

# **ZONING BOARD OF APPEALS / TOWN OF PEMBROKE**

## **MEETING MINUTES: MARCH 14, 2022**

**LOCATION:** Remote Participation With Zoom Software

**STARTING TIME:** 7:00 pm

**BOARD MEMBERS PRESENT:** Christopher McGrail (Vice-Chairman), John Grenier (Clerk), and Louis Christian Carpenter (Alternate).

**BOARD MEMBERS ABSENT:** Frederick Casavant (Chairman) and Arthur Boyle (Alternate).

**ALSO PRESENT:** Matthew Heins (Planning Board Assistant), Mike Lilly, “nwhite,” Kimberly Jardim, Shannon Holland, Jason Mong, and others.

### **OPENING THE MEETING**

The Vice-Chairman Mr. McGrail opened the meeting by reading 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 March 14, 2022, 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 Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means.

No in-person attendance of members of the public will be permitted. We will post on the Pembroke website an audio or video recording, transcript or other comprehensive record of proceedings as soon as possible after the meeting.

All votes taken during this meeting will be roll call votes.

### **PUBLIC HEARING FOR CASE #1-22 SPECIAL PERMIT FOR SINGLE-FAMILY HOUSE AT 379 TAYLOR STREET**

Mr. McGrail opened the public hearing on the application of Mike Lilly, P.O. Box 558, Marshfield, MA 02051, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.1.B.4 Attached Dwelling Unit, to construct an attached dwelling unit (“in-law apartment”) as an addition to an existing single-family house. The property is located at 379 Taylor Street, Pembroke, MA 02359, in Residence District A, as shown on Assessors’ Map F8, Lot 42.

The property is owned by Norman and Bonnie White. Mike Lilly (the applicant and builder) was present, and he explained that the purpose of the project is to build an in-law apartment for Mr. White’s mother in an existing house. The apartment would be slightly less than 800 square feet, and a new one-car garage would also be added to the house.

Mr. Grenier and Mr. Carpenter indicated that they had no objection to the project. It was noted that the house is next to a golf driving range.

There was a brief discussion about the rule in the zoning bylaws requiring that the house and in-law apartment remain in common ownership.

Mr. McGrail made a motion that for Case #1-22 special permit for Mike Lilly representing the property owner at 379 Taylor Street, the special permit be granted. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

#### **ADMINISTRATIVE ACTIONS**

Mr. McGrail made a motion to approve the minutes of February 7, 2022. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins and the board conversed about the next board meeting, scheduled for April 4, and the public hearings anticipated on that day.

#### **PUBLIC HEARING FOR CASE #2-22 SPECIAL PERMIT FOR SINGLE-FAMILY HOUSE AT 31 LAKE STREET**

Mr. McGrail opened the public hearing on the application of Jennifer Stewart, 31 Lake Street, Pembroke, MA 02359, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.1.B.4 Attached Dwelling Unit, to construct an attached dwelling unit ("in-law apartment") as an addition to an existing single-family house. The property is located at 31 Lake Street, Pembroke, MA 02359, in Residence District A and the Water Resource and Groundwater Protection District, as shown on Assessors' Map D5, Lot 21.

The applicant had requested, several days earlier, to withdraw the application without prejudice. The board members and Mr. Heins discussed this situation, and it was agreed to accept this request.

Mr. McGrail made a motion that the board accept the applicant's request to withdraw the application without prejudice, regarding the special permit for applicant Jennifer Stewart at 31 Lake Street. Mr. Carpenter seconded the motion, and the board voted unanimously in favor by roll call.

#### **DISCUSSION ABOUT VARIOUS TOPICS**

While waiting for the time the next public hearing was scheduled to start, the board and Mr. Heins discussed a board member's recent vacation, the expense of utilities and construction, and other assorted topics.

#### **PUBLIC HEARING FOR CASE #3-22 VARIANCE FOR SINGLE-FAMILY HOUSE AT 140 OAK STREET**

Mr. McGrail opened the public hearing on the application of Kimberly Jardim, 140 Oak Street, Pembroke, MA 02359, requesting a variance in accordance with the Zoning Bylaws of the Town of Pembroke, Sec. IV.1.D.3 Side Yard Setback, to construct a deck as part of an expansion of an existing single-family house. The property is located at 140 Oak Street, Pembroke, MA 02359, in Residence District A, as shown on Assessors' Map F13, Lot 131.

The applicant and property owner, Kimberly Jardim, was present. She explained that she wished to convert a raw space above her garage into a second-floor healing space for her home-based business, along with a deck also at the level of the second floor. The deck's size would be 26 feet by 14 feet, with an outdoor stairway leading up to it, and it would extend to about 10 feet from the property boundary.

Mr. Grenier asked if the neighbors had any objections to the deck, and Ms. Jardim said they were supportive. There was a conversation about the vegetation between her house and the adjacent house.

Mr. Carpenter asked how much traffic the home business would generate, and Ms. Jardim said she expected she would only have a few customers per day at most, and only one at a time. Discussion followed.

Shannon Holland and Jason Mong, who live at 3 Robinson Creek Road on a property directly adjacent to 140 Oak Street, had joined the meeting a few minutes earlier. Now they addressed the board, saying that they had concerns about the project, especially since the deck would be at the second-floor level and thus would look down onto their property.

Further conversation followed. Ms. Jardim described how the design of the deck could protect the privacy of both properties. The lack of vegetation, due to trees having previously been cut down, was discussed. Mr. Heins talked about how the board had handled similar cases in the past.

Ms. Jardim described some other alternatives, including a five-foot wide deck with a larger deck behind the house. Ms. Holland and Mr. Mong said they would prefer a smaller addition on that side of the house, which would not extend too far into the setback. Mr. Grenier noted that there is plenty of space behind the house. Mr. McGrail agreed and discussed the situation.

Ms. Jardim noted that she would prefer the deck be on the side of the house. Mr. Heins described some possible options. Ms. Jardim said she might like to have a five-foot wide deck and stairway on the side of the house, in which case the addition would only extend a foot at most into the setback.

Mr. Heins and Mr. McGrail discussed the options for the applicant at this point, and Mr. Heins explained that the hearing could be continued to give the applicant time to submit a new drawing showing a modified design.

The board members, Mr. Heins and Ms. Jardim discussed the possible options, and Ms. Jardim said she would prefer to continue the hearing to give herself more time to consider design options and perhaps talk with Ms. Holland and Mr. Mong.

Mr. McGrail made a motion to continue the public hearing for Case #3-22, the applicant being Kimberly Jardim requesting a variance at 140 Oak Street, to April 4, 2022, at 8:00 pm. Mr. Grenier seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins explained that this continued public hearing on April 4 would take place in room 6 (Veterans Hall) at Pembroke Town Hall.

## **DISCUSSION ABOUT FUTURE BOARD MEETINGS, LOCAL PLANNING AND ZONING ISSUES, AND OTHER TOPICS**

The board members and Mr. Heins discussed the schedule of future board meetings and who would attend the next meeting on April 4.

A conversation took place about the anticipated new community center building.

Mr. Heins described the new state law which requires communities in the Boston region, including Pembroke, to alter their zoning bylaws to create a zoning district that allows a higher density of multifamily housing.

The board and Mr. Heins talked about the property that contains the former Shepherd Funeral Home, and what its future use will be.

The meeting was adjourned.