

March 16, 2023

Planning Board
Town Hall
Pembroke, MA 02359

RE: Site Plan Approval & Special Permit
Address: 0 & 74 Congress Street – Assessor Lots F9-12C & F9-11
Applicant: Whatbarn LLC, Owner: Kevin St. George

Dear Board Members:

On behalf of the applicant, we hereby submit this Application for Site Plan Approval and Special Permit for the above referenced project. The site plan is for the construction of 10 detached single family dwelling units and the remodeling of an existing structure for a total of 11 separate single-family dwellings. The proposed use - multi-dwelling structures, not to exceed a density of four dwelling units per acre is an allowed use via Special Permit in the Residential-Commercial Zoning District Section IV.2.B.3. The dwellings are two-bedroom detached units. Details of the development and conformance with the zoning bylaw requirements are detailed below and on the enclosed site plans. The Planning Board is the Site Plan Approving Authority per Pembroke ZBL V.7.A.3. The proposed use may be allowed by special permit only when the applicant clearly establishes that such uses are not noisy, injurious, noxious, offensive or detrimental to the neighborhood and do not derogate from the purpose of this bylaw as determined by the planning board as the special permit granting authority, after due notice and a public hearing, as per Section VI, provided that, any grant of a special permit shall be conditioned upon full compliance with off-street parking, site plan approval, and other provisions of this bylaw. Enclosed please find the following:

1. 2 Copies of Application for Site Plan Approval and Application Special Permit;
2. Cover letter
3. Check for \$1,000 Site Plan Application Fee,
4. Check for \$400 Special Permit Fee
5. Check for \$1,840 Administrative Review Fee (\$100/1,000 SF),
6. Check for \$6,000 Deposit for Engineering Review Fee, Payable to Town of Pembroke.
7. 4 – 24” x 36” Copies of Engineering Drawings;
8. 9 – 11” x 17” Copies of Engineering Drawings;
9. 9 – 11” x 17” Copies of Architect Drawings
10. 3 Copies of Stormwater Calculations Copy of Certified List of Abutters with envelopes and certified mail forms included.
11. Development Impact Statement.and
12. Trip Generation Analysis. Waiver requested for Traffic Impact Analysis
13. Abutter envelopes
14. Letter from the property owner giving permission to applicant to apply for site plan approval.
15. Photographs of site
16. ZBA approval, ANRAD Approval

The applicant has met with the Zoning Board of Appeals. The property is subject to a grant of variances from the zoning board of appeals dated October 24, 2022. Grant of variance is recorded at the Plymouth County registry of deeds in book 57438 page 195. Variances include the following:

	SECTION	REQUIRED	APPROVED
A.	SECTION IV.2.D.1 LOT SIZES:	120,000 SF	113,735 SF
B.	SECTION IV.2.D.4 (FRONT YARDS)	100 FT	40 FT
C.	SECTION IV.2.D.5 (SIDE YARDS)	40 FT	20 FT
D.	SECTION IV.2.D.6 (REAR YARDS)	100 FT	65 FT

We hereby request the Planning Board issue Site Plan approval as the application and Site Plan meet the Standard for Review (ZBL Section V.7.E) as follows:

1. Protection of the abutting properties, the neighborhood, and the community, to minimize any detrimental or offensive use of the site.

The proposed project is the construction of multi-family housing which is allowed in the Residential-Commercial Zoning District Section IV.2.B.3. The applicant proposes the construction of 10 detached single family dwelling units and the remodeling of an existing structure for a total of 11 separate single-family dwellings. The dwellings will consist of 2 bedrooms with single car garage and 1 exterior parking space in the front of the garages on private driveways. The site is surrounded by woodland on the North, East and West sides. The south side is bounded by Congress Street. The closest abutting single family dwelling is located across congress street and is located 190 ft away from the locus frontage. The closest residential dwelling on the east side, is 370 ft away fronting on Taylor Street. The closest structure on the west side is a commercial building located 150 ft from the westerly lot line. There is a wooded property owned by the Town of Pembroke between the development and the commercial use.

The locus property has been utilized as a contractor yard most recently and it will be cleaned up as a result of this project. The site is substantially screened from abutting properties. The project proposes a landscape plan and Night-sky compliant lighting that provide protection of abutting properties as well as aesthetic value to the development.

2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to the abutting ways and properties.

A 24 ft wide driveway with 20 ft radii are proposed for access to the property. Adequate site distance is proposed at the entrance. The triangles are shown on the site plan safety sheet. The posted speed limit along the frontage is 30 MPH. Twenty-seven (27) parking spaces are designated on the plan (22 required). The plan proposes a 24 ft wide, 375 ft long road accessing 8 dwellings. The clear site lines and low speed limits will allow for

pedestrians to utilize the driveway and grassed areas for pedestrian movement. There is additional parking located at the rear of the property for visitors and delivery trucks. An area of the rear parking will be striped and labeled no parking for emergency vehicle turn around area. The safety sheet on the site plan shows adequate access for the Pembroke ladder truck.

3. Adequacy of the methods of disposal of sewage, refuse and other waste, of the methods of drainage of surface water, of the protection of wetlands, water resource protection areas, floodplains, watersheds, aquifers, and well areas.

The project proposes a new septic system to service the proposed structures. Refuse will be completed by trash pick-up. Dumpsters are not proposed. Trash will be the responsibility of the individual residential owners. A stormwater system has been designed to comply with state stormwater regulations and does not increase off-site runoff rate. Details of the stormwater system are included on the Site Plan. A woodland buffer will be maintained on 3 sides of the property. The front yard is to be landscaped in conformance with the zoning regulations. The site is not located within an Aquifer Protection Zone II or an Interim Wellhead Protection Area. The site is located within an area of minimal flood hazard.

4. Provisions for lighting, off-street parking, loading and unloading of vehicles, and internal traffic control.

A lighting plan has been included in the site plan. The lighting plan details conformance with ZBL V.8. Off-street parking meets the requirements of the Zoning Bylaw V.4.A.1.a 2 parking spaces per dwelling unit for multi-unit dwellings. The loading areas for individual dwellings will be via individual driveways. Additional parking is located in the rear of the property for deliveries and visitors. Twenty-seven (27) parking spaces are designated on the plan (22 required). There is a 24 ft wide access drive with 20 ft radii that provides sufficient accessibility. We have included a fire truck turning analysis within the Site Plan detailing accessibility for Fire trucks.

5. Compliance with the provisions of the Massachusetts' General Laws, the rules and regulations of local, state and federal agencies, and the zoning bylaws and the town bylaws of the Town of Pembroke.

The Use is an allowed Use by Special Permit in the Residential-Commercial district. The Planning Board is the SPGA for Multi-Family Dwellings per Zoning Bylaw IV.2.B. The project has been designed in accordance with the Pembroke Zoning bylaw and all other departmental bylaws and regulations. All aspects of the site are in compliance with state and federal agencies.

6. Failure to comply with the provisions of paragraphs (1) through (5), above, shall result in denial of the application for site plan approval.

