

PEMBROKE ZONING BOARD OF APPEALS

MEETING MINUTES FEBRUARY 25, 2019

BOARD MEMBERS PRESENT: Rick Casavant, Chairman; Christine Griffin, Vice Chairman; James Gallagher, Clerk

PUBLIC HEARING FOR SPECIAL PERMIT CASE #50-18 AT 43 MATTAKEESETT STREET TO CONSTRUCT A NEW BUILDING FOR THE STORAGE OF BOATS

Mr. Casavant opened the public hearing for the requested special permit case #50-18 at 43 Mattakeesett Street, to construct a new building for the storage of boats.

Mr. Jeffrey Perette was present as the applicant. There was also an abutter present.

Mr. Perette explains that he had appeared in front of the Board previously for a special permit to store boats on the property, he would like to now store the boats inside. The building would be set back and out of view. Mr. Perette goes over the plans dated for February 5, 2019. The updated plan shows the structure being moved to increase the distance between the buildings, and the relocating of the leaching field.

There is discussion about the building being a two story building, with storage above. More parking will be added to the front of the building. The goal is to have all boats stored within the building. The setbacks are all within the requirements. The Fire Department required more space around the building when he was at the Planning Board meeting. Mr. Perette has not been before the Board of Health.

Mr. Gallagher confirms that there will be no offices on the second floor. Mr. Casavant asks about the privacy fence that will be going up; it will be a six to eight foot privacy fence that Planning Board required. Mr. Gallagher asks about the houses near the property. Mr. Perette states that there is one abutter present on his behalf, but the other one could not make it. The abutter has no issue with the project.

There is discussion about the landscape surrounding the property. There is woods and the cemetery abuts the property. Mr. Casavant asks how many boats will be stored; Mr. Perette does not know yet as there will be columns supporting the building.

Mr. Perette came before the Zoning Board and his next step is to go before the Planning Board. Ms. Griffin comments that a variance does not apply here; just the special permit. Mr. Gallagher has no issues with the project.

Ms. Griffin makes a motion to allow the application of Old Salt Realty Trust, Jeffrey Perette, 612 Plain Street Unit 4, Marshfield MA requesting a special permit and/or variance of the zoning by-laws of the Town of Pembroke Section V, 5 non-conforming uses and/or section VI, E variances to construct a new building of 18,750 square feet for the purpose of indoor storage on the property currently used for the storage of boats and equipment which consists of two existing buildings and a parking area. The special permit would allow alterations of a pre-existing non-conforming use and the variance would be to allow a use that is not otherwise permitted. The project is located at 43 Mattakeesett Street, Pembroke MA in the center protection district zone as well as residential A zone as shown on Assessor's map C9, lot 17. The Board makes a motion to allow a special permit pursuant to the non-conforming use, section V, 5 of

the by-laws, the Board makes a finding that there is a pre-existing non-conforming use and this extension/alteration is permitted and not detrimental than the existing non-conforming use to the neighborhood. The plan will be limited to the drawings dated February 5, 2019 and any/all conditions set by the April 2018 meeting as well as by the Fire Department and Planning Board. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

PUBLIC HEARING FOR A SPECIAL PERMIT AND/OR VARIANCE FOR CASE #01-19 AT 171 MATTAKEESETT STREET TO BUILD THREE (3) 7,000 SQUARE FOOT BUILDINGS

Mr. Casavant opened the public hearing for the requested special permit case #01-19 at 171 Mattakeesett Street, to construct a three new, 7,000 square foot buildings.

Mr. Kevin Welch is present as the applicant; Mr. Darren Grady is present representing the applicant from Grady Consulting.

Mr. Grady details the expansion of the property to construct three new buildings. The applicant wants to expand the use of the property with these new buildings. A prohibited use is working on motor boats, there would be storage of boats and service of boats. The site will not be visible from Mattakeesett Street and there will be buffers including a wall, a fence and landscaping. There is sufficient parking. Mr. Gallagher asks about a new leaching field and the height of the building. It will be a one story building.

Mr. Welch confirms he does not know what tenants will occupy the buildings yet. Mr. Gallagher asks the distances between the houses and the proposed buildings. The applicant explains that there is woods around the property. The buffer around the property will be kept as natural as possible, but they are proposing a six foot fence. Ms. Griffin inquires about the zones; it is all ground water overlay district.

