



## PEMBROKE PLANNING BOARD MINUTES

FRIDAY, APRIL 16, 2021

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

**BOARD MEMBERS ABSENT:** James Noone.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), Kristin McKay, 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 April 16, 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, via livestream at <https://www.pactv.org/pactv/towns/pembroke> or [www.pactv.org/pactv/watch/meetings-streamed-live-youtube](https://www.pactv.org/pactv/watch/meetings-streamed-live-youtube).

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@townofpembroke.com](mailto:mheins@townofpembroke.com) or calling 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@townofpembroke.com](mailto:mheins@townofpembroke.com) 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 ELEVEN PROPOSED ZONING BYLAW AMENDMENTS**

Mr. Taylor reopened the public hearing (continued from March 22, 2021, and April 12, 2021) for eleven proposed amendments to the Town of Pembroke's zoning bylaws, listed as Articles 17 through 20 and 22 through 28 in the recent draft warrant. These eleven proposed zoning bylaw amendments are described in the legal advertisement and public notice as follows: whether to amend Section II, "Definitions," to create a definition for "Residential Affordable Housing Development"; whether to amend Section IV.5.B., "Industrial District A, Uses Permitted by Special Permit," to allow certain multifamily housing developments, defined as Residential Affordable Housing Developments, by special permit in Industrial District A; whether to amend Section IV.5A.B., "Industrial District B, Uses Permitted by Special Permit," to allow certain multifamily housing developments, defined as Residential Affordable Housing Developments, by special permit in Industrial District B; whether to amend Section V., "Special Provisions, Standards and Procedures," to add a new subsection, "Residential Affordable Housing Special Permit," to describe the requirements, procedures and standards for certain multifamily housing developments with affordable units, defined as Residential Affordable Housing Developments; whether to amend Section IV.5.A.6., "Industrial District A, Uses Allowed," to prohibit detached one-family houses and detached two-family houses in Industrial District A; whether to amend Section IV.5A.A.7., "Industrial District B, Uses Allowed," to prohibit detached one-family houses and detached two-family houses in Industrial District B; whether to amend Section IV.5.B.3., "Industrial District A, Uses Permitted by Special Permit," to prohibit the addition of one attached dwelling unit to an existing detached one-family house, and accessory apartments, in Industrial District A; whether to amend Section IV.5A.B.3., "Industrial District B, Uses Permitted by Special Permit," to prohibit the addition of one attached dwelling unit to an existing detached one-family house, and accessory apartments, in Industrial District B; whether to amend Section IV.8.E.6., "Water Resource and Groundwater Protection District, Prohibitions," to allow certain portions of a Cluster Subdivision in the Water Resource and Groundwater Protection District; whether to amend Section II, "Definitions," to alter the definition of "Kennels" by adding the category of "Daycare Kennel," to amend Section IV.1.B.3., "Residence District A, Uses Permitted by Special Permit," to allow Daycare Kennels by special permit, and to amend Section IV.2.B., "Residential-Commercial District, Uses Permitted by Special Permit," to allow Kennels, Hobby Kennels and Daycare Kennels by special permit; and whether to amend Section II, "Definitions," to create a definition for "Mixed-Use Structure," and to amend Section IV.7.B., "Center Protection District, Uses Allowed by Special Permit," to allow certain Mixed-Use Structures by special permit.

In the version of the warrant for town meeting that was current at this time, these proposed zoning bylaw amendments were articles 17 through 20 and 22 through 28. The proposed zoning bylaw amendment to update the town's floodplain zoning requirements, article 21, had been handled through a separate public hearing.

The board members discussed how to advance with these proposed zoning bylaw amendments, and in particular how to handle the one for kennels and dog services. It was agreed to advertise and hold a new public hearing for the zoning bylaw amendment relating to kennels and dog services, since the board's vision for it had changed significantly since it was originally formulated. Kristin McKay, a member of the public who co-runs a dog daycare business, was present and she discussed her situation with the board.

The board members went through the zoning bylaw amendments, referring to the article numbering used in the most recent version of the draft warrant. Mr. Taylor and Mr. Wandell explained that articles 17 through 20 were collectively meant to allow affordable multifamily housing, in the two industrial zones, by special permit with the Planning Board as the special permit granting authority.

Mr. Smith expressed his concerns about allowing multifamily housing in the industrial zones, and discussion followed.

Mr. Wandell made a motion to close the public hearing, and Ms. Siciliano-Perry seconded the motion. The board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board approve and support article 17. Mr. Roundtree seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion that the board approve and support article 18, and Mr. Roundtree seconded the motion. The board voted by roll call. Mr. Wandell, Mr. Roundtree, Ms. Siciliano-Perry, Mr. Taylor and Ms. Tremblay voted yes, Mr. Smith voted no, and the motion passed.

