



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 10, 2020

BOARD MEMBERS PRESENT: Daniel Taylor (Chairman), Andrew Wandell (Vice-Chairman), Alysha Siciliano-Perry (Clerk), Rebecca Coletta, James Noone, and Daniel Smith, Jr.

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Gregory Ralph, David Laine, Bijan Mehr, Brenda Mehr, David Meyerovitz, James Mamary, Patrick Leahy, James Lampke, and others.

Due to the coronavirus pandemic, this meeting of the Planning Board 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. Taylor opened the Planning Board 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 Planning Board on August 10, 2020, 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 Planning Board is being conducted via remote participation.

No in-person attendance of members of the public will be permitted, but the public can view and listen to this meeting while in progress. PACTV *is actually not* providing this service live on Comcast Government Access Channel 15, and for those without cable, on their PRIME streaming channel by visiting www.pactv.org/live.

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 or calling Matthew Heins at 781-709-1433. The public also has the option to participate interactively through the Zoom software application, if technically feasible. For the necessary Zoom access information, please email mheins@townofpembrokemass.org or call 781-709-1433.

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 Pembroke Planning Board enters or leaves the meeting, we will identify the board members participating and note the time.

DISCUSSION ABOUT PROPOSED RESTAURANT IN EXISTING BUILDING AT 124 CHURCH STREET AND VOTE TO WAIVE SITE PLAN REVIEW

Gregory Ralph, an architect, came before the board to discuss a possible restaurant in the existing building at 124 Church Street (a.k.a. 117 Old Church Street). This would be a Jersey Mike's sandwich shop, and it would be located in a space formerly occupied by a Verizon store.

Mr. Ralph summarized the project, and showed the board the architectural drawings and site plan. The project would involve extensive alterations to the interior space, but would not lead to any changes to the exterior of the building other than new signage and HVAC equipment on the roof. The board members discussed the project, and noted that the necessary parking would probably be roughly comparable to what the Verizon store needed. Mr. Ralph stated that any HVAC equipment on the roof would probably not be visible from the front of the building. The board was in general agreement that the project did not need to undergo full site plan review.

Ms. Coletta made a motion that the board waive site plan review for the proposed restaurant at 124 Church Street and approve it as a minor modification to an existing site plan. Mr. Wandell seconded the motion and the board voted unanimously in favor by roll call.

ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion to accept the minutes for July 27, 2020, as presented, Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor explained that Andrew Herman of Soundcheck Studios was willing to talk with the board at a future date. Soundcheck Studios is a facility that contains both music studios and audience spaces where the public can attend performances. It opened for business on Corporate Park Drive without ever receiving site plan approval (though it did get a special permit from the Zoning Board of Appeals), and this had raised some concerns. It is located in an existing building, but as a change of use it should have undergone some form of site plan review.

Mr. Heins clarified that Soundcheck Studios did not intentionally evade site plan review. Mr. Wandell briefly described the interior of the facility. Ms. Coletta expressed concern about parking, and Mr. Noone noted that even though Corporate Park is commercial, a residential area is nearby. The board directed Mr. Heins to ask Mr. Herman to come before the board.

DISCUSSION ABOUT PROPOSED "IGOLF" ENTERTAINMENT FACILITY IN EXISTING BUILDING AT 296 OLD OAK STREET AND VOTE TO WAIVE SITE PLAN REVIEW

David Laine, the operator of the "IGolf" entertainment facility, came before the board. He explained that his business is currently located in Corporate Park and he wishes to move it into the existing "Sun & Ski Sports" building at 296 Old Oak Street. The business would offer indoor golf, along with axe throwing, darts and cornhole, with a small bar to serve alcohol (and possibly food in the future).

Mr. Laine explained that he believes there is plenty of parking available for his business at this location. Mr. Noone noted that the 296 Old Oak Street property recently went through full site plan review when the urgent care building was constructed and the parking lot was rebuilt.

Mr. Noone made a motion that the board waive site plan review for the proposed "IGolf" entertainment facility at 296 Old Oak Street and approve it as a minor modification to an existing site

plan. Mr. Smith seconded the motion. The board voted by roll call. Mr. Wandell, Mr. Smith, Mr. Taylor, Ms. Siciliano-Perry, and Mr. Noone voted in favor, Ms. Coletta abstained, and the motion passed.

VOTE TO RETURN REMAINING BALANCE OF ESCROW ACCOUNT FOR VISUAL SCREENING FOR SITE PLAN #SP7-16 HOBOMOCK SOLAR PROJECT

Mr. Heins explained that the developer had submitted a written request for the return of the remaining balance of the escrow account for Site Plan #SP7-16 Hobomock Solar Project. The escrow account was created and used for building visual screening of the project along Hobomock Street. Mr. Heins noted it was now appropriate to return the remaining balance of the account.

Mr. Noone made a motion to return the remaining balance of the escrow account for Site Plan #SP7-16 Hobomock Solar Project, and Mr. Smith seconded the motion. The board voted unanimously in favor by roll call.

DISCUSSION ABOUT, AND VOTE TO APPROVE, TWO PROPOSED SIGNS FOR EAST COAST MARINE AT 43 MATTAKEESETT STREET

The board discussed two proposed signs submitted for East Coast Marine, located at 43 Mattakeesett Street in the Center Protection District. It was confirmed that the proposed accessory sign on the building would be less than 10% of the area of the building façade. Mr. Smith stated that he formerly owned the property and that he is a friend of Jeffrey Perette, the current owner of the property and operator of East Coast Marine.

