



PEMBROKE PLANNING BOARD MINUTES

MONDAY, OCTOBER 25, 2021

LOCATION: Remote Participation with Zoom Software

STARTING TIME: 7:00 pm

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

BOARD MEMBERS ABSENT: Daniel Taylor (Chairman), Stephan Roundtree (Clerk), and James Noone.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Peter Palmieri, Wendy Burkholder, Jeff Barbadora, Douglas Sheadel, Heather King, Scott Leddin, Kevin Grady, Donald McGill, Dee Silveira, Lauren Payne, Brian Ross, Michael Giaimo, Kristen Spirou, Kostandin Butka, John Menezes, Jordan Phillips, 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

Ms. Siciliano-Perry opened the Planning Board meeting. She 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 October 25, 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, s. 18, as amended June 16, 2021, and extended to April 1, 2022, 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 with the link accessible at <https://www.pactv.org/pactv/towns/pembroke> or 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@townofpembrokemass.org 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.mass.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.

DISCUSSION ABOUT RELOCATING AMERICAN FLAG FROM TOP OF CELL TOWER TO ORDINARY FLAGPOLE AT 380 WASHINGTON STREET

Wendy Burkholder and Jeff Barbadora (from Crown Castle) came before the board to discuss the proposal to remove the American flag from the top of the cell tower at 380 Washington Street (behind the old fire station), and to install an ordinary flagpole with an American flag on the property.

Ms. Burkholder explained that the American flag atop the cell tower at 380 Washington Street sometimes gets wrapped around the tower or becomes ragged and torn. Thus, Crown Castle (the cell tower owner and/or operator) is proposing to remove the flag from the tower and install an ordinary flagpole with an American flag on the same property. She explained that a certificate of appropriateness for this had been received from the Historical Commission.

Mr. Heins provided background information about the flag being on the tower, and Mr. Wandell summarized the proposal. Discussion followed. Mr. Wandell said he felt the proposal was reasonable. The board and Ms. Burkholder talked about the height of the proposed flagpole and the role of the Fire Chief in this. Mr. Heins noted that permission probably should also be requested from the Zoning Board of Appeals.

Mr. Wandell made a motion to allow the petitioner to find a site on the property for a 50-foot flagpole to replace the flag at the top of the monopole, and to cite it as a minor modification to the site plan on file. Ms. Tremblay seconded the motion, and the board voted unanimously in favor by roll call.

DISCUSSION ABOUT, AND VOTE TO ENDORSE (I.E., APPROVE), APPROVAL NOT REQUIRED SUBDIVISION APPLICATION (FORM A) FOR PROPERTIES AT 3 TAYLOR STREET AND 300 ELM STREET

The board considered an Approval Not Required Subdivision application (Form A) for properties at 3 Taylor Street and 300 Elm Street. As shown on the drawing, this would adjust the boundary between the two lots by moving some of the 3 Taylor Street property into the 300 Elm Street property. Scott Leddin, resident of 300 Elm Street, was present to represent the application.

Mr. Leddin explained that he and Steven Swinhart (the co-applicant, and resident of 3 Taylor Street) had been neighbors for years, and had informally agreed a long time ago to let Mr. Leddin use a portion of Mr. Swinhart's property to store lobster traps. This change to the property lines would conform with that.

Mr. Heins explained that Mr. Swinhart had received a variance from the Zoning Board of Appeals to allow his property to go below 40,000 square feet in size. The board members discussed the drawing and were in general agreement that they had no objections.

Mr. Wandell made a motion that the board endorse the Form A for 3 Taylor Street and 300 Elm Street, and authorize an officer of the board to sign the drawing. Ms. Tremblay seconded the motion, and the board voted unanimously in favor by roll call.

DISCUSSION ABOUT PROPOSED NEW RESTAURANT AT 825 WASHINGTON STREET AND VOTE TO APPROVE IT AS MINOR MODIFICATION TO EXISTING SITE PLAN

Kevin Grady, an engineer with Grady Consulting, came before the board to discuss a proposed new restaurant (tentatively titled "Blacksmith") at 825 Washington Street, the current site of the Charlie's Too restaurant. Peter Palmieri (of Merrill Engineers and Land Surveyors), the board's peer review engineer for this project, was also present.