Mr. Casavant discusses the letter received by the property owner's attorney. The property owner is not in favor of the project. Mr. Welch is the lease holder on the property and intends to purchase the property eventually. Mr. Casavant wants to hear from the property owner and/or the owner's attorney regarding this matter. Mr. Casavant proposes continuing the hearing and speaking with the owner. Mr. Welch insists he is purchasing the property at some point and would like a contingency on the special permit application. Mr. Casavant reiterates that the Board would like to speak with the property owner. Mr. Welch asks what if the owner does not show up; Mr. Casavant responds that the Board would be inclined to decline the project. Mr. Welch would like to provide the Board with his lease with the option to buy. Mr. Grady states that the consultant will need to review this as well, so possibly a month out.

Mr. Casavant asks if any abutters are present. The abutters concerns are increased traffic and noise. Carol Mont of 48 Wintergreen Farm Road is concerned with what kinds of businesses will be going in, as well as the applicant not following conditions that were set. Barbara Lanzillotta of 163 Mattakeesett Street is also concerned with the businesses going in and what effect they will have on her personal property. Ms. Lanzillotta would like whoever is going to be the tenant, to abide by the rules that are conditioned. There is discussion about contacting the Zoning Enforcement Officer to address the current complaints.

Ms. Griffin asks Mr. Grady about the prohibited uses which includes marine vehicle repair for this zone. Mr. Grady asks about it being on the expansion. Mr. Casavant explains that it would not be allowed on the new buildings. Mr. Casavant asks to get something from the property owner for the next meeting. There is discussion of possible continued meeting dates. Mr. Casavant asks to see them back on March

18th unless the applicant needs more time than that. The applicant agrees to a sixty day extension. The Board continues the hearing tentatively to March 18, 2019 at 8:30 P.M.

PUBLIC HEARING FOR VARIANCES CASE #02-19 AT 220 CENTER STREET TO ALLOW FURTHER RESIDENTIAL USE OF AN EXISTING MIXED USE BUILDING

Mr. Casavant opens the public hearing for multiple variances for case #02-19 at 220 Center Street to allow further residential use of an existing mixed use building. There is a request from the applicant for a continuance; Ms. Griffin makes a motion to allow the continuance of the hearing of case #02-19 at 220 Center Street for multiple variances to March 18, 2019 at 8:00 P.M. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

SCHEDULED APPOINTMENT: COPPERWOOD REPRESENTATIVE – REQUEST FOR BRIDGE MODIFICATION

Eoghan Kelley (Copperwood Representative), Tom Bizerski (Merrill Engineers), David Eckman (Bridge Engineer) are all present for this appointment.

Original project was approved during the Copperwood 40B hearing. Mr. Bizerski explains there were culverts that will be removed which will cause less of an environmental impact from the bridge. There is an illustration showing the new piles. Mr. Kelley explains that Conservation asked them to see if there was anything more environmentally friendly that could be done on this bridge. Mr. Eckman explains the process using the different material for the bridge.

Mr. Gallagher asks the length, Mr. Eckman states it will be about thirty three feet. Mr. Kelley states that they spoke with DPW, Fire Department and Conservation and they are all in favor after approval is granted from ZBA.

Mr. Casavant asks if Mr. Paul Brogna has seen this modification as he was the peer engineer. Mr. Casavant is in favor of granting this insubstantial modification. Mr. Gallagher asks what the material will be; Mr. Eckman states they are all pressure treated materials. Mr. Casavant would like Mr. Brogna to take a look at this modification.

Ms. Griffin makes a motion to allow the petition of Eoghan Kelley to modify the previously approved bridge at the Copperwood Circle site. The Board finds that pursuant to 760 CMR 56.05(11) (b) that the proposal modification is insubstantial, contingent upon the approval of Mr. Paul Brogna, peer review engineer. The Board seconds the motion and all are in favor.

SCHEDULED APPOINTMENT: PLANNING BOARD REPRESENTATIVE TO DISCUSS POSSIBLE ZONING BY-LAW CHANGES

The Planning Board representative was not present at the time of the appointment, Mr. Casavant called for a brief recess. Ms. Griffin makes a motion for a brief recess, Mr. Gallagher seconds the motion.

The Planning Board representative was unable to attend the scheduled appointment due to the concurrent Planning Board meeting.

ADMINISTRATIVE ACTION: VOTE TO APPROVE THE MINUTES OF DECEMBER 17, 2018 AND JANUARY 14, 2019

The Board reconvened for the last agenda item; approving the minutes of December 17, 2018 and January 14, 2019.

Ms. Griffin makes a motion to approve the meeting minutes of December 17, 2018 and January 14, 2019. The motion is seconded and the Board voted unanimously to approve.

Mr. Casavant adjourned the meeting at 8:15PM on February 25, 2019.