The board discussed the rule prohibiting phone numbers on signs in the Center Protection District, and the town-wide requirement that at least one sign display the address. The proposed standing sign showed a phone number and neither sign showed a street address.

Mr. Wandell made a motion to approve the two proposed signs for 43 Mattakeesett Street as presented, with the exception that the phone number shall be replaced by the street address and that the signs shall be in black and white. Ms. Siciliano-Perry seconded the motion. Mr. Wandell, Ms. Coletta, Mr. Taylor, Ms. Siciliano-Perry, and Mr. Noone voted in favor, Mr. Smith abstained, and the motion passed.

ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor said that the Fire Chief was in favor of Mr. Wandell's suggestion (in a previous board meeting) that if Tesla builds an electric car charging station in Pembroke, the company should provide training to the Fire Department about electric vehicle protection and extrication from electrically charged vehicles.

Ms. Coletta mentioned that the board has a vacant seat (formerly occupied by Thomas Irving) which needs to be filled, and a short discussion followed.

DISCUSSION ABOUT POSSIBLE MICRO-DISTILLERY AND RESTAURANT AT 300 CENTER STREET

James Mamary came before the board to talk about a possible micro-distillery and restaurant at 300 Center Street (the former location of Arrow Restaurant). Patrick Leahy, a real estate agent, was also present.

Mr. Mamary explained that he and his wife Melissa run a craft distillery called Silversmith Spirits, which was based in Rockland for three years. They are looking for a location to do small-scale manufacturing and are licensed as a farmer-distillery in Massachusetts. They would like to be in a location that makes them more available to customers, rather than an industrial park. Their plan for 300 Center Street would be to also have a restaurant there, along with a retail component.

The house-like building on the property (not the main building, but a smaller one) was discussed. The board members explained that this structure is problematic from a zoning viewpoint, which Mr. Mamary acknowledged. It was also mentioned that there are questions and possible issues about the septic system on the property.

The board members discussed how such a use would be defined or categorized from a zoning standpoint. Mr. Mamary briefly described the production process of the operation.

DISCUSSION ABOUT POSSIBLE ALTERATION OF SITE PLAN #SP1-09 KING'S HIGHWAY PARK

Bijan Mehr and Brenda Mehr came before the board to discuss the possible alteration of Site Plan #SP1-09 King's Highway Park (at 242-246 Washington Street). Most of the project was built by a previous property owner before the Mehrs acquired the property, but one commercial building near Washington Street was never built. Mr. Mehr wishes to construct this building, but as a multifamily residential building rather than a commercial building.

Mr. Mehr briefly summarized what he proposed to do, and explained that the building would contain two apartments. The board members talked about the history of the project. A few board members expressed concern about putting residences so close to the access drive which gives access to the contractors' units in the rear of the property, given the trucks that inevitably travel on this drive.

The board discussed the complications of the project, relating to its history and the zoning bylaws. Some board members emphasized that the projected building was meant to be commercial as part of a larger site plan that was previously approved. The board members were in general agreement that they were not willing to allow the building to be multifamily residential.

Mr. Mehr described the challenge of finding commercial tenants. Ms. Mehr explained that they have been trying to improve the property since they bought it. Mr. Taylor and Ms. Coletta reiterated the board's position.

DISCUSSION ABOUT POSSIBLE CHANGE TO EXISTING BUILDING AT 8 MAIN STREET TO ADD MORE APARTMENTS

David Meyerovitz, the owner of the 8 Main Street property, came before the board to discuss the possibility of adding two or three more residential units to the existing building.

Mr. Meyerovitz explained that the building on the property currently contains commercial uses on the first floor and apartments on the second floor. (Thus, the property is mixed-use and preexisting nonconforming.) A retail establishment on the first floor went out of business, and so he wishes to convert that space into two or three apartments.

The board and Mr. Meyerovitz discussed which zoning district the property is in, and Mr. Noone explained that it lies in Residence District A, as per both the zoning map and the text of the zoning bylaws. The board members also talked about how a change from commercial to residential space

would impact parking and traffic. The board advised him to apply to the Zoning Board of Appeals for a change to a preexisting nonconforming use, and then return to the Planning Board for some type of site plan review process to ensure that parking, traffic and other issues are satisfied.

ENTERING EXECUTIVE SESSION

Attorney James Lampke, representing the board in ongoing litigation, joined the meeting.

Mr. Taylor announced that the board would go into executive session, pursuant to G.L. c. 30A, Section 21(a) purpose number 3:

“To discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body and the chair so declares.” Specifically, the Board will discuss and take appropriate action with respect to the matter of Town of Pembroke Planning Board, et al. v. Town of Pembroke Board of Zoning and Building Law Appeals, et al., Plymouth County Superior Court Case No. 1983CV00239 regarding Pembroke Center Street, LLC, and the property located at 204 Center Street in Pembroke. Further, the Chair declares that having such discussion in open session would have a detrimental effect on the Planning Board’s litigating position.

Mr. Wandell made a motion that the board go into executive session, and Mr. Smith seconded the motion.

Mr. Taylor stated that the board would adjourn directly from executive session and thus would not return to open session.

The motion to go into executive session being on the table, the board voted unanimously in favor by roll call.

From this point forward, participation in the meeting was restricted to the board members, Mr. Heins and Mr. Lampke.

The board entered executive session.

The minutes of executive session are a separate document.

Respectfully submitted,

Matthew Heins, Planning Board Assistant