



## **PEMBROKE PLANNING BOARD MINUTES**

**MONDAY, JUNE 13, 2022**

**LOCATION:** Room 6 (Veterans Hall), Pembroke Town Hall

**STARTING TIME:** 7:00 pm

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

**BOARD MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Matthew Heins (Planning Board Assistant), William Chenard (Town Manager), Thomas Houston, William Pappastratis, Jeffrey De Lisi, Dana Altobello, Michelle Burt, Carly Collari, Brian O'Neil, Andrea Campbell, Paul Campbell, Charlotte Bodell, Robert Barella, Charles Cushing, Lauren Cushing, Jeffrey Kaplan, Brad McCord, Russell Field, Kathy Field, and others.

### **OPENING THE MEETING**

Ms. Siciliano-Perry opened the meeting of the Pembroke Planning Board by reading the Chairman's statement: "Please note that this meeting is being made available to the public through an audio 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."

Ms. Siciliano-Perry stated "Board member Dan Taylor is participating via remote participation in accordance with the requirements of 940 CMR 29.10 via speakerphone due to personal issues. All votes during this meeting will be roll call votes since he will be remote."

### **DISCUSSION ABOUT POSSIBLE BUSINESS FOR FABRICATION AND/OR MANUFACTURE OF WOOD HOME DÉCOR PRODUCTS AT 233 WASHINGTON STREET**

At this time (the start of the board meeting), all the board members were present except Daniel Taylor.

Brian O'Neil came before the board. He explained that he runs "Rustic Marlin," a business that creates and manufactures wood home décor products. They are currently based in Hanover, and are looking for a new location where they would have more space and could have a small retail component also. Thus they are interested in the property at 233 Washington Street, which is currently a horse farm and is about 10 acres in size. Mr. O'Neil noted that the property is currently zoned partly residential and partly commercial.

Mr. O'Neil described how the business would operate in more detail, and displayed some images to the board.

Mr. Heins explained that most of the property appears to be in the Residential A zone.

A conversation took place about the proposed use, where the manufacturing would take place, and the details of Chapter 61 rules regarding forestry uses. The issue of the current use versus this proposed use was discussed.

Ms. Siciliano-Perry and Mr. Wandell emphasized that more information was needed.

Mr. Roundtree asked about the hours of operation and noise, and this was discussed. Ms. Siciliano-Perry asked about there being retail, and a conversation took place about this.

Jeffrey De Lisi, an attorney who was present for a later item on the agenda, asked about how the zoning bylaws regulate properties in multiple zones, and this was discussed.

At approximately this time, board member Daniel Taylor joined the meeting remotely via speakerphone.

**VOTE TO GRANT APPROVAL FOR PROPOSED SITE PLAN #SP1-22 AND SPECIAL PERMIT AT 631 WASHINGTON STREET**

The board considered the proposed multifamily residential project consisting of nine units at 631 Washington Street. The two public hearings for this project, for which a Site Plan application and Special Permit application were submitted, took place (running concurrently) on March 28, 2022, April 11, 2022, and May 2, 2022, and were closed on May 2, 2022.

The project is through the applications of Nike Construction Services, LLC, 633 Summer Street, Marshfield, MA 02050, requesting Site Plan approval under the Zoning Bylaws of the Town of Pembroke Section V.7. (Site Plan Approval) and a Special Permit under the Zoning Bylaws of the Town of Pembroke Section IV.2.B.3. (Special Permit Required for Multiunit Dwellings in Residential-Commercial District). The applicant proposes to construct a multifamily residential project consisting of two buildings containing a total of nine (9) two-bedroom units in townhouse-style design, along with an access drive, parking area, and infiltration basin. The property is located at 631 Washington Street, Pembroke, MA 02359, in the Residential-Commercial District, as shown on Assessors' Map E10, Lot 10, but access to the project would be from Old Washington Street. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Jeffrey De Lisi, the attorney representing the project, Dana Altobello, the project engineer, and William Pappastratis, the developer, were present. Thomas Houston of Professional Services Corporation, the board's peer review engineer for the project, was also present.

The board had previously discussed and considered the project extensively during the public hearings, and peer review engineering had been done.

