

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: JANUARY 10, 2022

LOCATION: Remote Participation With Zoom Software

STARTING TIME: 7:00 pm

BOARD MEMBERS PRESENT: Christopher McGrail (Vice-Chairman), John Grenier (Clerk), Arthur Boyle (Alternate), and Louis Christian Carpenter (Alternate).

BOARD MEMBERS ABSENT: Frederick Casavant (Chairman).

ALSO PRESENT: Matthew Heins (Planning Board Assistant), Dana Altobello, Jeffrey De Lisi, William Pappastratis, Andrea Campbell, Laurie Mullen ("Law's Laptop"), John Cannon, Mark Stiles, "Harvey's PC," Charlotte Bodell, Lilia Stypulkowski, Cezary Stypulkowski, and others.

OPENING THE MEETING

For this entire board meeting, Mr. McGrail, Mr. Grenier and Mr. Boyle were serving as the board members. Mr. Carpenter was present but not serving as a board member.

The Vice-Chairman Mr. McGrail opened the meeting by reading 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 January 10, 2022, 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 Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means.

No in-person attendance of members of the public will be permitted. We will post on the Pembroke website an audio or video recording, transcript or other comprehensive record of proceedings as soon as possible after the meeting.

All votes taken during this meeting will be roll call votes.

PUBLIC HEARING FOR CASE #11-21 VARIANCES FOR MULTIFAMILY HOUSING AT 631 WASHINGTON STREET

Mr. McGrail opened the public hearing on the application of Nike Construction Services, LLC, 632 Summer Street, Marshfield, MA 02050, requesting variances in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.2.D.1 Lot Area, Sec. IV.2.D.2 Lot Frontage, and Sec. IV.2.D.5 Side Yard Setback, to construct a multifamily residential project consisting of two buildings containing a total of nine (9) two-bedroom units in townhouse-style design, along with an access drive, parking area, and infiltration basin. The property is located at 631 Washington Street, Pembroke, MA 02359, in the Residential-Commercial District, as shown on Assessors' Map E10, Lot 10, but access to the proposed project would be from Old Washington Street. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Dana Altobello, Jeffrey De Lisi and William Pappastratis were present on behalf of the project, Mr. Pappastratis being the developer, Mr. De Lisi being the attorney, and Mr. Altobello being the engineer.

Mr. De Lisi summarized the project. He explained that the lot is oddly shaped with frontage on two roads (Old Washington Street and Washington Street), and is about 106,000 square feet in size. It currently contains a single-family house. He noted that the proposed density of units per acre meets the zoning bylaws, and that the abutter closest to the proposed buildings has expressed support for the project.

Mr. Altobello described the project's layout and engineering details, and displayed a site plan drawing for the board to view. He noted that there are no wetlands on the property. He explained the project would consist of nine two-bedroom units, contained in two buildings, with an access drive off Old Washington Street. He described the parking area, dumpster pad, and infiltration basin, and explained that there would be a new septic system. The setback requirements for the front yard, rear yard, and south side yard are being met, but they are requesting a variance for the north yard setback.

Mr. Grenier asked about the use of trees as a visual and noise buffer, and Mr. Altobello described where some new trees would be placed.

Mr. De Lisi said that by getting rid of the current driveway on Washington Street (with all access to the project being from Old Washington Street), the project would improve safety. Otherwise, if access were from Washington Street, it would be roughly opposite the entry to Edgewater Drive, creating a four-way intersection.

Mr. McGrail asked about the setback distance to the existing house, and discussion followed.

Mr. Boyle asked how long it would take to construct the project, and Mr. De Lisi estimated about six to nine months. Mr. Boyle asked about the septic system, and Mr. De Lisi said it would be one system for the whole project. Mr. Altobello confirmed that percolation tests had been done, and said they would not need to add much fill to the site.

Mr. McGrail and Mr. Altobello discussed the topography of the site and the project. Mr. McGrail asked about the risk of standing water. Mr. Grenier asked about the soil conditions, and Mr. Altobello gave a detailed reply.

Mr. McGrail opened the hearing to comments from the public.

Laurie Mullen addressed the board. She explained that she is an attorney associated with one or more family members related in some fashion to the former or current owner of the property. She asked about the access off Old Washington Street and whether a new public hearing should be scheduled, and Mr. Heins explained that the notice of the public hearing stated the access would be off Old Washington Street. Ms. Mullen emphasized that drainage and standing water are valid concerns.

John Cannon, a member of the public who is an abutter directly south of the project on Old Washington Street, addressed the board. He asked if six to nine months was a good estimate of the time it would take to construct the project, and Mr. Pappastratis confirmed this. Mr. Cannon

asked about the risks of mosquitos and standing water, and Mr. Pappastratis said the project would meet the relevant requirements for stormwater drainage.

Mr. McGrail stated, for the record, that the board had received the letter sent opposing the project by the residents of 55 Old Washington Street.

Mr. McGrail asked if the board members had any more comments or questions.

Mr. Grenier said that visual and noise buffering, in the form of trees or other vegetation, would be good for the project, and Mr. McGrail and Mr. Boyle agreed. Mr. Pappastratis briefly described where he proposes to plant new trees.

Mr. Heins explained that if the variances were granted by this board, the project would then go before the Planning Board for site plan approval and a special permit (Mr. De Lisi confirmed this), which would involve a new public hearing, abutter notifications, and opportunities for the public to comment.

Ms. Mullen asked if the letter sent opposing the project by the residents of 55 Old Washington Street could be read into the record, and this was discussed. It was generally agreed this was unnecessary. Mr. Heins explained that the letter is a public record and that he would be happy to give a copy to anyone who wishes to see it.

Mr. De Lisi asked who Ms. Mullen represents, and Ms. Mullen said she has power of attorney over "Kurt" who is one of the beneficiaries of the estate for 631 Washington Street. Discussion ensued.

Charlotte Bodell addressed the board and stated that she is the trustee of the trust that owns the 631 Washington Street property and is offering it for sale. She explained that the trust is managing the property in the best interests of the seven beneficiaries of the trust.

Mr. McGrail made a motion to close the public hearing, and Mr. Grenier seconded the motion. The board voted unanimously in favor by roll call.

Mr. McGrail made a motion to grant the variances requested for the lot area size, the lot frontage, and the side yard setback at 631 Washington Street, with the stipulation that the outbuildings are torn down and there is no other access to the site post-construction from any street other than Old Washington Street. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

ADMINISTRATIVE ACTIONS

Mr. Grenier left the meeting briefly. Mr. Heins suggested the board approve the draft minutes, and Mr. Grenier rejoined the meeting at this time.

Mr. McGrail made a motion to approve the minutes of December 7, 2021, and December 13, 2021. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

PUBLIC HEARING FOR CASE #12-21 VARIANCES AND SPECIAL PERMIT FOR SINGLE-FAMILY HOUSE AT 183 WAMPATUCK STREET

Mr. McGrail opened the public hearing on the application of Lilia Stypulkowski, 99 Hollis Street, Weymouth, MA 02190, requesting variances and a special permit in accordance with the Zoning

Bylaws of the Town of Pembroke, Sec. IV.1.D.2 Front Yard Setback, Sec. IV.1.D.3 Side and Rear Yard Setback, and Sec. V.5 Nonconforming Uses, to expand an existing single-family house. The property is located at 183 Wampatuck Street, Pembroke, MA 02359, in Residence District A and the Water Resource and Groundwater Protection Overlay District, as shown on Assessors' Map B8, Lot 144 and Lot 217. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

The applicant Lilia Stypulkowski was present, along with Cezary Stypulkowski. She explained that they are renovating the house and have received approvals from the Building Department and the Conservation Commission, but need the variances and special permit from the board. She described the porches and other modifications they propose to build as they enlarge the house.

Mr. Boyle asked where the septic system is on the property, and discussion followed. Mr. Boyle said he had no objections to the project.

Mr. Grenier had some technical problems with his audio in the Zoom connection, and this was resolved after a few minutes. He said he had no problem with the project.

Mr. McGrail opened the hearing to comments or questions from the public, but there were none.

Mr. McGrail made a motion to close the public hearing, and Mr. Grenier seconded the motion. Mr. McGrail and Mr. Grenier voted in favor by roll call, and the motion passed.

In reply to a question, Ms. Stypulkowski said that the size of the house would be 1,900 square feet.

Mr. McGrail made a motion to approve the variances (for front yard setback, side yard setback, and rear yard setback) and special permit requested for 183 Wampatuck Street. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

DISCUSSION ABOUT RIVER MARSH VILLAGE 40B PROJECT AND SCHEDULE OF UPCOMING BOARD MEETINGS

The board members and Mr. Heins briefly discussed the process of the appeal of the board's denial of the proposed River Marsh Village 40b project.

The board members and Mr. Heins also discussed the schedule of upcoming board meetings.

The meeting was adjourned.