The site plan as proposed is in compliance with the above referenced provisions.

On behalf of the applicant, we hereby request the following waivers from The Town of
Pembroke Planning Board Rules and Regulations Governing the Issuance of Site Plan Approval
as follows:

Rules and Regulations Governing Site Plan Approval

Section IV. Site Plan Content

- 4.22 The applicant requests a waiver from the requirement of a traffic study. The applicant has submitted a trip analysis that indicates negligible vehicle trips as it relates to the carrying capacity of Center Street. The traffic study will likely result in a finding that the development will have little to no impact on traffic however it will increase permitting and development costs significantly.
- 5.6.2 The applicant requests a waiver to the requirement of curbing along all paved edges. The driveway runoff will be directed to basins via cape cod berm along 1 side of the road. The driveway is proposed to be super elevated to one side. The driveway is not a high-speed roadway that requires a crowned road.

If you have any questions please do not hesitate to call.

Sincerely,

GRADY CONSULTING, L.L.C.

Kevin Grady, P.E.
Project Engineer

Cc: Whatbarn, LLC

TOWN OF PEMBROKE

APPLICATION FOR SITE PLAN APPROVAL

Submit to Town Clerk with \$1,000.00 Filing Fee and Complete Site Plans as required in Section V. 7., Site Plan Approval of the Zoning By-laws.

Name of Applicant: Whatburn LLC, Don McGill Manager

Address: 29 Duck Hill Road Duxbury MA 02332

Telephone: 617 512 4095 E-Mail don.mcgille@gmail.com

If applicant is not the owner complete the following. NOTICE: written permission of the owner is required for a complete application.

Name of Property Owner: Kevin St George

Address: P.O. Box 174 Pembroke MA 02358

Telephone: _____ E-Mail: _____

Property Address: 0 + 74 Congress Street

Assessors Map(s) and lot(s) number: F9 11+12C Zoning District: Residential-Commercial

Explain current use of property, attach additional information if needed: Residential / Contractor Yard

Explain proposed use of property, attach additional information if needed: Multi-Uniting Structures

	<u>By-law Requirement</u>	<u>Existing Condition</u>	<u>Proposed Condition</u>
Site Size (Sq. ft.)	120,000	143,515	143,515 / 112,451 upland *
Structure Coverage	60%	5.5%	24.4%
Frontage	250	399.72	399.72
Sidyard Setbacks	40	43.4	21 *
Rearyard Setbacks	100	65.2	65 *
Sideline Buffers (ft.)	**		
Rearline Buffer	**		
Frontline Buffer	**		
Parking Spaces (No)	2SP/unit = 22	-	27

Anticipated Traffic: (Vehicle number per day)

Trucks: _____ Autos: _____ Employee Autos: _____

* Variance granted

** Section IV.2.D.15 Bufferstrip. no requirement

Received by Town Clerk's Office:

Town of Pembroke
~~Board of Zoning and Building Appeals~~
781-293-4675

Planning Board

Case Number:

APPLICANT (Name/Mailing Address): Whatburn LLC, Don McGill Manager
29 Rock Hill Road Duxbury MA 02332

Tel: 617 512 4095 Email: don.mcgill@gmail.com

PROPERTY OWNER (Include mailing address if different from the applicant):

Kevin St. George P.O. Box 174 Pembroke MA 02358

Tel: _____ Email: _____

Application/Petition Type – Check Appropriate Box

- ☒ Special Permit - Planning Board
- ☐ Variance
- ☐ Notice of appeal from Order or Decision of Building Inspector

PROPERTY ADDRESS: 0 + 74 Congress Street

ASSESSOR'S MAP & LOT NUMBERS: F9 Lot 11 + 12C

ZONING DISTRICT(S) OF PROPERTY (circle all districts the property is located in)

RESIDENTIAL A

BUSINESS A

BUSINESS B

INDUSTRIAL A

INDUSTRIAL B

CENTER PROTECTION

HISTORIC

RESIDENTIAL-COMMERCIAL

ADULT USE OVERLAY

MEDICAL MARIJUANA OVERLAY

WATER RESOURCE/GROUNDWATER PROTECTION

- ☒ **Is this filing related to a current or pending filing before another Town Board or Department? If so, check box and provide reference information for such filing(s).**

Conservation, Board of Health

SECTION(S) OF BYLAW (from which relief/special permit is requested):

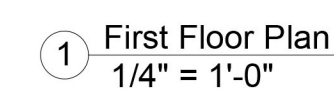
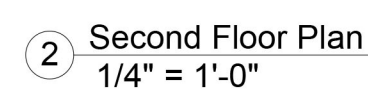
IV.2.B.3 Multi-dwelling structures

REASON FOR APPLICATION (provide explanation):

special Permit Required per ZBL IV.2.B.3

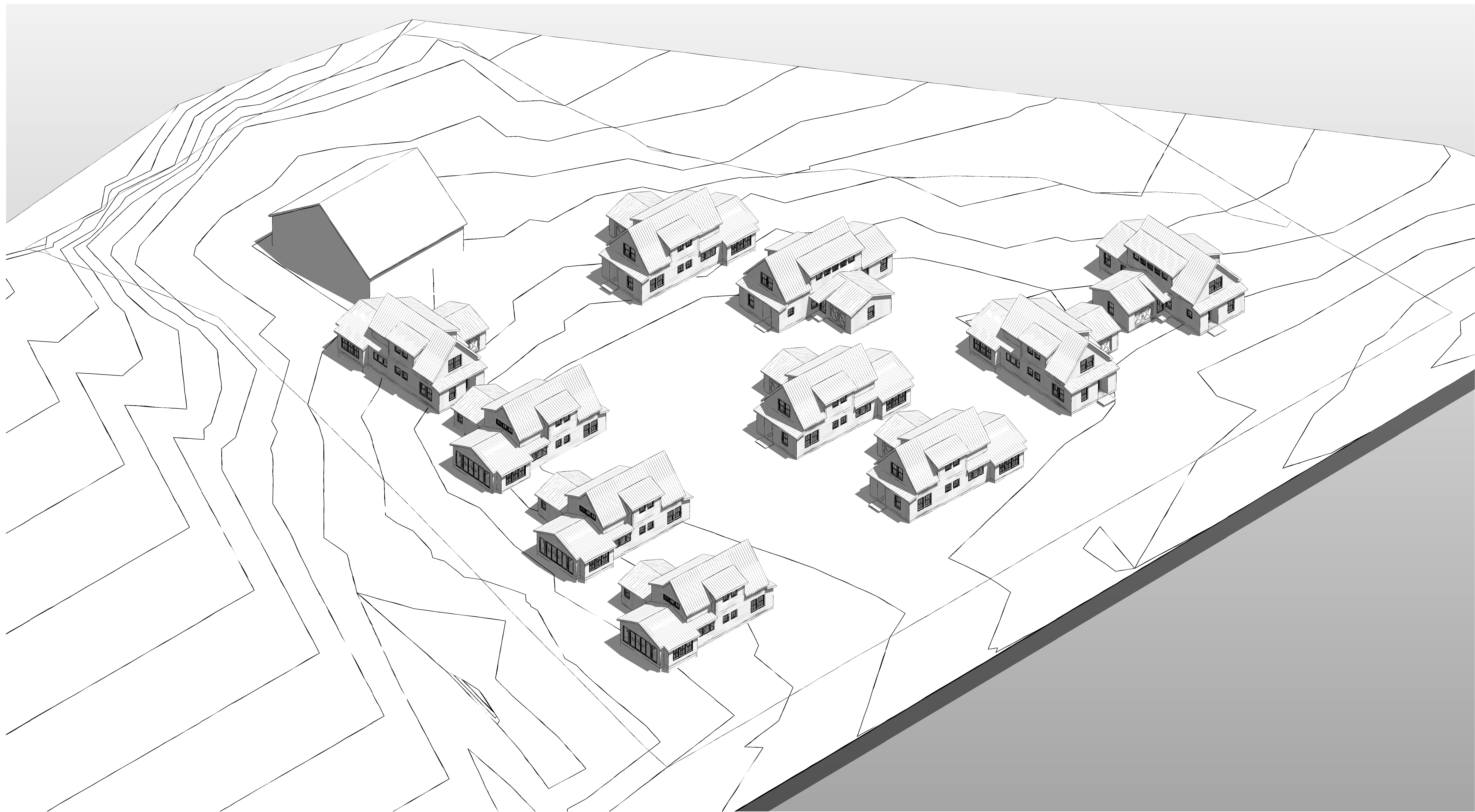
Signature of Applicant:

Signature of Owner (if different from applicant):



72 Congress Street, Pembroke, MA

Scale	1/4" = 1'-0"
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DEVELOPMENT IMPACT STATEMENT

The purpose of this statement is to enable the Planning Board to determine and evaluate the environmental impact of the proposed project and to minimize the degradation of the Town of Pembroke's natural resources.

6.1 ENVIRONMENTAL IMPACT ASSESSMENT

- 6.1.1 The existing site, known as and numbered 0 & 74 Congress Street, Pembroke, is located in the south east corner of Pembroke near the Duxbury Town Line. The property fronts on Route 14 (Congress Street) and is located a few hundred feet east of Route 53 (Washington Street). The property is currently a residential and contractor yard use. The site is predominantly developed land. The developed land has been used for storage of materials and is void of woodland vegetation. The perimeter of the developed area contains vegetation such as white oak, Norway maple, red oak, black huckleberry, common greenbrier and sweet pepper bush. The property also contains wetland resource area. The vegetation in the wetlands consists of red maple, American elm, northern arrowwood, highbush blueberry, skunk cabbage, royal fern and cinnamon fern. The property slopes from Congress Street to the rear of the property approximately 10 ft.
- 6.1.2 The proposed development includes a construction phase erosion and sediment control plan to protect the wetland resource areas and abutting properties from erosion and sedimentation. The post development includes a stabilized, aesthetically attractive landscape. The Landscape Plan has been prepared by a Registered Landscape Architect.

6.2 ENVIRONMENTAL IMPACT STANDARDS

- 6.2.1 The site is proposed as a residential multi-unit dwelling. Residential dwellings are not emitters of significant noise, dust, fumes, gases, or radiation. The development includes a Stormwater Management Plan that will protect the environment from water pollutants.
- 6.2.2 The development includes a Stormwater Management Plan that will protect the environment from water pollutants. The Stormwater Management Plan includes deep sump hooded catch basins to collect runoff. The catch basins are fitted with eliminator gas hoods that contain any gas or oil within the unit. The catch basins are routed to infiltration basins that promote recharge to groundwater. Roof runoff is directed to infiltration basin #1 and a subsurface infiltration basin. The design conforms with the State stormwater regulations and protects the site and surrounding areas from damage from stormwater. The system as designed does not increase the rate of runoff from the property in the post development condition.

- 6.2.3 The development protects the wetland resource areas surrounding the development. The project also proposes to retain the existing stone walls along the front of the property. There are no other significant unique natural features on the property.
- 6.2.4 The proposed design predominantly maintains the existing grade. There are no 4 ft cuts proposed. The area in the vicinity of the leaching field is to be raised approximately 3 ft. This is necessary to meet the requirements of Title 5 and to provide groundwater separation from the discharge of effluent from the septic system.
- 6.2.5 A significant portion of the existing property was previously developed. There are some trees that were larger than 6" in diameter that were not able to be retained. The proposed landscape plan includes the planting of 67 trees.

6.3 FISCAL IMPACT STANDARDS

- 6.3.1 The project proposes 11 detached 2-bedroom single family dwellings. It is anticipated that the majority of the owners will be older adults that are looking to downsize. As older adults they are less likely to have children at their homes. There will be minimal impact on educational services.

The single-family residential development will not have significant impact on police and fire services. The project proposes the installation of a fire hydrant on the property for fire protection. The property fronts on Route 14, a State numbered highway, which has direct access to Route 53 and access through Duxbury to Route 3.

- 6.3.2 The eleven new single-family dwellings will provide an increase in real estate taxes over the existing single residential use. Additionally, each dwelling will likely own 1 to 2 vehicles which will provide an increase in excise tax.

Projected Tax Revenues:

Real Estate:

11 Units of 2 Bedroom Housing

Est. Tax Rate \$12.72 x. Est. Full Fair Value (\$650,000) = \$8,268

Tax Value at \$90,948

+ \$150/vehicle excise x 18 = 2,700

Total Estimated Tax Revenue = \$93,648

- 6.3.3 The development will improve the condition of the existing property. The property will be significantly screened from abutting properties. It is the applicant's opinion that the development will improve adjacent property values.

6.3.4 Five Year Projection of Revenue to Town/Costs to Town:

	Revenue*:	Costs to Town:
1 st Year	Current Tax Revenue	None
2 nd Year	\$93,648	None
3 rd Year	\$95,000	None
4 th Year	\$97,000	None
5 th Year	\$100,000	None

6.6 COMMUNITY IMPACT STANDARDS

- 6.6.1 The project consists of 11 single family 2-bedroom detached dwellings. The architectural style is modern farmhouse. The building footprints are approximately 1,600 sf with a total living space of 2,400 sf including the garage. The units are spaced to provide private areas in the vicinity of the houses. The development is compatible with the surrounding residential uses in the area as the houses are similar size and style.
- 6.6.2 The project does not propose central trash collection dumpster or loading docks. Additional parking for deliveries is located in the rear of the site providing screening from public view.
- 6.6.3 The site has been designed in accordance with all applicable regulations. The applicant is applying or has applied to the Planning Board, Zoning Board, Conservation Commission, Board of Health and the Department of Environmental Protection.
- 6.6.4 The site is to be primarily constructed on the previously developed portion of the property. The property is surrounded on 3 sides by mature woodland and wetland resource areas that will protect surrounding properties from wind or temperature impacts related to the development.
- 6.6.5 A lighting plan has been prepared for the project which details conformance with the Town of Pembroke lighting requirements. The lighting is to be downcast type lighting that is night sky compliant. The lighting will include a few light posts along the driveway and wall mounted lights on the individual dwellings. The lighting plan details 0 footcandles of light spill over onto adjacent properties. The surrounding properties will be protected from glare and light spill over.

