



## PEMBROKE PLANNING BOARD MINUTES

**MONDAY, MARCH 1, 2021**

**BOARD MEMBERS PRESENT:** Daniel Taylor (Chairman), Alysha Siciliano-Perry (Clerk), Heather Tremblay, and Daniel Smith, Jr.

**BOARD MEMBERS ABSENT:** Andrew Wandell (Vice-Chairman), James Noone, and Stephan Roundtree.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), William Chenard (Town Manager), Rebecca Coletta (Selectboard member), Peter Palmieri, Michael Giaimo, Kristen Spirou, Brian Ross, Jordan Phillips, Martin Lavin, John Menezes, Kostandin Butka, Robert Galvin, Peter Costa, Willard Boulter, Samantha Woods, Jennifer Crockett, Heather King, "Coughlin," "Sandra," Karen Lanoue-Lambrech, Casey Burch, 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 March 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.

#### **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, and February 1, 2021) for proposed Site Plan #SP5-20 Cell Tower at 85 Washington Street, being the application of Celco 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.

Michael Giaimo, the attorney representing the project, was present. Others present on behalf of the project in various capacities were Kristen Spirou, Jordan Phillips, Brian Ross, John Menezes, Kostandin Butka, and Martin Lavin.

Peter Palmieri (of Merrill Engineers and Land Surveyors), the board’s peer review engineer for the project, was also present.

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

Robert Galvin, an attorney representing an adjacent landowner (Swan LLC, controlled by Peter Costa), addressed the board and explained why he opposes the project. He said that his client owns the building directly to the north which contains several businesses, including the space formerly occupied by Orta Restaurant. Another restaurant, Mr. Galvin said, intends to occupy that space and hopes to build outdoor seating behind the building. He argued that the proposed cell tower would detract from the privacy and ambience of the site, and would negatively affect surrounding property values. Mr. Galvin also noted the cell tower would be in the town’s historic district. He suggested that the cell tower could be located instead on the property across the street, which contains ballfields owned by the town.

Mr. Taylor asked about a nearby residence visible on a map which Mr. Galvin was displaying to the board, and a short conversation followed.

Willard Boulter, a former member of the Pembroke Selectboard, spoke. He described his interest in the North River (which runs close to the cell tower site) and his work for the North River Commission. He explained that he went to the river’s edge when the balloon test took place, and he could see that the cell tower would be visible from the river. Currently a pair of bald eagles are nesting along the river near this site, Mr. Boulter said. He emphasized the value of the natural and pristine setting of the river, and recommended that the tower, if built at all, be disguised in some way or be redesigned to have a better appearance.

Samantha Woods, the Executive Director of the North and South Rivers Watershed Association, spoke. She echoed Mr. Boulter’s concerns about the natural setting of the North River and how the

cell tower would harm it, and noted that the tower would be visible from one of the most scenic parts of the river.

Peter Costa (Mr. Galvin's client, the owner of an adjacent property through Swan LLC) spoke. He discussed the trail from his property down to the river, and expressed concern at how close the cell tower would be to the trail and the possible noise its mechanical system would make. He described the history of his property and how it was developed, and emphasized that he felt the cell tower would not be a good fit for that location.

Ms. Woods displayed a photo taken by a drone positioned next to the top of the crane during the recent balloon test (the balloon test actually consisted of a crane, not a balloon). The river was visible, thus showing that the cell tower in turn would be visible from the river.

Mr. Giaimo addressed the board. He explained that the cell tower's generator would only run when there is a power outage, and that there would not be an enclosed building. He noted the tower is needed to fill a gap in cell coverage.

A member of the public identified as "Coughlin" spoke. Living on River Point Drive, she expressed her concerns about the tower's appearance, its noise, its effect on property values, and its possible medical impacts.

Ms. Tremblay asked for an image to show the tower's appearance if it were filled with antennas and equipment for multiple cell providers, and Mr. Giaimo said this was being prepared.

Martin Lavin, an RF consultant to the project, showed the board maps of cell coverage in the area, and explained that the tower would help improve coverage in its vicinity, where coverage is currently weak. Mr. Giaimo emphasized that the selection of the site for the tower was not random, but carefully chosen to improve cell coverage, taking into consideration a willing property owner and the trees that would at least visually screen the lower part of the tower.

Mr. Ross explained that the property across the street owned by the town was also considered for the tower, but it is deed restricted which would prevent such a tower.

Mr. Giaimo said that this historic district (within which the site lies) is not a state historic district but rather a local (town) historic district, and so permission is not required from the state historic commission.

Ms. Tremblay made a motion to continue the public hearing to April 12 at 7:00 pm, Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

#### **ELEVEN PUBLIC HEARINGS FOR ELEVEN PROPOSED ZONING BYLAW AMENDMENTS AND PUBLIC HEARING FOR PROPOSED ZONING BYLAW AMENDMENT REGARDING FLOODPLAIN AREAS**

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, December 7, 2020, and February 1, 2021) 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. Taylor also opened the public hearing for the proposed zoning bylaw amendment regarding the Floodplain Protection Overlay District, which would update the floodplain text and map references to be in accordance with the current requirements of the Federal Emergency Management Agency and Massachusetts Department of Conservation and Recreation.

