



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, FEBRUARY 1, 2021**

**BOARD MEMBERS PRESENT:** Daniel Taylor (Chairman), Andrew Wandell (Vice-Chairman), Heather Tremblay, James Noone, and Stephan Roundtree.

**BOARD MEMBERS ABSENT:** Alysha Siciliano-Perry (Clerk) and Daniel Smith, Jr.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Peter Palmieri, Timothy Twardowski, Kristen Elia, Brian Ross, Jordan Phillips, John Menezes, Kostandin Butka, Jennifer Crockett, Heather Pratt, Betsy Schlansker, Shawn Campbell, Heather King, Ron Tam, Lauren Payne, Donald Moberg, Nicolas Goren, "Coughlin," "Sandra," "HattersV's iPhone," "iPhone (4)," Andrew Herman, Eric Herman, David Meyerovitz, Robert Galvin, 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 February 1, 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 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 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](http://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](mailto: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](mailto: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 Planning Board enters or leaves the meeting, we will identify the board members participating and note the time.

### **ELEVEN PUBLIC HEARINGS FOR ELEVEN PROPOSED ZONING BYLAW AMENDMENTS**

Mr. Taylor reopened eleven public hearings running concurrently (continued from March 16, 2020, April 27, 2020, May 4, 2020, June 8, 2020, July 27, 2020, September 28, 2020, October 19, 2020, and December 7, 2020) for eleven proposed amendments to the zoning bylaws. (There were originally twelve proposed amendments to the zoning bylaws intended to be on the warrant for the 2020 annual town meeting and so in the beginning there were twelve public hearings, but the public hearing titled Flood Plain District was closed on April 27, 2020.) These eleven proposed zoning bylaw amendments are titled (in the legal advertisements) as follows: Definition: Residential Affordable Housing Development; Industrial District A, Residential Affordable Housing; Industrial District B, Residential Affordable Housing; Residential Affordable Housing, Special Permit; Industrial District A, Prohibition of Houses; Industrial District B, Prohibition of Houses; Industrial District A, Prohibition of Accessory Dwelling Units; Industrial District B, Prohibition of Accessory Dwelling Units; Water Resource and Groundwater Protection District; Kennels; and Center Protection District, Mixed-Use.

Mr. Heins explained that the board should recommend these proposed zoning bylaw amendments be placed as articles on the warrant for 2021 annual town meeting.

At this time there were technical problems with Zoom and/or the internet, and Mr. Heins's connection was lost. Mr. Wandell briefly discussed the zoning bylaw amendment for kennels.

Mr. Wandell made a motion to recommend and send forth to the warrant Article 29: Amend Zoning Bylaws, which may become a different article number in the new warrant. Mr. Roundtree seconded the motion, and the board voted unanimously in favor by roll call.

The board members agreed that all the other proposed zoning bylaw amendments should also be recommended as articles on the warrant for 2021 annual town meeting.

Mr. Wandell made a motion to amend the zoning bylaws as presented in the former articles 19, 20, 21, 22, 24, 25, 26, 27, 28 and 30, and to recommend and send these to the warrant for 2021 annual town meeting.

Ms. Tremblay noted that the verbiage in some of these proposed zoning bylaw amendments was not yet completed, and a brief conversation ensued.

At this time Mr. Heins returned to remote participation.

The motion being on the floor, Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins described the proposed floodplain zoning bylaw amendment (not one of the eleven zoning bylaw amendments of the public hearing), and explained that it would update the FEMA map references and also update the verbiage per FEMA requirements. The new verbiage would allow some development in floodplain areas, differing from the town's current zoning bylaws which prohibit nearly all development in floodplain areas. Mr. Heins explained that the board should recommend that the proposed floodplain zoning bylaw amendment be a warrant article for 2021 annual town meeting. He said that a new public hearing for it would be necessary.

Mr. Wandell made a motion to put forward the former Article 23: Amend Zoning Bylaws for the Floodplain District to the warrant for 2021 annual town meeting. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

#### **PUBLIC HEARING FOR PROPOSED SITE PLAN #SP5-20 CELL TOWER AT 85 WASHINGTON STREET**

Mr. Taylor reopened the public hearing (continued from January 11, 2021) for proposed Site Plan #SP5-20 Cell Tower at 85 Washington Street, being the application of Cellco Partnership d/b/a Verizon Wireless, 118 Flanders Road, 3rd Floor, Westborough, MA 01581, requesting Site Plan approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval). The applicant proposes to construct a cell phone tower (“personal wireless service facility”) of a monopole design with a height of about 120 feet, with some additional equipment on the ground and enclosed within a 50-foot by 50-foot fenced area. The tower would be in the rear of the property, and a gravel drive would be constructed to provide access to it. The existing building, access drive and parking area on the property would remain. The property is located in Business District B, Residence District A, and the Historic Overlay District, at 85 Washington Street, Pembroke, MA 02359, as shown on Assessors’ Map D14 Lot 38.

Timothy Twardowski explained that he was the attorney representing the project at this hearing, since the normal attorney for the project Michael Giaimo was busy with meetings elsewhere. Mr. Twardowski said they wished to do the balloon test again (as the previous test was ruined by windy conditions), and suggested a date of February 6. Discussion followed. John Menezes, an engineer with the project, explained that this balloon test would involve using a crane.

It was agreed that the balloon test would be on Saturday, February 6, from 8 am to 12 noon. Mr. Heins said he would post an agenda and also mail it to the project’s abutters.

Peter Palmieri (of Merrill Engineers and Land Surveyors), the board’s peer review engineer for the project, noted that there were a few remaining problems with the engineering drawings and other engineering-related documents. Jordan Phillips, an engineer with the project, said these issues would be addressed soon.