6.7 TRAFFIC IMPACT STANDARDS

The applicant has requested a waiver from a full Traffic Impact Assessment.

The property fronts on Route 14 (Congress Street) and is located a few hundred feet east of Route 53 (Washington Street). The property is currently a residential and contractor yard use. The trip generation estimates are as follows:

Single family housing (11 units)

	<u>Entering</u>	<u>Exiting</u>
Weekday AM (peak hour)	4	11
Weekday PM (peak hour)	9	5
Saturday (peak hour)	10	9

The project will result in approximately 100 trips per day (8 trips per daylight hour) which is an insignificant increase relative to the capacity of Route 53. Traffic will generally be routed along Routes 14 & 53 to Route 3 exits. Traffic from the site heading south will access Route 3 via Route 14 in Duxbury or Route 53 in Kingston with limited impact to traffic within the Town of Pembroke. Traffic from the site heading North will access Route 3 via Route 14 in Duxbury, Route 139 in Marshfield, or Route 53 in Hanover. Two of the three options heading north have little to no impact on the traffic going through Pembroke. Route 53 just completed an improvement of intersections and paving in Pembroke. The traffic generated from the proposed development will not have adverse impacts on traffic in the Town.

The proposed driveways provide adequate stopping and intersection site distance. See Safety Plan included within Site Plan.

Posted Speed limit 30 MPH

<u>STOPPING SIGHT DISTANCE</u>	<u>REQUIRED</u>	<u>PROP. MAIN DRIVE</u>	<u>PROP DRIVE 2</u>
30 MPH	200 FT	340 FT +	340 FT +
35 MPH	250 FT	340 FT +	340 FT +

<u>INTERSECTION SIGHT DISTANCE</u>	<u>REQUIRED</u>	<u>PROP. MAIN DRIVE</u>	<u>PROP DRIVE 2</u>
30 MPH	335 FT	340 FT +	340 FT +
35 MPH	390 FT	340 FT +	340 FT +

**74 Congress St.
Trip Generation**

Single family housing (11 units)

