

**PEMBROKE PLANNING BOARD MINUTES  
MONDAY, MARCH 23, 2015**

**PRESENT:** Andrew Wandell (Chairman), Thomas Irving (Vice-Chairman), Rebecca Coletta (Clerk), Daniel Taylor, Paul Whitman, Steve Miers, Tony Chen, Paul Rodrigues, John Cavanaro, Richard Vayo, Brian Taylor, Attorney Robert Galvin and Marilyn Zechello.

**PLANS:**

Site Plan #SP1-15 - 254 Church Street  
Plan #1502-Form A – 15 Forest Street  
Informal Discussion on 599 Washington Street

**SITE PLAN #SP1-15-254 CHURCH STREET:** Mr. Wandell opened the public hearing by reading the following legal notice: “Notice is hereby given that the Planning Board will hold a public hearing on Monday, March 23, 2015 at 7:30 p.m. in the Planning Board Room, Town Hall, Pembroke, MA 02359 on the application of Pem-Marsh Realty Trust, 7 Carolyn Circle, Marshfield, MA 02050 c/o Kamp Construction P O Box 33, North Carver, MA 02355 requesting Site Plan Approval of the Zoning By-laws of the Town of Pembroke, Sec., V., 7. Site Plan Approval for a proposed drive-thru window with improvements to the parking areas and handicap ramps. Property is located at 254 Church Street, Pembroke, MA 02359 as shown in Business District B on Assessors’ Map G15, Lot 37.

Andrew Wandell  
Chairman

As advertised in the Pembroke Mariner & Express on Friday, March 6, 2015 and March 13, 2015.

Mr. Rodrigues spoke on behalf of his client and explained to the Board that they have met with the Board on several occasions and have met all the requirements that they were asked to do. No abutters were in attendance and the Board felt that everything had been addressed. Mr. Rodrigues explained to the Board that once the bakery is up and running at the Oak Street location 80% of the deliveries will be made to that location, therefore, cutting back the deliveries to the Church Street location. Mr. Wandell then asked for a motion to be made to approve the plan.

Mrs. Coletta moved, seconded by Mr. Taylor, “That relative to Site Plan #SP1-16 entitled 254 Church Street the Board votes to approve the site plan dated January 5, 2015 and revised on January 17, 2015, January 26, 2015, February 11, 2015 and February 20, 2015.” Voted unanimously

Mr. Whitman moved, seconded by Mrs. Coletta, “That the Board votes to close the public hearing for Site Plan #SP1-15 entitled 254 Church Street.” Voted unanimously

The Board then wrote the following conditions of approval.

The Board’s site plan approval is based on the following reasons:

- The Board hereby determines that the petitioner has submitted substantial and credible evidence that, subject to the conditions imposed by this decision, the foregoing project, a permitted use in the Business B District, has been designed in such a manner as to reasonably protect the abutting properties and neighborhoods, as well as the community of Pembroke, to minimize any alleged offensive or detrimental uses resulting from the development, and to provide traffic safety and access, adequate waste disposal, drainage, parking and environmental protection.
- The Board hereby determines that the approved project, including without limitation, the site plans, Board recommendations and abutter concerns, demonstrates and promotes the convenience and safety of vehicular and pedestrian movement within the site and in relation to abutting ways and properties.
- The Board hereby determines that the project includes and provides for adequate refuse and other waste disposal, proper facilities for drainage of

surface water and protection for wetlands, water resource protection areas, flood plains, watersheds, aquifers and well areas.

- The Board hereby determines that the project, as approved, makes adequate provision for lighting, off-street parking, loading and unloading of vehicles and internal traffic controls.

#### CONDITIONS

Site plan approval is subject to the following conditions:

1. All work shall be done in conformance with the stamped plans prepared by Keefe Associates, dated January 5, 2015 and accepted by the Planning Board on March 23, 2015, as well as the following additional conditions.
2. All businesses occupying the building approved herewith must be listed on a sign clearly visible to the travelers on Church Street (Route 139). Said sign must comply with all applicable provisions of the Town's by-laws and regulations.
3. The petitioner shall comply with all signage, paving markings and striping should be clearly identified as shown on the plan.
4. The developer shall provide for water as per the regulations of the Department of Public Works.
5. The petitioner shall submit an As-built Plan with a written statement, approved by the Board, that all the conditions of this vote have been complied with before an occupancy permit may be issued.
6. All site work must comply with existing regulatory town bylaws as to times work may commence and end and to days of week when site work can be conducted."

If substantial use of the rights authorized by this site plan approval are not exercised within two (2) years of the date on which a copy of this decision is filed with the Town Clerk, then this site plan approval shall expire.

Mr. Taylor moved, seconded by Mr. Whitman, "That relative to Site Plan #SP1-15 entitled 254 Church Street the Board votes to approve the Conditions of Approval as written." Voted unanimously

**PLAN #1502-FORM A – 15 FOREST STREET:** John Cavanaro came before the Board with a Form A for 15 Forest Street. He explained to the Board a previous owner went before the ZBA and got a variance for Sec. IV, 1. D.3. Side Yard Requirements to subdivide the present parcel into two lots in April of 2011. In order, to fit the circle into the lot they had to create non-conformity with the existing garage. The owner never recorded the decision with the Registry of Deeds and lost the property to foreclosure. The ZBA decision states that it becomes null and void after one year. The new owner now has created a new plan and felt under the Permit Extension Act which allowed a permit to extend for two years and then in 2012 another two year extension was allowed under the Act he still had a valid approval. He submitted a new Form A and was going to record the plan and the variance at the same time. The question was raised as to the fact that the variance is good for one year and could it still be recorded. The applicant will have to go to the Conservation Commission as the wetland line does extend into the circle where the house will be placed. After a lengthy discussion, the applicant requested an extension of time for approval for 90 days while all legal questions are answered.

Mr. Whitman moved, seconded by Mr. Irving, "That relative to Plan #1502 for 15 Forest Street the Board votes to grant the request of the applicant for an Extension of Time for Endorsement of Plan for 90 days until June 23, 2015." Voted unanimously

**INFORMAL FOR 599 WASHINGTON STREET:** Mr. Vayo came before the Board with Attorney Robert Galvin to discuss the petition article for a zoning map by-law change that was submitted. He stated that the Animal Rescue League owns the 56 acres behind and he heard that they were selling the entire area. He is in the process of purchasing the entire parcel and hoped to develop a small portion of the lot and donate the rest to conservation. There are four or five lots that back up to the property that could gain access to the back of the property. After a lengthy discussion, the petitioner at this time feels he should withdraw the zoning change for this annual town meeting. The public hearing has been scheduled for Monday, April 6, 2015 at 7:30 p.m. and the Board will have to open the public hearing and move to indefinitely postpone

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this article as the petitioner has withdrawn the article. Attorney Galvin will be sending a letter of withdrawal.

A motion was made and seconded that the Planning Board meeting be adjourned at 9:35 p.m.

The next meeting of the Board will be held on Monday, April 6, 2015 at 7:30 p.m. in the Veteran's Hall Hearing room for a public hearing which will be opened and closed for the petition zoning article that was submitted and then withdrawn by the petitioner.

Respectfully submitted  
Marilyn A. Zechello – Planning Board Assistant