Mr. Wandell made a motion that the board approve and support article 19, and Ms. Siciliano-Perry seconded the motion. The board voted by roll call. Mr. Wandell, Mr. Roundtree, Ms. Siciliano-Perry, Mr. Taylor and Ms. Tremblay voted yes, Mr. Smith voted no, and the motion passed.

Mr. Wandell made a motion that the board approve and support article 20, and Ms. Tremblay seconded the motion. The board voted by roll call. Mr. Wandell, Mr. Roundtree, Ms. Siciliano-Perry, Mr. Taylor and Ms. Tremblay voted yes, Mr. Smith voted no, and the motion passed.

Mr. Wandell made a motion that the board approve and support article 22. Ms. Siciliano-Perry seconded the motion. The board voted by roll call. Mr. Wandell, Mr. Roundtree, Ms. Siciliano-Perry, Mr. Taylor and Ms. Tremblay voted yes, Mr. Smith voted no, and the motion passed.

Mr. Wandell made a motion that the board approve and support article 23. Ms. Siciliano-Perry seconded the motion. The board voted by roll call. Mr. Wandell, Mr. Roundtree, Ms. Siciliano-Perry, Mr. Taylor and Ms. Tremblay voted yes, Mr. Smith voted no, and the motion passed.

Mr. Wandell made a motion that the board approve and support article 25.

Ms. Tremblay asked if this article (and article 24) would prohibit new in-law apartments in the industrial zones, and a lengthy conversation followed among the board members and Mr. Heins. Different opinions and interpretations were expressed. Some board members were opposed to banning new in-law apartments and/or accessory apartments (as additions to existing houses) in the industrial zones, while others were in favor.

The motion [that the board approve and support article 25] being on the floor, Mr. Roundtree seconded the motion. The board voted by roll call. Mr. Smith, Mr. Roundtree and Ms. Siciliano-Perry voted no, Mr. Wandell and Mr. Taylor voted yes, and Ms. Tremblay abstained. The motion failed to pass.

Mr. Heins noted that article 24 had been skipped.

Mr. Wandell made a motion to reconsider article 24. Mr. Roundtree seconded the motion, and the board voted unanimously in favor by roll call.

Ms. Siciliano-Perry made a motion to not support article 24, and Mr. Smith seconded the motion. The board voted by roll call. Mr. Smith, Mr. Roundtree and Ms. Siciliano-Perry voted yes, Mr. Wandell and Mr. Taylor voted no, and Ms. Tremblay abstained. The motion passed.

At approximately this time, Mr. Smith lost his connection to the meeting and was no longer present.

The board members talked about how to handle the board's non-support of articles 24 and 25 from a procedural standpoint, and whether they should or could be removed from the warrant.

Mr. Wandell made a motion that the board approve and support article 26. Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor by roll call.

The board talked about article 27, which relates to kennels and other dog services.

At roughly this time, Mr. Smith rejoined the meeting.

Ms. McKay participated in the conversation, giving a perspective based on her knowledge of the various types of dog services. It was agreed that further work on this zoning bylaw amendment (article 27) was needed.

Ms. Siciliano-Perry made a motion that the board get further clarification from town counsel [on article 27], and Mr. Roundtree seconded the motion. The board voted unanimously in favor by roll call.

Ms. McKay asked about her prospects of being approved for a dog services use at either of the two locations she and her partner are considering in Pembroke, given the timeline of zoning bylaw changes and town meeting. Discussion ensued. Mr. Heins explained that the board had granted approval to Ms. McKay and her partner to operate a dog daycare business at 125 Center Street in late 2019. Further conversation took place, and it was agreed that this previous permission was still applicable, since only a year and a half had elapsed since then.

Mr. Taylor suggested that article 28 be withdrawn. A discussion took place about mixed-use and the Center Protection District.

Mr. Roundtree made a motion to withdraw article 28.

Mr. Wandell mentioned the possibility of creating a new master plan for the town, and the anticipated future land uses in the Center Protection District. The board members conversed about the benefits of doing a master plan. A discussion also took place about the process of passing zoning bylaw amendments and the role of town counsel.

The motion [to withdraw article 28] being on the floor, Ms. Siciliano-Perry seconded the motion. The board voted unanimously in favor by roll call.

Ms. Siciliano-Perry made a motion to approve the minutes for April 12, 2021, and Mr. Roundtree seconded the motion. The board voted unanimously in favor by roll call.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant