

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: FEBRUARY 27, 2023

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

STARTING TIME: 7:00 pm

BOARD MEMBERS PRESENT: Frederick Casavant (Chairman), John Grenier (Clerk), and Louis Christian Carpenter (Alternate).

Note: Board member Fraser Townley (Alternate) was also present, but was not serving on the board and was not seated with the board.

BOARD MEMBERS ABSENT: Christopher McGrail (Vice-Chairman) and Arthur Boyle (Alternate).

ALSO PRESENT: Matthew Heins (Planning Board Assistant), Susan Runne (Affordable Housing Committee), Amy Kwesell (Town Counsel, KP Law), Jeffery Tocchio, Margaret Laracy, Gabe Crocker, Scott Golding, Stephen Egan, James Bristol, Tom Godfrey, Robert DeMarzo, Gerry Dutson, John Porter, Melissa Porter, and others.

OPENING THE MEETING

Mr. Casavant opened the meeting by reading the Chairman's statement: "Please note that this meeting is being made available to the public through an audio 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."

PUBLIC HEARING FOR CASE #1-23 COMPREHENSIVE PERMIT FOR MATTAKEESETT VILLAGE 40B HOUSING PROJECT AT 7 & 15 MATTAKEESETT STREET

Mr. Casavant opened the public hearing on the application of Bristol Bros. Development Corp. for a comprehensive permit pursuant to M.G.L. Chapter 40B. The project, titled "Mattakeesett Village," consists of two buildings and contains 66 residential units in total (46 one-bedroom units and 20 two-bedroom units), of which a certain percentage shall be restricted as affordable for low- or moderate-income persons or families, on a site of approximately 3.27 acres. The project is located at 7 and 15 Mattakeesett Street, Pembroke, MA 02359, in the Center Protection District and Residence District A, as shown on Assessors' Map C9, Lots 14 and 15. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Jeffery Tocchio explained that he was the attorney representing the project, and that others present on behalf of the project included Margaret Laracy, Gabe Crocker, Scott Golding, Stephen Egan, James Bristol and Tom Godfrey.

Attorney Amy Kwesell, Town Counsel of KP Law, gave a summary of how 40B projects and applications are handled. She noted that the comprehensive permit covers local bylaws and regulations, but relevant state laws still go through the usual processes. She explained that at least 25% of the residential units in a 40B project must be affordable. She described the SHI (Subsidized

Housing Inventory) and said that Pembroke is very near the 10% SHI requirement. (This 10% requirement is often known as “safe harbor.”)

Ms. Kwesell explained that a 40B project must receive a project eligibility letter from the state before applying for the comprehensive permit. She noted that any of the required deadlines and timelines can be extended by agreement of both parties. She emphasized that all 40B projects should undergo engineering peer review, and discussed this in more detail. She explained that in this case a contract including scope of work had been received from Merrill Engineers, and that if the board decided to accept it, then Merrill could begin peer reviewing once the applicant has made the appropriate payment into the peer review fund [engineering review account].

Ms. Kwesell explained that 40B projects are difficult to deny, in light of state law. In some cases, a decision approving a project contains conditions to ensure the project is a good one, and a developer has the option to appeal those conditions.

Mr. Tocchio explained why the applicant had been reluctant to extend the 30-day deadline for opening the public hearing, and said they had no objection to Merrill being the peer reviewer. He said that Bristol Brothers are known for good projects, and they have a track record of working with communities on 40B projects.

Mr. Tocchio noted that this project would satisfy many objectives in the town’s housing production plan document. The project is at the former Shepherd Funeral Home site and contains 66 total units, which would be age-restricted to those age 55 and over. The units would be rental, which means they would all count towards the SHI numbers (even though 25% would actually be affordable). He noted the advantages of the project’s location, given the many amenities and retailers nearby.

Mr. Tocchio mentioned that 17 of the 66 units (i.e., 25%) would be affordable, and that the applicant was proposing that these affordable units also count towards the required affordability component of the country club cluster housing project currently under site plan review by the Planning Board. There would be 46 one-bedroom units and 20 two-bedroom units. He described the details of the affordability requirement, and explained that for seniors in Pembroke who sell their houses this project could fill a need.

Mr. Tocchio said there would be 29 parking spaces in garages and 81 surface parking spaces. He described the grade change on the site, and explained that this would allow the buildings to seem lower (from the street) than they really are.

Margaret Laracy, the project’s civil engineer, described the project’s design, layout and surroundings in more detail. She said that a wetlands scientist had determined there are no wetlands, priority habitats or flood zones on the property. The project would consist of two buildings, and would work with the topography of the site. The building nearer the street would be two stories high in the front (i.e., facing the street) and three stories high in the rear (i.e., facing away from the street), while the building farther back would be three stories high in the front and four stories high in the rear. Stormwater would be collected and held on site, and there would be an on-site septic system meeting Title 5 rules. She said there would 110 parking spaces.

Mr. Grenier asked about the offices in some of the apartments, and someone on the applicant’s team said those offices would not count as bedrooms.

In reply to a question from Mr. Grenier, Mr. Tocchio said that the garage parking spaces would be rented to residents of the project. He explained that there would be fewer than two parking spaces per unit.

Mr. Tocchio discussed how the affordable units in the project would also count towards the required affordability component of the country club cluster housing project currently under review. He emphasized the benefits of reusing this property so close to the center of town. He said that a traffic study is being done by Ron Mueller Associates.

In reply to Mr. Carpenter's query, Mr. Tocchio said that the project won't be gated. He explained that it would have a quasi-New England vernacular appearance, and he noted that they are requesting a few waivers from the town's regulations.

Ms. Kwesell asked about the requirement that 10% of the units be three-bedroom, and Mr. Tocchio said they would prepare a response to that.

Ms. Kwesell asked if the developer has done senior housing before, and Mr. Tocchio confirmed that they have.

Robert DeMarzo, a member of the public, asked how many units would be affordable, and Ms. Kwesell said that 17 units would be affordable, but because they are rental all 66 units would count toward the town's SHI figures.

Mr. Casavant stated that the engineering peer review would be done next, and then questions and comments would be taken from the public at the next session of the public hearing.

Susan Runne, of the town's Affordable Housing Committee, addressed the board and said that the Affordable Housing Committee approves of the project. She noted that getting over the 10% SHI figure would give the town greater leverage with other 40B projects.

Mr. Casavant, Ms. Kwesell and Mr. Tocchio agreed to continue the public hearing to April 24, 2023, to give adequate time for peer review and a revised submission.

Mr. Casavant made a motion to approve the proposal [contract] from Merrill Engineers dated February 23, 2023, for peer review of the project. Mr. Carpenter seconded the motion, and the board voted unanimously in favor.

It was noted that \$10,500 was the amount given in the peer review contract received from Merrill Engineers, and Mr. Tocchio agreed they would fund this amount initially.

Mr. Casavant made a motion to continue the public hearing for Case #1-23 to April 24, 2023, at 7:00 pm. Mr. Carpenter seconded the motion, and the board voted unanimously in favor.

ADMINISTRATIVE ACTIONS

Mr. Casavant made a motion to approve the minutes of January 23, 2023, Mr. Grenier seconded the motion, and the board voted unanimously in favor.

The meeting was adjourned.