	Entering	Exiting
Weekday AM	4	11
Weekday PM	9	5
Saturday Peak	10	9

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

AM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 169

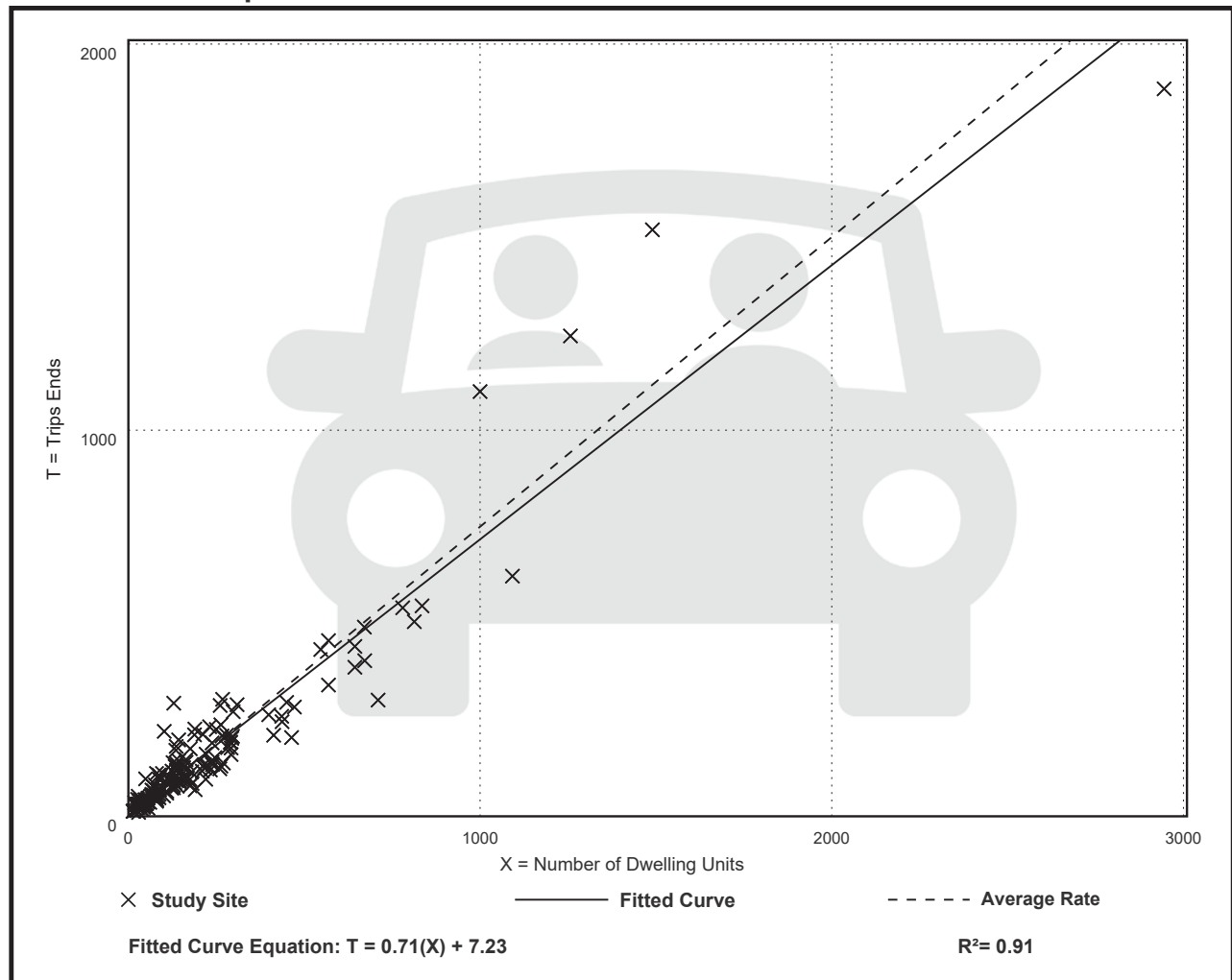
Avg. Num. of Dwelling Units: 217

Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.34 - 2.27	0.25

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

PM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 178

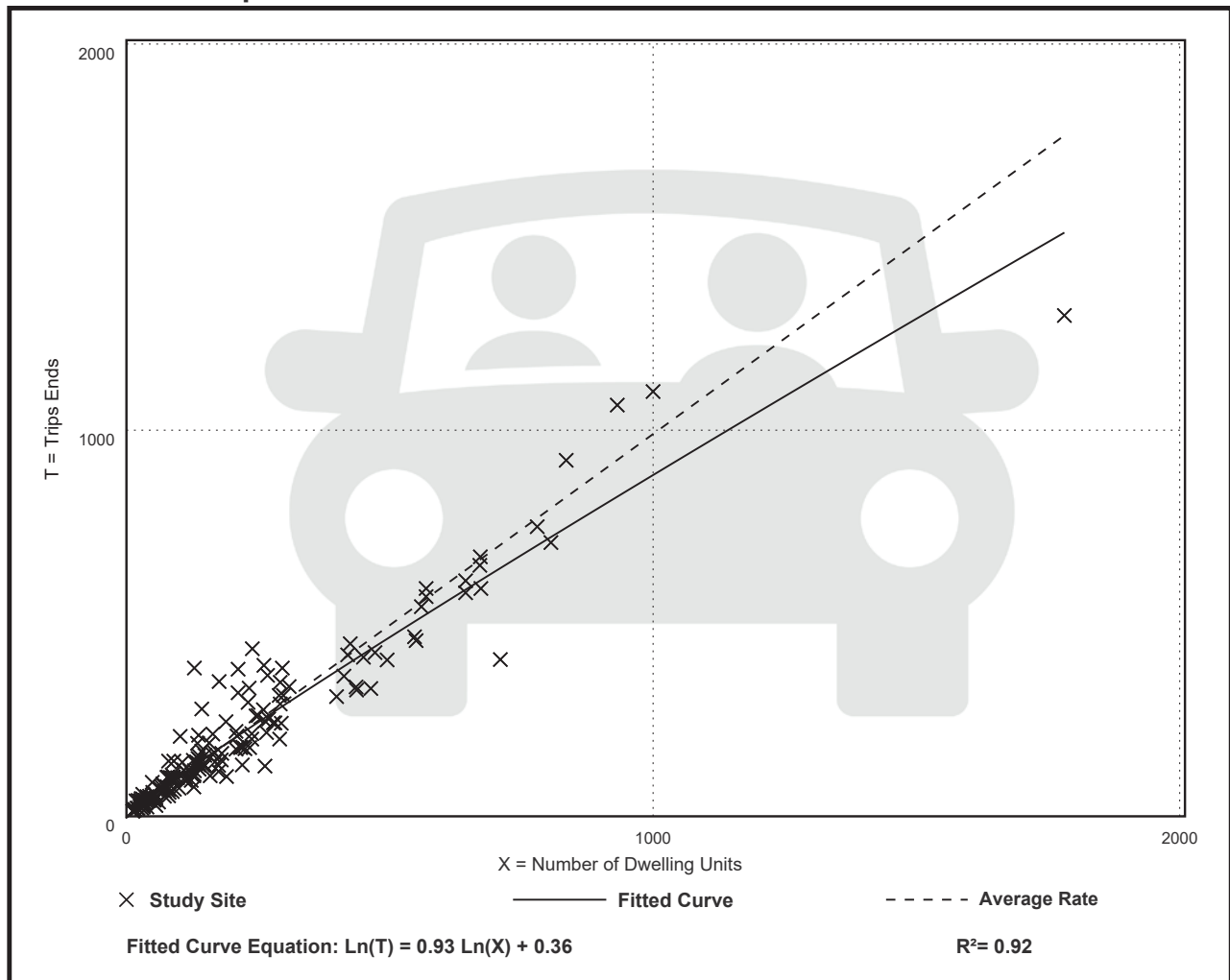
Avg. Num. of Dwelling Units: 203

Directional Distribution: 64% entering, 36% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.49 - 2.98	0.28

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 42

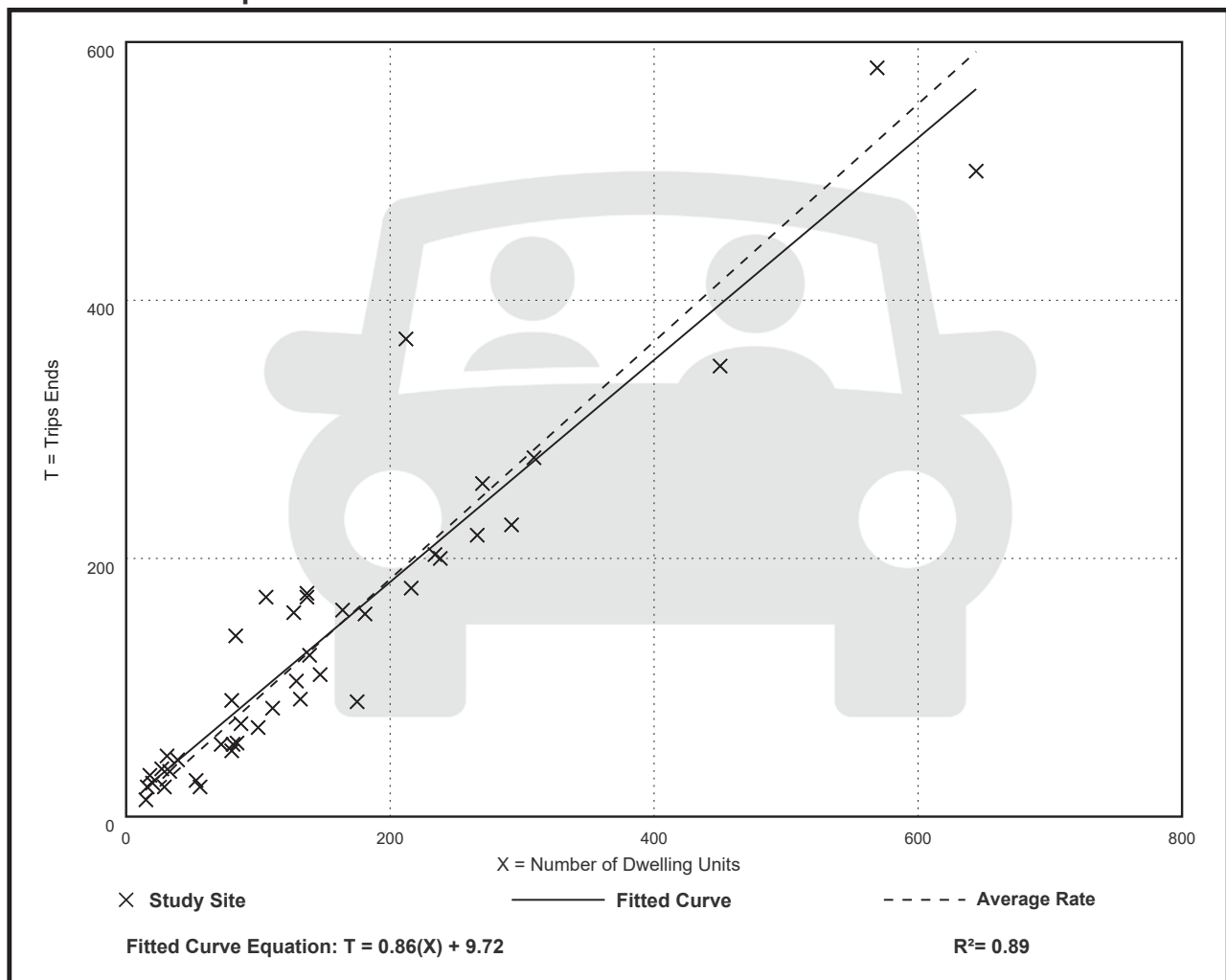
Avg. Num. of Dwelling Units: 152

Directional Distribution: 54% entering, 46% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.92	0.41 - 1.78	0.27

Data Plot and Equation



March 15, 2023

Planning Board
Town Hall
Pembroke, MA 02359

RE: Authorization Agent Letter - Site Plan Approval
Address: 0 & 74 Congress Street – Assessor Lots F9-12C & F9-11
Applicant: Whatbarn LLC, Owner: Kevin St. George

Dear Planning Board:

I hereby authorize Whatbarn LLC, Don McGill manager Consulting, LLC to apply for Site Plan approval and any other permits associated with proposed multi-family dwelling project at the above referenced address.

