

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: FEBRUARY 7, 2022

LOCATION: Veterans Hall (Room 6), Pembroke Town Hall

STARTING TIME: 7:00 pm

BOARD MEMBERS PRESENT: Christopher McGrail (Vice-Chairman) and John Grenier (Clerk).

BOARD MEMBERS ABSENT: Frederick Casavant (Chairman), Arthur Boyle (Alternate), and Louis Christian Carpenter (Alternate).

ALSO PRESENT: Matthew Heins (Planning Board Assistant), James Smith, Valerie Johnson, Michael Cohen, Matthew Mitchell, Donald Nagle, Robert DeMarzo, and others.

OPENING THE MEETING

The Vice-Chairman Mr. McGrail opened the meeting by reading the Chairman's statement.

PUBLIC HEARING FOR CASE #9-21 APPEAL OF PLANNING BOARD'S SITE PLAN DENIAL DECISION REGARDING 715 WASHINGTON STREET

Mr. McGrail reopened the public hearing (continued from October 4, 2021, November 1, 2021, and November 22, 2021) for Case #9-21 on the application of George Thibeault, 599 Summer Street, Marshfield, MA 02050, to appeal, in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. V.7.H.1 (Site Plan Approval – Appeals), the Planning Board's decision to deny the Site Plan application for a proposed wood products and timber processing business at 715 Washington Street. The appeal is regarding the property located at 715 Washington Street, Pembroke, MA 02359, in the Residential-Commercial District, as shown on Assessors' Map F9, Lot 24.

Matthew Mitchell, an attorney representing the applicant (i.e., the appeal), explained that they were requesting a continuance of the hearing because a new site plan application for the property has been submitted by the same applicant. If this new site plan is approved by the Planning Board, then the appeal would become irrelevant and presumably would be withdrawn. He also mentioned that the applicant will probably come before the Zoning Board of Appeals soon to apply for a variance needed for this new site plan.

Mr. McGrail and Mr. Heins discussed the complexities of the situation.

Robert DeMarzo, a nearby resident, addressed the board. He criticized the project and the process by which it is under review. Discussion followed. Mr. DeMarzo urged the board to end the public hearing and deny the appeal. He pointed out that it's a burden on the abutters to keep coming to the hearing.

Donald Nagle, an attorney representing the abutter James Smith, addressed the board. He argued that there was no justification for a continuance of the hearing. He criticized the way the process is happening for various reasons. He noted that only one project for the property can

ultimately advance, and so it seems wasteful for the town to be handling two at once. He recommended that the board reject the request for an extension of the deadline for the board to make its decision, and also deny the appeal application.

Michael Cohen, an abutter to the project, addressed the board. He objected to various aspects of the appeal and the two proposed projects. A lengthy discussion ensued between him, Mr. McGrail, Mr. Grenier and Mr. Heins.

Mr. Nagle asked about the size of the board and this was clarified. (The third board member of the quorum for this public hearing, Louis Christian Carpenter, was not present, and his absence constrained whether the board could actually vote on the application at this time.)

Mr. McGrail made a motion to extend the deadline for the board's decision for Case #9-21 (appeal for 715 Washington Street) to be issued to April 29, 2022, as per the applicant's letter agreeing to this extension. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

Mr. McGrail made a motion to continue the public hearing for Case #9-21 (appeal for 715 Washington Street) to April 4, 2022, at 7:00 pm, to be held either by virtual remote participation or in person at town hall. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins explained that since the governor's order allowing remote participation expires April 1, 2022, and might or might not be extended, it is unclear at this time whether the meeting on April 4 will be in person or remote.

ADMINISTRATIVE ACTIONS

Mr. McGrail made a motion to approve the minutes of January 10, 2022. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

The meeting was adjourned.