

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: JUNE 8, 2021

BOARD MEMBERS PRESENT: Frederick Casavant (Chair), Christopher McGrail (Clerk), and Arthur Boyle, Jr. (Alternate).

ALSO PRESENT: Sabrina Chilcott (Assistant Town Manager), Matthew Heins (Planning Board Assistant), Amy Kwesell (Town Counsel, KP Law), Peter Palmieri, Brian Murphy, Kimberly Kroha, Warren Baker, Susan Spratt, Bradley McKenzie, Shaun Kelly, and others.

Due to the coronavirus pandemic, this meeting of the Zoning Board of Appeals was held by remote participation using the internet, through the Zoom software platform arranged by PACTV, with nobody in physical proximity.

OPENING THE MEETING

At 7:00 pm, Mr. Casavant opened the meeting. He read a modified version of the Chairman's statement, adjusted for the circumstances of the coronavirus pandemic and remote participation:

This meeting of the Pembroke Zoning Board of Appeals on June 8, 2021, is now open.

Please note that this meeting is being made available to the public through an audio and/or video 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.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020, Order imposing strict limitations on the number of people that may gather in one place, this public meeting of the Pembroke Zoning Board of Appeals is being conducted via remote participation.

The public can view and listen to this meeting while in progress. PACTV is providing this service on Comcast Government Access Channel 15, and for those without cable, via livestream at <https://www.pactv.org/pactv/towns/pembroke> or www.pactv.org/pactv/watch/meetings-streamed-live-youtube.

Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of any public hearing designated for public comment, by emailing mheins@townofpembrokemass.org. The public also has the option to participate interactively through the Zoom software application, if technically feasible; for the necessary Zoom access information, go to <https://www.pembroke-ma.gov/RiverMarsh> and pre-register as an attendee.

All votes taken during this meeting will be roll call votes. At the start of this meeting, and at any time when a member of the Zoning Board of Appeals enters or leaves the meeting, we will identify the board members participating and note the time.

PUBLIC HEARING FOR CASE #48-18 COMPREHENSIVE PERMIT [40B] FOR “RIVER MARSH VILLAGE” PROJECT AT 0 AND 274 WATER STREET

Mr. Casavant reopened the public hearing (continued from January 12, 2021, January 25, 2021, March 9, 2021, April 13, 2021, and May 18, 2021) for Case #48-18 comprehensive permit [40b] for the proposed “River Marsh Village” project at 0 and 274 Water Street.

Mr. Casavant identified himself as Chair of the board, and the other two board members, Mr. McGrail and Mr. Boyle, confirmed their presence.

Amy Kwesell, Pembroke Town Counsel with KP Law, and Peter Palmieri, the board’s peer review engineer for the project, were present.

Also present were Brian Murphy, the manager of River Marsh, LLC (the entity which is the applicant), attorneys Warren Baker and Kimberly Kroha representing the project, the project’s engineers Susan Spratt and Bradley McKenzie, and the project’s traffic engineer Shaun Kelly.

Mr. Casavant noted that the revised design had been received the day before, and so nobody had a chance to review it thoroughly and peer review had not yet been done. Thus he suggested the project engineers go over the design.

Mr. Baker apologized for the delayed submission of the revised design, and explained that they had also submitted response letters to some of the written comments received.

Ms. Spratt described the revised design while displaying the new engineering drawings. She noted the mean annual high water line and the limit of the natural bank, and explained that the wastewater treatment plant had been relocated to a different part of the site. She said the units had been reconfigured, but there were still 56 units. A school bus stop area with a sidewalk had been added. She explained that the stormwater design had been changed, with a dry detention basin and a subsurface infiltration chamber. She described the topography and open space.

Ms. Spratt went over the fire truck access and sight triangles, and also described the landscape plan. She explained how some of the details had changed.

Ms. Kwesell suggested that the lines on certain drawings be color-coded, and Ms. Spratt agreed. Ms. Spratt added that more soil testing had been done.

Mr. Casavant asked if the board members had any questions. Mr. McGrail had no questions, but he agreed with Ms. Kwesell that the color-coding of some lines would be useful.

Mr. Boyle asked about the dry detention basin and how long water would remain there, and expressed concern that it would attract disease-carrying insects. Ms. Spratt explained that such basins are a standard engineering feature and are present in many built projects in Pembroke. A conversation about this issue took place between Mr. Boyle and Ms. Spratt. Mr. Palmieri said that a dry detention basin is an accepted means for stormwater treatment, and that the backup valve can be opened if the basin isn’t draining properly.

Mr. McGrail asked if such a basin must be fenced off for safety, and Ms. Spratt said this is a possibility.

Mr. Heins mentioned that sidewalks were not shown within the project (other than at the school bus station) on the drawings. Ms. Spratt acknowledged this, and discussion followed. Mr. Heins opined that sidewalks should be provided along the roads and access drives. He also recommended that one of the buildings be moved further from an existing house, or else that effective visual screening be placed between the building and the house.

Ms. Kwesell clarified (with regard to the 50-foot buffer requirement to residential properties, but also more generally) that waivers should be requested by the applicant for any element of the application that does not conform with the town's site plan rules and regulations. In reply to this, Ms. Spratt confirmed a revised waiver list would be submitted soon.

Mr. McGrail emphasized the importance of having sidewalks in the project for safety, and also asked about fire truck access and whether a fire truck could turn around. Ms. Kwesell likewise stressed the need for there to be sidewalks in the project.

Mr. Palmieri suggested that the curbing along a sidewalk should be vertical granite curbing, or else a grass strip should be provided if the curb is a bituminous concrete berm.

Mr. Baker said they did not wish to include sidewalks because they felt that would make the project unprofitable.

It was agreed that since the board's peer review traffic engineer was not present, it would be advisable to wait until a future hearing to discuss the technical details of traffic.

Ms. Kwesell said that an extension of the deadline for the board to make its decision was necessary. Mr. Baker agreed and discussed the timeline of future public hearings; he suggested that September 14 be the extension date for the deadline.

A conversation took place about the date of the next public hearing, and various possible days were discussed.

Mr. Palmieri asked if he and the project engineers could communicate directly about the engineering aspects of the project, so that any engineering issues could be resolved if feasible. It was agreed that this would be acceptable.

It was decided that the next public hearing would be on August 3, with the location to be determined.

Mr. Casavant made a motion to continue the public hearing to August 3, 2021, at 7:00 pm, to be held in person in either the Veterans Hall (in town hall) or the library, with the location to be posted on the town hall website and the doors of town hall. Mr. Boyle seconded the motion, and the board voted unanimously in favor by roll call.

The meeting was adjourned.