Sincerely,

Kevin St. George.

RECEIVED

OCT 26 2022

PEMBROKE TOWN CLERK

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF PEMBROKE
ZONING BOARD OF APPEALS

Case #24-22

October 24, 2022

Certificate of Granting of Variances and/or Special Permits
(Massachusetts General Laws Chapter 40A, Section 11)

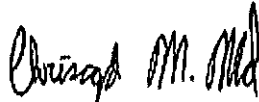
The Zoning Board of Appeals of the Town of Pembroke hereby certifies that variances and/or special permits have been granted to:


Whatbarn, LLC
29 Duck Hill Lane
Duxbury, MA 02332

affecting the rights of the owner with respect to the land and buildings at 74 Congress Street and 0 Congress Street, Pembroke, MA 02359, as shown on Assessors' Map F9, Lot 11, and Map F9, Lot 12C.

And the said Zoning Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variances and/or special permits, and that copies of said decision and of all plans referred to in the decision have been filed with the Town Clerk.

The Zoning Board of Appeals calls to the attention of the owner or applicant that Massachusetts General Laws, Chapter 40A, Section 11 (last paragraph), provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.


Christopher McGrail
Vice-Chairman


John Grenier
Clerk


Arthur Boyle
Alternate



2022 00093196

Bk: 57438 Pg: 195 Page: 1 of 7

Recorded: 11/21/2022 12:00 PM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

M.R. BOOK 49318
PAGE 82

M.R. BOOK 44242
PAGE 242

Hail L
McGill Consulting
PO Box 117
Duxbury Ma 02331

OCT 26 2022

PEMBROKE TOWN CLERK

THE COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS / TOWN OF PEMBROKE

Case #24-22

October 24, 2022

DECISION OF THE ZONING BOARD OF APPEALS

Premises: 74 Congress Street and 0 Congress Street, Pembroke, MA 02359 / Assessors' Map F9, Lot 11, and Map F9, Lot 12C

Petitioner: Whatbarn, LLC

Zoning District: Residential-Commercial District

Date of Filing: August 29, 2022

Legal Ads: September 2, 2022, and September 9, 2022

Mailing to Abutters: August 30, 2022

Hearing Date: September 19, 2022, and October 17, 2022

Petition: Requesting variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.2.D.4. Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, to construct a multifamily residential project of eight (8) buildings containing a total of eleven (11) residential units, along with access drives, parking areas, and landscaping, on a property of about 3.3 acres in size that consists of two adjacent lots.

The public hearing was held in accordance with proper notice and advertisement. The full Board consisting of Christopher McGrail (Vice-Chairman), John Grenier (Clerk), and Arthur Boyle (Alternate) heard the Petition.

Decision: UNANIMOUSLY APPROVED


The petitioner, Donald McGill, representing Whatbarn, LLC, explained to the members of the board that the project was to build a multifamily residential project of eight (8) buildings containing a total of eleven (11) residential units, along with access drives, parking areas, and landscaping, on a property of about 3.3 acres in size that consists of two adjacent lots.

The Board reviewed the information presented by the petitioner and found that the request is in harmony with the general purpose and intent of the bylaws and conforms to all the provisions and standards of the bylaws, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaws.

A motion was made, seconded and unanimously voted to approve the variances being requested by the applicant, specifically Section IV.2.D.4. Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, as per the drawing submitted September 19, 2022.

Any judicial appeal from this decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and any such appeal shall be filed within twenty days from the filing of this decision with the office of the Town Clerk of Pembroke.

If substantial use of the rights authorized by these variances and/or special permits is not exercised within one (1) year of the date on which a copy of this decision is filed with the Town Clerk, then these variances and/or special permits shall expire.


Christopher McGrail
Vice-Chairman


John Grenier
Clerk


Arthur Boyle
Alternate

RECEIVED

OCT 26 2022

PEMBROKE TOWN CLERK

RECORD OF PROCEEDINGS
ZONING BOARD OF APPEALS / PEMBROKE, MASSACHUSETTS

Case #24-22

October 24, 2022

The members of the Zoning Board of Appeals hereby certify that the following is a detailed record of all the Board's proceedings for the petition of Whatbarn, LLC, regarding property located at 74 Congress Street and 0 Congress Street, Pembroke, MA 02359, as shown on Assessors' Map F9, Lot 11, and Map F9, Lot 12C.

The petition to the Board is dated August 29, 2022. The petition requests variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.2.D.4. Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, to construct a multifamily residential project of eight (8) buildings containing a total of eleven (11) residential units, along with access drives, parking areas, and landscaping, on a property of about 3.3 acres in size that consists of two adjacent lots.

A notice of the public hearing on this petition will be retained in the file. It was published in the *Patriot Ledger*, a newspaper of general circulation in the Town of Pembroke, on September 2, 2022, and September 9, 2022, posted in a conspicuous place in Pembroke Town Hall, and mailed on August 30, 2022, to abutters whose property is located within 300 feet of the property line of the property in question. The notice was mailed to the names of the persons at the addresses as provided by the most recent tax list kept by the Town Assessor.

The public hearing on this petition was held on September 19, 2022, and October 17, 2022, in Room 6 (Veterans Hall) at Pembroke Town Hall, at which time opportunity was given to all those interested to be heard in favor or opposition to said petition. An audio recording of the hearing will be provided upon request.

Minutes: September 19, 2022

Mr. McGrail opened the public hearing on the application of Whatbarn, LLC, 29 Duck Hill Lane, Duxbury, MA 02332, requesting variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.2.D.4. Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, to construct a multifamily residential project of eight (8) buildings containing a total of eleven (11) residential units, along with access drives, parking areas, and landscaping, on a property of about 3.3 acres in size that consists of two adjacent lots. The property is located at 74 Congress Street and 0 Congress Street, Pembroke, MA 02359, in the Residential-Commercial District, as shown on Assessors' Map F9, Lot 11, and Map F9, Lot 12C.

Donald McGill, the developer of the project, was present, along with the project engineer Kevin Grady.

Mr. Grady summarized the project, describing the location, the surrounding properties, and how the site would be configured with the buildings and landscaping. He also described the existing structures on the property, and explained that most of them would be removed (or were in the process of being removed) but the existing barn would be kept and converted into residential units.