Mr. Wandell made a motion that the board grant the Site Plan approval and Special Permit for the proposed Site Plan #SP1-22 at 631 Washington Street, to construct a nine-unit multifamily housing development consisting of two buildings in townhouse-style design. Mr. Smith seconded the motion. The board voted by roll call. Ms. Siciliano-Perry, Mr. Taylor, Mr. Smith, Mr. Noone and Mr. Wandell

voted in favor, Mr. Roundtree and Ms. Tremblay abstained, and the motion passed with the necessary five votes for the Special Permit.

Mr. Heins, Mr. De Lisi and the board members discussed a few procedural issues. The relevant board members (except Mr. Taylor) signed the documents approving the Site Plan and Special Permit, and also signed the engineering drawings.

At roughly this time, Mr. Taylor ended his remote participation in the meeting. From this point until the end of the meeting, all the board members were present except Mr. Taylor.

#### **PUBLIC HEARING FOR PROPOSED SITE PLAN #SP2-22 COMMUNITY CENTER AT 128 CENTER STREET**

Ms. Siciliano-Perry opened the public hearing on the application of the Town of Pembroke (Attn: William Chenard, Town Manager), 100 Center Street, Pembroke, MA 02359, 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 new Community Center building of about 27,800 square feet, containing the town's Council on Aging (various senior services), after-school and camp programs, sports venues, multipurpose spaces, the town's Recreation Department, and various other uses, along with new parking areas and access drives, new landscaped areas, new pedestrian paths, and improvements to the Town Green. The existing Community Center building and parking areas will be demolished, but the existing gazebo, playground, basketball courts and tennis courts will remain. The property is located at 128 Center Street, Pembroke, MA 02359, in Residence District A and the Historic District Overlay, as shown on Assessors' Map D9, Lot 1. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

William Chenard, the Pembroke Town Manager, was present. In addition, the project's engineer Dana Altobello, the project's landscape architect Robert Barella, and the project's architect Brad McCord were present. Thomas Houston of Professional Services Corporation, the board's peer review engineer for this project, was also present.

Mr. McCord summarized the project and described the design. He discussed some elements of the design with the board members.

Mr. Altobello described the engineering aspects of the design, going into extensive detail and answering questions from the board. He noted the waivers being requested.

Ms. Siciliano-Perry asked about pedestrian movement across portions of the site, and discussion followed between the board members and Mr. Altobello. It was tentatively agreed that one crosswalk would be moved slightly to a location where it would be more likely to be used.

Ms. Siciliano-Perry asked about the flat roof covering one part of the building, and Mr. McCord explained why it had been designed this way. Conversation ensued.

Mr. Noone asked about the possible need for the Zoning Board of Appeals to also approve the project by allowing an alteration of a preexisting nonconforming use. (The property is preexisting nonconforming because the library is also on it and so there are two buildings of primary use on the same property.) Mr. Altobello said he felt that since the existing building was simply being replaced with a comparable new building whose purpose would be the same, there was no need to request approval to alter a preexisting nonconforming use.

However, Mr. Houston opined that approval to alter a preexisting nonconforming use was required. He also noted that two types of zoning relief might be needed for the proposed sign.

Michelle Burt, a member of the public who was previously on the Community Center Committee, asked if the trees along one side of the access drive were necessary. Mr. Barella explained that these trees would provide shade for people near the gazebo, and emphasized the value of biodiversity.

Ms. Burt said that the oval paved path in the “town green” area was contrary to the original objective of leaving the town green open and entirely grass covered. She described some of the events that take place on the town green. She suggested this oval path be removed. Discussion followed. Mr. McCord defended the proposed path, described how it fits into the larger design scheme, and explained that it would help with circulation for some of the activities on the town green. The board members conversed about this, and various opinions were expressed.

Ms. Siciliano-Perry asked if there were any other questions or comments, and no members of the public spoke.

The board discussed how to proceed, and agreed to continue the public hearing. Mr. Heins said he would ask the zoning enforcement officer/building inspector if approval to alter a preexisting nonconforming use from the Zoning Board of Appeals was necessary.

Mr. Wandell made a motion to continue the public hearing for Site Plan #SP2-22 Community Center at 128 Center Street to June 27, 2022, at 8:00 pm. Mr. Noone seconded the motion, and the board voted unanimously in favor.

#### **DISCUSSION ABOUT POSSIBLE CHOICE OF CONSULTANT TO DO MASTER PLAN FOR TOWN OF PEMBROKE**

Mr. Chenard explained that he was in dialogue with a consulting firm that was interested in doing the new master plan for the town. This firm, VHB, is a well-known company of worldwide scale that does engineering, planning and other activities.

