

ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

MEETING MINUTES: JUNE 6, 2022

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

STARTING TIME: 7:00 pm

BOARD MEMBERS PRESENT: Christopher McGrail (Vice-Chairman), Arthur Boyle (Alternate), and Louis Christian Carpenter (Alternate).

BOARD MEMBERS ABSENT: Frederick Casavant (Chairman) and John Grenier (Clerk).

ALSO PRESENT: Matthew Heins (Planning Board Assistant), John Moore, Lori Moore, Joanne Linehan, Joanne Gray, Brian Dunn, Brendan McCarthy, Matt Connelly, Walter Sullivan, Sean Mackenzie, and others.

OPENING THE MEETING

The Vice-Chairman Mr. McGrail opened the meeting by reading the Chairman's statement.

PUBLIC HEARING FOR CASE #11-22 SPECIAL PERMIT FOR MIXED-USE STRUCTURE AT 235 WASHINGTON STREET

Mr. McGrail opened the public hearing on the application of Brian Dunn for Skyline Property Management, LLC, P.O. Box 972, Manomet, MA 02345, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Section V.5 Nonconforming Uses, to alter an existing two-story mixed-use nonconforming building. On the first floor a former medical office would be converted into an office for a landscaping firm, and on the second floor one apartment unit would be converted into two apartment units [as stated in the application—this was later corrected during the public hearing]. The building's size would not change. The landscaping firm might have trucks and other equipment on the property. The property is located at 235 Washington Street, Pembroke, MA 02359, in the Residential-Commercial District and the Historic District Overlay, as shown on Assessors' Map D13, Lot 4.

Walter Sullivan and Brian Dunn were present, along with others representing the project. Mr. Sullivan introduced the project. He explained that the house-like structure was built in 1850 and contains about 3,000 square feet. He said that the building previously had two residential units on the second floor and a medical office on the first floor. He explained that the proposed project is to create three residential units on the second floor, and to convert the medical office space into general office space for a landscaping and landscape architecture firm. He stated that the change of use would not make the existing nonconforming building any more nonconforming, and would not make the use any more intensive. He added that the size of the building would not expand.

In reply to a question, Mr. Sullivan said that the firm has ten to twelve employees, but most of them meet on their sites, so that only three or four employees would be in the building at one time.

In response to questions, it was clarified that one of the proposed residential units would actually be on the first floor (the other two units being on the second floor). The drawings submitted with the application were incomplete and did not show the entire first floor, and the information given with the application incorrectly stated two apartments rather than three.

A discussion took place about the number of likely residents and how many vehicles would be parked on the property. The two owners or managers of the landscaping and landscape architecture firm were present and described the intended use in more detail.

Joanne Linehan, a nearby resident, came before the board. She expressed concern about the possibility of trucks and other landscaping equipment being parked nearby. An extended discussion followed. Upon examining the assessors' maps, it became clear that Ms. Linehan's property was not close to where the building or equipment would be.

Mr. McGrail made a motion to approve the application for Case #11-22 special permit for mixed-use structure at 235 Washington Street. Mr. Boyle seconded the motion, and the board voted unanimously in favor.

Mr. Boyle made a motion to amend the approval such that there be a limit of five parking spaces in front of the building. Mr. McGrail seconded the motion, and the board voted unanimously in favor.

PUBLIC HEARING FOR CASE #12-22 SPECIAL PERMIT AND VARIANCES FOR SINGLE-FAMILY HOUSE AT 125 FURNACE COLONY DRIVE

Mr. McGrail opened the public hearing on the application of Sean Mackenzie, 125 Furnace Colony Drive, Pembroke, MA 02359, requesting a special permit and variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section V.5 Nonconforming Uses and Section IV.1.D.3 Side Yard Setback and Rear Yard Setback, to build a shed of 20 feet by 36 feet on a property containing a single-family house. The property is located at 125 Furnace Colony Drive, Pembroke, MA 02359, in the Residential A District and the Water Resource and Groundwater Protection District Overlay, as shown on Assessors' Map B6, Lot 112.

Sean Mackenzie was present. A conversation took place about the need of one board member to recuse himself and how to continue the hearing to a future date.

Mr. Carpenter stated for the record that he had to recuse himself from this public hearing because the contractor of the project is his father-in-law Joseph Stack. Further discussion followed. It was clarified that to grant a special permit or variance, the affirmative vote of all three board members is required.

Mr. McGrail made a motion to continue the public hearing for Case #12-22 to July 11, 2022, at 7:00 pm. Mr. Boyle seconded the motion, and the board voted unanimously in favor.

ADMINISTRATIVE ACTIONS

Mr. McGrail made a motion to approve the minutes of May 16, 2022. Mr. Carpenter seconded the motion, and the board voted unanimously in favor.

The meeting was adjourned.