RECEIVED

OCT 26 2022

PEMBROKE TOWN CLERK

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF PEMBROKE
ZONING BOARD OF APPEALS

Case #24-22

October 24, 2022

Certificate of Granting of Variances and/or Special Permits
(Massachusetts General Laws Chapter 40A, Section 11)

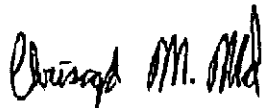
The Zoning Board of Appeals of the Town of Pembroke hereby certifies that variances and/or special permits have been granted to:


Whatbarn, L.L.C.
29 Duck Hill Lane
Duxbury, MA 02332

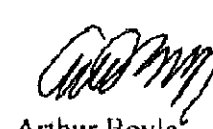
affecting the rights of the owner with respect to the land and buildings at 74 Congress Street and 0 Congress Street, Pembroke, MA 02359, as shown on Assessors' Map F9, Lot 11, and Map F9, Lot 12C.

And the said Zoning Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variances and/or special permits, and that copies of said decision and of all plans referred to in the decision have been filed with the Town Clerk.

The Zoning Board of Appeals calls to the attention of the owner or applicant that Massachusetts General Laws, Chapter 40A, Section 11 (last paragraph), provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.


Christopher McGrail
Vice-Chairman


John Grenier
Clerk


Arthur Boyle
Alternate

21
- Gill Consulting
Box 117
Duxbury MA 02331



2022 0003196

Bk: 57438 Pg: 195 Page: 1 of 7

Recorded: 11/21/2022 12:00 PM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

Minutes: October 17, 2022

Mr. McGrail reopened the public hearing (continued from September 19, 2022) on the application of Whatbarn, LLC, 29 Duck Hill Lane, Duxbury, MA 02332, requesting variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.2.D.4. Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, to construct a multifamily residential project of eight (8) buildings containing a total of eleven (11) residential units, along with access drives, parking areas, and landscaping, on a property of about 3.3 acres in size that consists of two adjacent lots. The property is located at 74 Congress Street and 0 Congress Street, Pembroke, MA 02359, in the Residential-Commercial District, as shown on Assessors' Map F9, Lot 11, and Map F9, Lot 12C.

Donald McGill, the developer of the project, was present, along with the project engineer Kevin Grady. Referring to drawings that were displayed, Mr. Grady went over the variances being requested, explained why they were needed, and described certain aspects of the project.

There was a discussion about the project's proposed septic system, the quality of the soils, and how stormwater drainage would be handled. Mr. Grady described these in detail.

Mr. McGrail opened the hearing to comments from the public.

Denise Moraski, an abutter (and member of the Open Space Committee), expressed her strong opposition to the project and emphasized that the property is surrounded by wetlands. She warned that the septic system could cause problems.

Sean Dempsey, a nearby resident, said that he was opposed to allowing the side yard setback variances, but added that he was happy the proposed project is residential.

Peter Soszynski, a nearby resident, said that he supported the project being residential rather than commercial, but expressed concern about its possible impact on the water table.

Kevin Bonney, a nearby resident, said that the town is becoming too dense and that developers should respect the rules instead of asking for variances.

Mr. Dempsey asked how much of the property would be cleared for the project, and Mr. Grady described how the trees would be cut further back in a few areas.

A discussion took place about stormwater and drainage.

Ms. Moraski criticized the number of variances being requested, and warned that allowing them could set a precedent.

The board members conversed about the project.

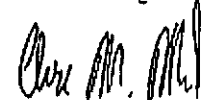
Mr. McGrail made a motion to close the public comment portion of the hearing, Mr. Grenier seconded the motion, and the board voted unanimously in favor.

Mr. McGrail said that he was generally amenable to the project, and noted that without the setback variances the units would be clumped closer together. Mr. Grenier said he was concerned about the amount of uplands and suggested the hearing be continued. Discussion followed, and Mr. Grady clarified a few points.

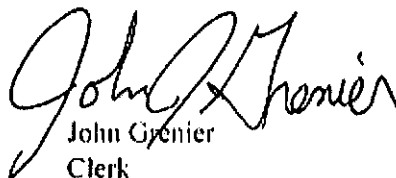
Mr. McGrail made a motion to approve the variances being requested by the applicant, specifically Section IV.2.D.4. Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, as per the drawing submitted September 19, 2022. Mr. Grenier seconded the motion, and the board voted unanimously in favor.

Mr. McGrail said that the public hearing was closed.

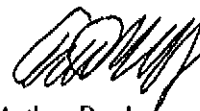
The meeting was adjourned.



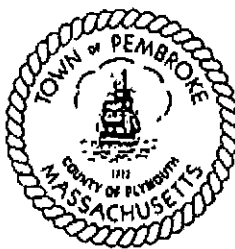
Christopher McGrail
Vice-Chairman



John Grenier
Clerk



Arthur Boyle
Alternate



TOWN CLERK
Margaret Struzik
100 Center Street
Pembroke, MA 02359
781-709-1403 – 781-709-1404

November 16th, 2022
Board of Building & Zoning Law Appeals
Pembroke, Massachusetts 02359

Dear Board Members:

Please be advised that no appeal has been filed re:

Case # 24-22

Whatbarn, LLC
0&74 Congress Street
Pembroke, MA 02359

Petition: Requesting a special permit and variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.2.D.4 Front Yard Setback, Section IV.2.D.5. Side Yard Setback, Section IV.2.D.6. Rear Yard Setback, and Section IV.2.D.1. Lot Size Upland Area & One Dwelling Unit Per 10,000 Square Feet of Upland Lot Area, to construct a multifamily residential project of eight (8) building containing a total of eleven (11) residential units, along with access drives, parking areas, and landscaping, on a property of about 3.3 acres in size that consists of two adjacent lots.

Premises: 74 Congress Street and 0 Congress Street, Pembroke MA 02359/ Assessors' Map F9, Lot 11 and Map F9, Lot 12C

Decision: UNANIMOUSLY APPROVED

Said decision was received in this office on October 26th, 2022. This is to certify that twenty (20) days have elapsed, and no appeal has been filed.