Mr. Chenard said that on June 27, the next board meeting, he would bring a proposal and/or contract from VHB for the board to approve. He said he regretted that there weren’t other proposals received for the master plan, but noted that VHB is highly regarded.

#### **DISCUSSION ABOUT “PEMBROKE VILLAGE” PROJECT AT 204 CENTER STREET**

Mr. Heins explained that a settlement agreement had been reached to resolve the litigation between the Planning Board and the Zoning Board of Appeals regarding the “Pembroke Village” project at 204 Center Street. Per the judge’s remand order, the project was supposed to go back before both boards for public hearings, through which the revised design (in particular, the revised square footages for residential versus commercial space) would be approved, and the applicant had already submitted an application for this purpose to the Zoning Board of Appeals.

Extensive conversation followed, and the history of this project was discussed. Depending on the circumstances, certain board members felt it might or might not be necessary for the Planning Board to hold a new public hearing. The board believed it was important to make sure the new drawings submitted to the Zoning Board of Appeals conformed with the site plan previously approved by the Planning Board.

### **VOTE TO EXTEND DEADLINE FOR COMPLETION FOR SITE PLAN #SP5-17 AT 240 & 258 OAK STREET**

The board considered the request to extend the deadline for completion for Site Plan #SP5-17 at 240 & 258 Oak Street. Russell Field, the property owner, was present, and he briefly explained that an extension was needed since litigation involving the site plan and special permit was still ongoing.

Mr. Wandell made a motion that the board extend the expiration date for Site Plan #SP5-17 at 240 & 258 Oak Street to the date of July 21, 2023, and extend the site plan approval completion date for the same project to July 21, 2024. Mr. Roundtree seconded the motion, and the board voted unanimously in favor.

### **DISCUSSION ABOUT HOW TO CHANGE PEMBROKE ZONING BYLAWS TO CONFORM WITH STATE LAW REQUIRING THAT MORE MULTIFAMILY HOUSING BE ALLOWED**

The board discussed the need to change the town's zoning bylaws to conform with a new state law requiring that more multifamily housing be allowed through zoning.

The board members and Mr. Heins talked about where multifamily housing should be allowed in Pembroke, and in particular which zoning district would be the best area for it. The new state law essentially mandates, among other things, that multifamily housing with a density of 15 units per acre be allowed by right in a zone of at least 50 acres in size.

Some of the board members suggested that the Industrial A zone would be a good place to allow this higher density of multifamily housing. Mr. Heins recommended considering the Center Protection District as well.

Mr. Smith objected to allowing multifamily housing in either industrial zone, given that the presence of housing can be a hindrance to industrial development. Ms. Tremblay remarked that perhaps an overlay zone could be created to allow the multifamily housing in just part of an industrial zone.

Further discussion took place. The board members considered the state's expectations, and whether it would be difficult to pass the necessary zoning amendment at town meeting. A dialogue took place about the precise changes to the zoning bylaws that would be necessary. There was also a broader conversation about the region's need for more affordable housing.

The board considered the feasibility of having a warrant article for this purpose ready for fall town meeting. It was agreed that a town counsel attorney would be present at the next board meeting on June 27 to give advice about the necessary zoning changes and the actual verbiage to use.

A broader discussion took place about the town's future and how the zoning bylaws may evolve over time.

### **DISCUSSION ABOUT PROPOSED ROAD IMPROVEMENTS TO PINE AVENUE AND/OR THRASHER STREET TO CREATE A WAY AND BUILDABLE LOTS**

With regard to the proposed road improvements to Pine Avenue and/or Thrasher Street to create a way and buildable lots, Mr. Heins explained that a letter had been received from Peter Palmieri (the board's usual peer review engineer) expressing reluctance to carry out construction inspections since the project's design had not undergone engineering peer review.

The board members and Mr. Heins discussed the situation. It was agreed to wait until the developer or property owner got in touch with the town or sought to advance the project.

**ROUTINE ADMINISTRATIVE MATTERS**

Mr. Wandell made a motion that the board accept the minutes of May 2, 2022, as presented, Mr. Smith seconded the motion, and the board voted unanimously in favor.

Mr. Wandell made a motion to adjourn the meeting, Mr. Smith seconded the motion, and the board voted unanimously in favor.

Respectfully submitted,

Matthew Heins, Planning Board Assistant