

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: FEBRUARY 26, 2024

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

STARTING TIME: 7:00 pm

BOARD MEMBERS PRESENT: Frederick Casavant (Chair), Fraser Townley (Alternate) and Louis Christian Carpenter (Alternate) and John Grenier (Clerk). Mr. Casavant arrived at 7:15pm. Mr. Townley was observing the public hearings.

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

ALSO PRESENT: Sue Glauben (Planning Board & ZBA Assistant), Amy Kwesell (Town Counsel/KP Law), Jeff Tocchio, Tom Godfrey, Josh Green, Deborah Keller, Jim Bristol, Mark McNamara, George Verry and Diego Coelho.

OPENING THE MEETING:

Mr. Grenier (Clerk) opened the meeting by reading the Chairman’s statement.

ADMINISTRATIVE ACTIONS:

Mr. Townley made a motion to approve the minutes of January 22, 2024. Mr. Grenier seconded the motion and the board voted unanimously in favor.

Mr. Grenier made a motion to take a brief recess until 7:30. Mr. Carpenter seconded the motion and the board vote unanimously in favor.

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

Mr. Casavant reopened the public hearing (continued from February 27, 2023, April 24, 2023, May 15, 2023, and June 12, 2023, July 24, 2023, September 25, 2023, November 6, 2023, December 11,2023, and January 22, 2024) 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 (later changed to four buildings) and contains 66 residential units in total (46 one-bedroom units and 20 two-bedroom units [later changed to 66 one-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. (A 135-seat restaurant was later added to the project.) 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, Thomas Godfrey, Josh Green, and James Bristol were present, representing the project in various capacities.

Town Counsel (KP Law) Amy Kwesell was present, as was Deborah Keller, the board's peer review engineer for this project.

Mr. Tocchio, the attorney for the project, came before the board and mentioned the recent comments from Ms. Keller's peer review which have all been taken care of.

Mr. Tocchio and team received the draft decision and had a few comments and questions.

Ms. Kwesell read through the draft decision document. Discussion on conditions and phasing of the project.

Discussion on parking for residents, visitors, and the tavern. Residents will have assigned parking stickers.

Mr. McNamara (abutter) inquired about the snow storage and his concerns about pitching the snow towards his property. Mr. Green discussed the grading and pulling away from Mr. McNamara's property.

Ms. Kwesell went over each waiver. Ms. Kwesell recommended all waivers to be granted except for the general waiver which she recommended to be denied.

Mr. Casavant made a motion that the general waiver be denied. Mr. Grenier seconded the motion and the board voted unanimously in favor.

Mr. Casavant made a motion to approve the remaining waivers. Mr. Carpenter seconded the motion and the board voted unanimously in favor.

Mr. Casavant made a motion to approve the draft decision with the added revisions and the conditions. Mr. Grenier seconded the motion and the board voted unanimously in favor.

PUBLIC HEARING FOR CASE #11-23/VARIANCE/APPLICANT: DIOGO COELHO/4 SCHOOL STREET

Mr. Casavant opened the public hearing (continued from December 11th at 8:00pm and January 22nd at 8:15pm.)

Mr. Verry (Inspector of Buildings) provided the board with a recap. Mr. Verry mentioned that Mr. Coelho originally had a retaining wall that was 4 rows high. He brought it down to 2 rows (approx. 5 feet). The maximum retaining wall height is 4 feet. Mr. Coelho needs a structural drawing along with a variance.

Mr. Coelho's mentioned that his goal was to make his yard look nice and have some privacy.

Mr. McNamara (abutter) has concerns over the soil from the high retaining wall which washes out into his driveway after it rains.

Additional discussion on fencing vs blocks for a retaining wall. Discussed putting a fence behind the 4-foot retaining wall.

Mr. Casavant suggested coming back with an engineering drawing with revisions. If Mr. Coelho decides to just put up a 6-foot fence he wouldn't need another meeting for a variance. Mr. Casavant also suggested Mr. Coelho work with Mr. McNamara and Mr. Verry for a resolution that works for both parties.

An extension is needed to May 13th for a decision to be rendered. It was agreed verbally by the board and Mr. Coelho that an extension was granted.

Mr. Casavant made a motion to continue the public hearing to April 29th at 7:00pm; Mr. Carpenter seconded the motion and the board voted unanimously in favor.

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