Yours Truly,

A TRUE COPY ATTEST

Margaret Struzik
PEMBROKE TOWN CLERK
DATE November 16, 2022

Margaret M. Struzik

Margaret Struzik
Town Clerk

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B - Order of Resource Area
Delineation

Provided by MassDEP:
MassDEP File #:056-1086
eDEP Transaction #:1436661
City/Town:PEMBROKE

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

A. General Information

1. Conservation Commission PEMBROKE

2. This Issuance is for (Check one):

- a. ☒ Order of Resource Area Delineation
b. ☐ Amended Order of Resource Area Delineation

3. Applicant Details

a. First Name DON b. Last Name MCGILL
c. Organization
d. Mailing Address 29 DUCK HILL RD
e. City/Town DUXBURY f. State MA g. ZIP

4. Property Owner (if different from applicant):

a. First Name KEVIN b. Last Name ST. GEORGE
c. Organization
d. Mailing Address PO BOX 174
e. City/Town PEMBROKE f. State MA g. ZIP 02359

5. Project Location

a. Street Address 0 & 74 CONGRESS STREET
b. City/Town PEMBROKE c. Zip 02359
d. Assessors Map/Plat# F9 e. Parcel/Lot# 11 & 12C
f. Latitude 42.06666N g. Longitude 70.77417W

6. Dates

a. Date ANRAD Filed 7/14/2022 b. Date Public Hearing Closed 10/6/2022 c. Date Of Issuance 10/14/2022

7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION #74 KEVIN S. CONGRESS STREET	GRADY, PE		9/19/2022	

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable)

a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☒ Other resource area(s), specifically
a. INTERMITTENT STREAM

b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B - Order of Resource Area
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City/Town:PEMBROKE

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

- a.
- c. ☐ **Inaccurate::** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):
1. ☐ Bordering Vegetated Wetlands
 2. ☐ Other resource area(s), specifically
 - a.
 3. The boundaries were determined to be inaccurate because:

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, S 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation. This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

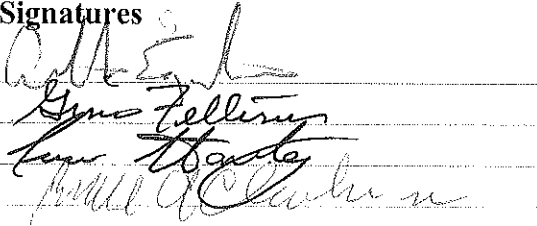
D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination. The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, S 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**WPA Form 4B - Order of Resource Area
Delineation**
Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

Provided by MassDEP:
MassDEP File #:056-1086
eDEP Transaction #:1436661
City/Town:PEMBROKE

E. Signatures



1. Date of Original Order _____
2. No. of Signatures required 4

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, and the Amended Order will expire on the date of the Original Final Order unless extended in writing by the Department.

This Order is issued to the applicant and the property owner (if different) as follows:

3. ☐ By hand delivery on _____

4. ☒ By certified mail, return receipt requested on _____

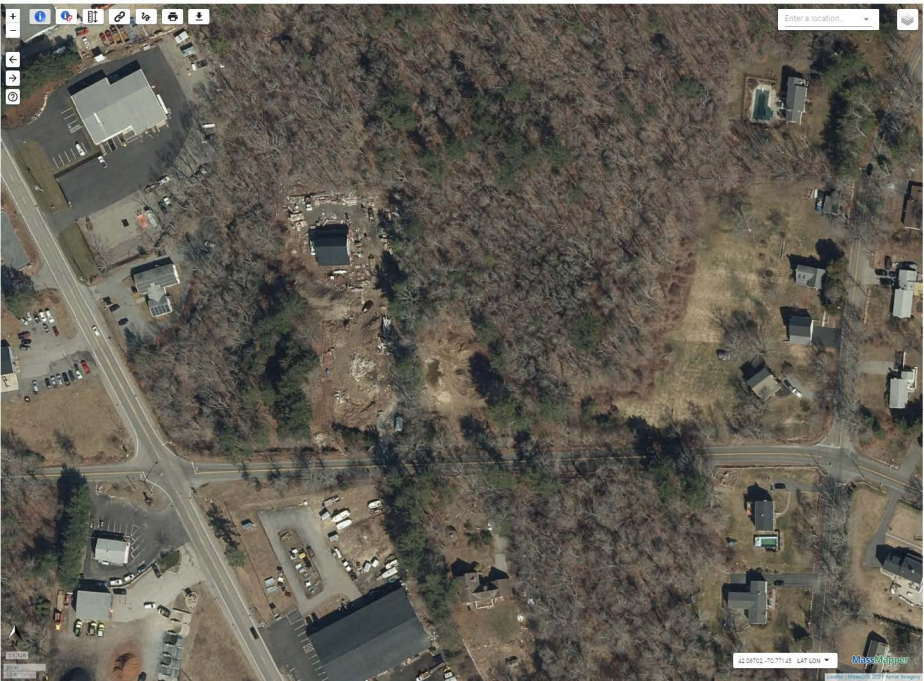
a. Date _____

a. Date October 13, 2002









Enter a location

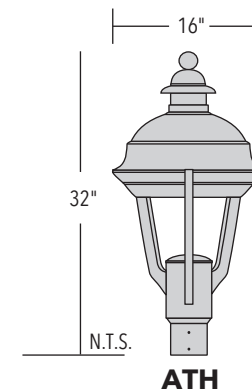
42.96702, -70.77148 LAT LON

MassWhisper

Location / Mapbox © 2023 Aerial Imagery

ATHENS SERIES

AREA LIGHTING | POST TOP



ATH

SPECIFICATIONS

LUMINAIRE All aluminum construction.

DRIVER Electronic LED driver, 120-277V
Options: 480V Driver, Dimming control 0-10V.

ELECTRICAL All components UL recognized. Luminaire shipped complete & ready to install.

FINISH Powder coat – Standard colors are Black, White, Dark Green & Dark Bronze. Custom colors available, consult factory.
All exposed hardware shall be stainless-steel.

FEATURES + BENEFITS

- Industry leading LED systems
- High efficiency & energy savings
- Environmentally friendly
- Reliable & low-maintenance
- 7-year limited warranty
- UL Listed electrical components
- *Suitable for wet locations*

ORDER INFORMATION EXAMPLE: ATH-25W-35K-SMT-OF IV-PT-BLK-BPC

SERIES	WATTAGE	COLOR TEMP.	VOLTAGE	OPTICS	MOUNTING	FINISH	OPTIONS
ATH	5W-100W PLEASE SPECIFY	27K 2700K 3K 3000K 35K 3500K 4K 4000K 5K 5000K CUSTOM COLOR TEMP. CONSULT FACTORY	SMT 120-277V 480V	OF OPEN-FRAME TYPE II TYPE III TYPE IV TYPE V	PT POST TOP	BLK BLACK WHT WHITE GRN DARK GREEN DBZ DARK BRONZE CC CUSTOM COLOR	DIM 0-10V DIMMING BPC BUTTON PHOTO-CELL HSS HOUSE SIDE SHIELD MS MOTION SENSOR EMB INTEGRATED EMERGENCY BATTERY



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of Outdoor Lighting

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Fax: +1-323-890-1981
Email: info@echoltg.com

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Commerce, CA 90040
www.echolighting.com



JayNuss Realty Group, LLC

Equal Housing Opportunity



PLAN OF LAND
ASSESSORS MAP F9 LOT 11
#0 & 74 CONGRESS STREET
PEMBROKE, MASSACHUSETTS

PROPOSED LOT
20' x 100' x 100'
SUBMIT MA 02302

GRADY CONSULTING, L.L.C.
Civil Engineers, Land Surveyors & Landscape Architects
71 Evergreen Street, Suite 1, Kingston, MA 01024
Phone (413) 565-2300

SHEET OF 10

11 pc. ● = PROPOSE
LIGHT LOCATIONS