



PEMBROKE PLANNING BOARD MINUTES

MONDAY, AUGUST 23, 2021

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

BOARD MEMBERS ABSENT: Daniel Smith, Jr.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Robert Gosselin, Donald Nagle, Emile Tayeh, Armani Tayeh, William "Terry" McGovern, Colleen DeBenedetto, Michael Lilly, Alexander Weisheit (Town Counsel, KP Law), and others.

OPENING THE MEETING

Chairman Daniel Taylor opened the meeting by reading the Chairman's statement.

VOTE TO SUPPORT ROAD ACCEPTANCE FOR SUBDIVISION #1802 LISA'S LANE

Robert Gosselin, the developer-builder of the recently completed Subdivision #1802 Lisa's Lane, came before the board to discuss the subdivision and request that Lisa's Lane be accepted by the town (i.e., made a public way).

Mr. Noone mentioned that some of the grassy areas in the subdivision needed to be reseeded, and discussion followed. The board members, Mr. Heins and Mr. Gosselin also discussed whether the road acceptance would go onto the fall or spring town meeting.

Mr. Wandell made a motion to recommend Lisa's Lane for road acceptance to the Select Board, Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor.

DISCUSSION ABOUT DETERMINATION OF ADEQUACY OF WAY AND POSSIBLE IMPROVEMENTS FOR PINE AVENUE

William "Terry" McGovern, an engineer with Stenbeck & Taylor, came before the board to request that the board approve certain proposed improvements to Pine Avenue (also known as Thrasher Avenue or Thrasher Street) that would help it meet adequacy of the way standards, for the purpose of making one lot buildable for a new single-family house. Property owners and/or residents Emile Tayeh and Armani Tayeh were also present, along with attorney Donald Nagle.

Mr. McGovern explained that Mr. Tayeh is the owner of the property, which is currently known as 0 Thrasher Street [part of 14 Fairview Avenue on the Assessors' maps]. Mr. Tayeh wishes to build a house there, and the building inspector referred it to the Planning Board to make a determination of

the adequacy of the way and/or the improvements needed to meet the adequacy of the way standards. Mr. McGovern explained, as a disclaimer, that he previously lived in the neighborhood and currently owns a nearby property.

Mr. McGovern described the configuration of Pine Avenue and Thrasher Street, and explained the improvements being proposed, including the widening of the street to 15 feet. He described how the stormwater drainage would work.

Mr. Heins noted that typically such improvements to meet adequacy of the way need to go through a public hearing process as per the zoning bylaws. Discussion followed about the proposed design. Mr. McGovern explained that the design would facilitate emergency access, such as by fire trucks.

The board members were in agreement that in this case, given that the road currently does not meet adequacy of the way standards and improvements are being proposed to meet adequacy of the way, the project should undergo the public hearing process.

Mr. Nagle argued that the board could handle the matter less formally and with fewer procedural complications, to help Mr. Tayeh obtain a building permit more easily. Mr. Tayeh also spoke. The board, Mr. Heins, Mr. Nagle, Mr. Tayeh and Mr. McGovern talked about the situation at length, and the board members emphasized that an application and public hearing would be necessary, as per the zoning bylaws.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion to extend the site plan approval expiration date for Site Plan #SP5-19 Herring Brook Solar Project to September 17, 2022. Ms. Tremblay seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to extend the time for completion expiration date for Subdivision #1801 Dominic's Way to September 10, 2022. Ms. Tremblay seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to extend the site plan approval expiration date for Site Plan #SP6-19 at 345 Oak Street to October 1, 2022. Ms. Tremblay seconded the motion, and the board voted unanimously in favor.

VOTE TO ENDORSE (I.E., APPROVE) APPROVAL NOT REQUIRED SUBDIVISION (FORM A) FOR PROPERTIES AT 379 TAYLOR STREET AND 829 WASHINGTON STREET

The board reviewed the drawing submitted for an Approval Not Required (Form A) subdivision at 379 Taylor Street and 829 Washington Street, for the purpose of modifying the boundary between the two properties to give more land to 379 Taylor Street.

Michael Lilly was present on behalf of the submission, and he summarized the change and explained that it would create space for an expansion of the house at 379 Taylor Street.

Ms. Siciliano-Perry made a motion to endorse the Form A property line change between 379 Taylor Street and 829 Washington Street, and to authorize an officer of the board to sign it. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Ms. Siciliano-Perry, the Vice-Chairman of the board, signed multiple copies of the drawing.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Wandell made a motion to accept the minutes for July 26, 2021, Ms. Siciliano-Perry seconded the motion, and the board voted unanimously in favor.

Mr. Taylor explained that the town manager's office was requesting that a board member volunteer to serve as an alternate representative to the Old Colony Planning Council and a board member volunteer to serve on the Public Safety Building Committee. Ms. Siciliano-Perry agreed to be an alternate representative to the Old Colony Planning Council and Mr. Roundtree agreed to be on the Public Safety Building Committee.

The board discussed the possibility of conducting future board meetings by fully or partially remote participation (i.e., through Zoom or a hybrid format), given the travel plans of some board members and the persistence of the covid pandemic. It was agreed that Mr. Heins would investigate this.

Mr. Heins explained that the design for the proposed new restaurant at 825 Washington Street, previously approved by the board, was being revised. It was agreed that a new public hearing for the special permit was not necessary, but the developer should come before the board with the revised design to be considered again.

ENTERING EXECUTIVE SESSION

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 Grissom Park Co., LLP v. Town of Pembroke Planning Board, Land Court Case No. 20 MISC 000547, regarding the property located at 260-280 Oak 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.

Attorney Alexander Weisheit, Town Counsel with KP Law, was present.

Mr. Wandell made a motion that the board go into executive session, and announced that the board would adjourn directly from executive session and therefore would not return to open session. Mr. Noone seconded the motion. The board voted unanimously in favor by roll call.

It was confirmed that the meeting was no longer being recorded, broadcast or livestreamed, and the PACTV employees removed the microphones from the room.

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

The board entered executive session.

The minutes of executive session are a separate document.

Respectfully submitted,

Matthew Heins, Planning Board Assistant