes that this is why variances exist; this lot shape is extremely difficult. The Board recognizes that there are no abutters present.

Mr. Casavant asks the applicant which of the two plans, that leave ten feet to the side line, would he prefer. Mr. Hall stated he would work with whatever the Board recommends. The width of twenty four feet is what Mr. Hall prefers. He is limited because there are power line easements in place on his property. Ms. Griffin makes a motion to close the public portion of the hearing, Mr. Gallagher seconds the motion, all Board members vote unanimously in favor.

Mr. Casavant notes that previous boards have allowed for ten feet to the property line, he also recognizes that the lot is difficult to work with. He is okay with the project, this is the appropriate time for a variance to be granted. Mr. Gallagher is okay with it as well. Mr. Casavant notes that the building must stay ten feet off of the property line. Ms. Griffin marked the plan submitted on May 3, 2019 as the one that he is bound to.

Ms. Griffin makes a motion to allow the application requesting a variance for side yard setbacks to construct a two car garage. The applicant is limited to the plan that was submitted on May 3, 2019 and will maintain the ten foot setback minimum. Mr. Gallagher seconds the motion, all Board members voted unanimously in favor.

**ADMINISTRATIVE ACTION: VOTE TO APPROVE THE MINUTES OF APRIL 29, 2019**

Ms. Griffin made a motion to approve the meeting minutes of April 29, 2019. Mr. Gallagher seconded the motion, and all Board members voted unanimously to approve.

Mr. Casavant adjourned the meeting at 8:30PM on May 6, 2019.