Mr. Taylor offered members of the public an opportunity to speak.

Lauren Payne, a resident of Canoe Club Lane, asked about the noise which would be created by any machinery associated with the cell tower. Mr. Twardowski replied that a generator would be installed on site, but it would only be used during power outages and occasionally for maintenance, and it would not be noisy (the sound being comparable to an idling car). Ms. Payne said that she believed, based on the first balloon test, that the cell tower would be visible from her property and possibly also from other properties on Canoe Club Lane and from the river.

Nicolas Goren, a resident of Canoe Club Lane, asked whether the proposed site was the only site that Verizon was considering, adding that the Verizon cell service is good where he lives. Brian Ross, the real estate specialist for Verizon, replied that at present this is the only site in Pembroke being considered by Verizon, and explained that it was chosen based on advice from engineers. Ms. Tremblay asked about this, and Mr. Ross described the extent of the area that was considered.

Mr. Wandell made a motion to continue the public hearing to March 1 at 7:00 pm, Mr. Roundtree seconded the motion, and the board voted unanimously in favor by roll call.

## **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Mr. Wandell made a motion to approve the minutes for January 11, 2021, as presented. Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Taylor mentioned that the reorganization form still needed to be signed by two board members.

The board members and Mr. Heins discussed two applications recently submitted to the Zoning Board of Appeals.

Mr. Taylor noted that the engineering review balance needed to be returned for Site Plan #SP5-18 Urgent Care Facility at 296 Old Oak Street, as the project is complete. Mr. Taylor directed Mr. Heins to have the applicant make this request in writing.

Mr. Wandell made a motion that the board return the remaining engineering review account balance of \$1,858.72 to the Convenient MD project (Site Plan #SP5-18 Urgent Care Facility at 296 Old Oak Street), contingent on the applicant making this request in writing. Mr. Roundtree seconded the motion, and the board voted unanimously in favor by roll call.

The board members, Mr. Heins and Mr. Palmieri discussed the problem of certificates of occupancy being granted for projects before the as-built condition and drawing are approved, both with respect to the site plan at 212 Schoosett Street and in general.

## **DISCUSSION ABOUT, AND APPROVAL OF, PROPOSED OUTDOOR CONCERTS AT SOUNDHECK STUDIOS AT 150 CORPORATE PARK DRIVE**

Andrew Herman and Eric Herman of Soundcheck Studios at 150 Corporate Park Drive came before the board to discuss their proposal to hold a series of outdoor concerts during the spring and summer of 2021. Soundcheck Studios is a facility containing a small indoor concert space and recording studios, but in 2020 due to the coronavirus pandemic they held outdoor concerts at the site and they wish to do so again in 2021.

The Hermans had submitted several drawings showing the overall site, where the outdoor concerts would take place, how the parking and traffic would be configured, etc.

Mr. Roundtree asked about the seating, and Andrew Herman explained that they sell tables of two, four or six seats, with proper social distancing between tables.

Mr. Roundtree also asked about the traffic movement, and Mr. Herman described the parking arrangements and how cars would move through the area. He displayed images and maps to the board.

The board members discussed the proposed outdoor concerts, and agreed to approve and allow this use.

## **DISCUSSION ABOUT, AND VOTE TO APPROVE, PROPOSED CHANGE IN PROPORTION OF USES TO EXISTING MIXED-USE BUILDING AT 8 MAIN STREET**

David Meyerovitz, along with his attorney Robert Galvin, came before the board to discuss making changes to the mixed-use building at 8 Main Street which he owns (through 8 Main Street LLC). The building contains a mixture of commercial and multifamily residential (apartments) space, and he wishes to increase the proportion of residential space by converting some of the existing commercial

space into two new apartments. The size of the building would remain unchanged, with the changes consisting of interior alterations and possibly some alterations to the façade.

As a change in use, the project required the Planning Board's approval. (The project received approval from the Zoning Board of Appeals, to alter a preexisting nonconforming use, on January 25, 2021.)

Having reviewed the project, Peter Palmieri (the board's peer review engineer for this project) discussed the parking and traffic movement, and changes in general. He noted that no calculations were submitted for the restaurant use. He said that three of the parking spaces in front of the building extend into the road layout, i.e., they extend beyond the property boundary. This causes cars parked there to be very close to the gutter line of the street. He suggested that at least two of these spaces be relocated elsewhere on the property, such as to the side of the building in front of the stockade fence. He also suggested that bollards or parking stops be installed at the parking spaces closest to the building, for safety.

Mr. Galvin agreed with Mr. Palmieri's recommendations in general. He also discussed the objections that had been submitted by a few abutters. He said that trash is not picked up at 4 am. He stated that the mailboxes will be moved if they are not currently on the property. He said that the septic system already has adequate capacity for the proposed change in use. He explained where the new parking spaces would be placed. Mr. Meyerovitz also described the new parking layout briefly.

Mr. Noone suggested the parking spaces in the road layout be relocated, and cautioned that it might be problematic if drivers are maneuvering in the road layout area. Discussion followed. It was agreed that Mr. Meyerovitz would submit a revised site plan drawing, showing the relocated parking spaces, for approval. Mr. Galvin asked if the board could approve the project at this time, contingent on the new site plan drawing be submitted and accepted by Mr. Heins.

Mr. Roundtree made a motion that the board approve the proposed project at 8 Main Street, subject to the three parking spaces being moved and a revised drawing showing this change being submitted to Mr. Heins, as a minor modification to an existing site plan. Mr. Wandell seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion to adjourn the meeting, Mr. Noone seconded the motion, and the board voted unanimously in favor by roll call.

Respectfully submitted,

Matthew Heins, Planning Board Assistant