Mr. Taylor explained that it was necessary to close the eleven public hearings for the eleven proposed amendments to the zoning bylaws, and Mr. Heins added further clarification. A new public hearing will begin on March 22 for these eleven proposed amendments to the zoning bylaws.

Ms. Siciliano-Perry made a motion to close the eleven public hearings for the eleven proposed amendments to the zoning bylaws, and Ms. Tremblay seconded the motion. The board voted unanimously in favor by roll call.

Mr. Heins described the proposed zoning bylaw amendment regarding the Floodplain Protection Overlay District, and explained that some of the verbiage still needed to be decided. In particular, it was necessary to decide whether the Planning Board or Zoning Board of Appeals would handle special permit applications for development in floodplain areas. Moreover, there might be an option to maintain the prohibition on most development in floodplain areas. Discussion followed among the board members and Mr. Heins, and it was agreed to continue this hearing.

Ms. Siciliano-Perry made a motion to continue the public hearing for the proposed zoning bylaw amendment regarding the Floodplain Protection Overlay District to April 12 at 8:00 pm. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

#### **DISCUSSION ABOUT POSSIBLE MASTER PLAN, AND WARRANT ARTICLE FOR ITS FUNDING**

William Chenard, the Pembroke Town Manager, and Rebecca Coletta, a Selectboard member, came before the board to discuss the possibility of doing a master plan and the warrant article providing funding for such a plan.

Mr. Chenard explained that there is an article on the warrant for 2021 annual town meeting to fund a new master plan for the town, and that he wished to determine if the board supported creating a master plan and would be involved in it. Ms. Coletta emphasized the benefits of doing a master plan and generating a vision for the town's future.

Mr. Taylor said the board would be supportive of doing such a plan. Mr. Chenard stated that he would move forward with the warrant article, and would ultimately seek to have a committee evaluate an RFP for a master plan.

#### **DISCUSSION ABOUT POSSIBLE DOG TRAINING BUSINESS AT 125 CENTER STREET**

Karen Lanoue-Lambrecht came before the board to discuss the possibility of having a dog training business at 125 Center Street, on the lower level of the building containing the Seven-Eleven store.

Mr. Taylor noted that the zoning bylaw is unclear as to whether this would be an allowed use at that location. Ms. Lanoue-Lambrecht described her current business, Pawsitively Obedient, located on Oak Street, and explained the benefits of having this new location.

The board members and Mr. Heins talked about what the current zoning bylaw allows, and also discussed the proposed amendment to the zoning bylaw (for upcoming annual town meeting) that would modify the allowed uses relative to kennels and dog daycare. The board and Ms. Lanoue-Lambrecht discussed how her business would work.

#### **DISCUSSION ABOUT POSSIBLE EXPANSION OF LOWE'S RETAIL STORE AT 108 OLD CHURCH STREET**

Casey Burch, an engineer with Solli Engineering, came before the board to discuss the possible expansion of the Lowe's hardware and home improvement retail store at 108 Old Church Street.

Mr. Burch explained that Lowe's is creating tool rental spaces in their stores across the U.S., including this store. The addition to house the tool rental space would be about 3,200 square feet in size (28' wide and 114' long), on the northwest side of the existing Lowe's building. There would also be an outdoor caged area of about 1,500 square feet. The paved area would need to be reconfigured to go around the expansion, which might necessitate a wall or earthworks. Mr. Burch summarized the drainage changes.

Mr. Burch explained that the project would also involve outdoor storage to display some of the tools, which would remove 15 parking spaces. Discussion followed about parking and about whether a special permit would be necessary for outdoor storage.

Mr. Burch described the stormwater drainage and discussed whether they would need to submit an application to the Conservation Commission.

Mr. Taylor and Mr. Heins recommended that Mr. Burch consult with the Fire Chief regarding the allowable width of the paved area as it goes past the addition and around the building.

It was agreed that the project would need to go through the usual site plan review process, including a site plan application submittal.

#### **REVIEW OF ROUTINE ADMINISTRATIVE MATTERS**

Ms. Siciliano-Perry made a motion to approve the minutes for February 1, 2021. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins explained that a request had been submitted to return the remaining engineering review balance of \$60.00 for the mixed-use building at 8 Main Street, and that it would be appropriate to return the balance at this time. Mr. Taylor agreed.

Ms. Tremblay made a motion to return the remaining balance in the engineering review account of \$60.00 for the mixed-use building at 8 Main Street to the applicant. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Heins explained that the Pembroke Housing Authority wishes to expand the parking areas in its housing complex on Mayflower Court, off School Street. The buildings would not be expanded or altered. The board talked about this, and it was agreed to ask the Housing Authority to submit

drawings showing what is being proposed and in particular where the parking areas would be expanded and whether they would intrude into the zoning setbacks.

Mr. Heins explained that the possibility of establishing an auto sales business at 11 Church Street had been raised. This property contains a single-family house and, until recently, an auto repair business known as "Pembroke Radiator," and is thus a mixed-use preexisting nonconforming property from a zoning standpoint. To have an auto sales business there would presumably require the approval of both the Zoning Board of Appeals and the Planning Board. The board and Mr. Heins discussed the complexities of the situation.

Ms. Siciliano-Perry made a motion to adjourn the meeting, Ms. Tremblay seconded the motion, and the board voted unanimously in favor by roll call.

Respectfully submitted,

Matthew Heins, Planning Board Assistant