This project was previously submitted to the board in a design that expanded the building slightly to the rear, and this was approved by the board as a minor modification to an existing site plan. The board also granted it a special permit for the restaurant use. (In this zoning district, the Planning Board is generally the special permit granting authority.) The design of the building was then revised, to expand the building to the front and one side rather than to the rear, and the board discussed the project's new design on September 13, 2021, and decided it should undergo a limited engineering peer review focusing on the stormwater system and calculations.

Mr. Grady displayed the drawings of the new design and described the project. He explained that the stormwater system would be improved, and that the expansion would not be an increase in seating or parking.

Donald McGill, also representing the project, joined the meeting at this time. Mr. McGill, Mr. Grady, Mr. Wandell and Mr. Palmieri discussed the stormwater system, the parking and the project in general. Mr. Palmieri confirmed that he was satisfied with the design's handling of stormwater. The board members agreed that they were willing to approve the project.

Mr. Wandell made a motion to accept the minor modification to the site plan at 825 Washington Street. Ms. Tremblay seconded the motion, and the board voted unanimously in favor by roll call.

REVIEW OF ROUTINE ADMINISTRATIVE MATTERS

Mr. Heins explained that the developers of the Bristol Estates subdivision and the site plan at 171 Mattakeesett Street were requesting extensions of the relevant deadlines.

Mr. Wandell made a motion to extend the Site Plan Approval expiration date for Site Plan #SP2-19 at 171 Mattakeesett Street. Mr. Smith, Mr. Wandell and Ms. Siciliano-Perry voted in favor, Ms. Tremblay abstained, and the motion passed.

A conversation took place about this vote, whether three affirmative votes were sufficient, and the project in general.

The board members discussed Subdivision #1701 Bristol Estates and agreed it was appropriate to grant the project an extension.

Mr. Wandell made a motion to extend the Time for Completion expiration date for Subdivision #1701 Bristol Estates to November 13, 2022. Ms. Tremblay seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell made a motion to accept the minutes for September 13, 2021, as presented. Ms. Tremblay seconded the motion, and the board voted unanimously in favor by roll call.

The board members agreed to hold the board's next meeting on November 15.

Mr. Heins and the board talked about the engineering review accounts for various projects which have a positive balance. It was decided that Mr. Heins could contact the developers or applicants for these projects.

The board and Mr. Heins discussed the Site Plan at 43 Mattakeesett Street, for which a building permit had been issued and construction had begun without the peer review engineer being notified regarding construction inspections.

The board and Mr. Heins talked about whether the deadline for completion for the King's Highway Park Site Plan should be extended. The project was partially built many years ago and its deadline for completion has been extended repeatedly since then. It was agreed that Mr. Heins would ask the developer to come before the board on November 15.

Mr. Wandell briefly discussed the traffic monitoring study submitted for the Irving Oil gas station at the intersection of Schoosett Street and Washington Street.

With a few minutes to go before the starting time for the public hearing for the cell tower site plan at 85 Washington Street, the board decided to take a five-minute recess.

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

Upon the end of the recess, Ms. Siciliano-Perry reopened the public hearing (continued from January 11, 2021, February 1, 2021, March 1, 2021, April 12, 2021, May 10, 2021, June 14, 2021, July 12, 2021, July 26, 2021, and September 13, 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.

Brian Ross, Michael Giaimo, Kristen Spirou, Kostandin Butka, John Menezes and Jordan Phillips were present to represent the project in various capacities.

Mr. Heins explained that the board's quorum for this public hearing was lacking at this time (due to the absence of Daniel Taylor and Stephan Roundtree), and so it made sense to immediately continue the hearing. Mr. Giaimo (the attorney representing the project) agreed.

Mr. Wandell made a motion to continue the hearing for the cell tower site plan to November 15, 2021, at 7:30 pm. Mr. Smith seconded the motion, and the board voted unanimously in favor by roll call.

Mr. Wandell 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