



PEMBROKE PLANNING BOARD MINUTES

MONDAY, APRIL 10, 2023

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), Heather Tremblay, and Andrew Wandell.

BOARD MEMBERS ABSENT: James Noone and Daniel Smith, Jr.

OTHERS PRESENT: Matthew Heins (Planning Board Assistant), Fraser Townley (Zoning Board of Appeals), George Verry (Building Inspector and Zoning Enforcement Officer), Amy Kwesell (Town Counsel, KP Law), Deborah Keller, Kevin Welch, Melissa Welch, Jeff Davis, Nick Dewhurst, Susan Spratt, Sarah Spatafore, Todd Szymczak, 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."

Board members Ms. Siciliano-Perry, Mr. Taylor, Ms. Tremblay and Mr. Wandell were present at the start of the meeting.

DISCUSSION ABOUT BOATS STORED OUTSIDE ON PROPERTY AT 171 MATTAKEESETT STREET

The board wished to discuss the boats being stored outside on the property at 171 Mattakeesett Street, which is the location of ongoing construction for Site Plan #SP2-19 at 171 Mattakeesett Street. These boats are highly visible from the street.

Kevin Welch, the owner of the property, was present. George Verry, the Building Inspector and Zoning Enforcement Officer, was also present.

Mr. Wandell emphasized that a special permit is required per the zoning bylaws for outdoor storage.

Mr. Verry said that the boats seemed to be outdoors temporarily due to the ongoing construction project on the property.

Mr. Welch said that the boats had temporarily been moved to the front of the property because of the construction. He estimated they would be gone in a month and a half.

Mr. Wandell noted that a special permit is required even for temporary outdoor storage. Discussion followed. The board and Mr. Welch talked about the site plan that was approved for the property, and what it allows. Mr. Welch described the construction process and explained that the boats had already been moved a few times.

Mr. Wandell said that the board understands the temporary nature of the situation and the difficulties involved, but emphasized the need to follow the rules consistently.

Ms. Siciliano-Perry asked when the buildings under construction will be completed, and Mr. Welch described the construction process and predicted they would be done by late June except for the interior work.

ROUTINE ADMINISTRATIVE MATTERS

Mr. Taylor made a motion that the board approve the minutes of March 27, 2023, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Heins explained that the Zoning Board of Appeals needs a new meeting date in June, since June 19 (Juneteenth) is now a federal holiday, and asked if the board would give up one of its meeting dates in that month. A discussion took place.

PUBLIC HEARING FOR PROPOSED “MBTA COMMUNITIES” ZONING BYLAW AMENDMENT

Ms. Siciliano-Perry opened the public hearing for the proposed “MBTA Communities” zoning bylaw amendment, involving multiple changes to the zoning bylaws, that in general would relax the restrictions on Residential Affordable Housing Developments and make them easier to build in the Industrial A and Industrial B zoning districts. The purpose of the zoning change is to conform with the state’s new “MBTA Communities” law, which requires cities and towns in the Boston region to allow more multifamily housing.

Jeff Davis of the consulting firm Horsley Witten, who had assisted in the zoning bylaw amendment process by doing the “compliance model” to verify that the proposed language of the zoning change would allow the required density of housing units, was present. Amy Kwesell, Town Counsel of KP Law, was also present.

Mr. Davis gave a brief presentation to the board about the proposed “MBTA Communities” zoning bylaw amendment. He noted that he had submitted a memorandum to the board on this topic. He outlined the “MBTA Communities” state law and what it requires. Then he described the specific changes proposed to the text of the zoning bylaws, the most important being that Residential Affordable Housing Developments would be allowed by right (through site plan review) instead of by special permit, and that the required percentage of affordable units in a Residential Affordable Housing Development would be 10% instead of 25%.

Mr. Davis then described the output of the compliance model spreadsheet, and explained that it showed that the proposed zoning change would be sufficient to put either industrial zone in compliance with the MBTA Communities law. He then described another output of the compliance

model spreadsheet, using slightly different zoning changes (a lower floor area ratio [FAR] and a cap of 15 units per acre), which also would be sufficient to put either industrial zone in compliance with the MBTA Communities law, but with lower densities.

Mr. Davis outlined various options available to the board if it wished to further adjust the language of the zoning bylaw amendment. Conversation followed. The board members, Mr. Heins and Mr. Davis discussed what would be the best rules to impose, and how much flexibility to give developers. Mr. Heins noted that absent board member Mr. Noone had expressed a preference to only make the change to the Industrial B zone. More discussion followed. Some of the board members said they would prefer to be consistent across both zones.

Board member Mr. Roundtree arrived at this time.

The board, Mr. Davis, Mr. Heins and Ms. Kwesell talked about the proposed language specifying two parking spaces per housing unit. Ms. Kwesell said this could require splitting the proposal into two separate warrant articles, since the zoning bylaw amendment as it relates to allowing multifamily housing only requires a one-half vote at town meeting but the parking provision might require a two-thirds vote. There was a discussion about this.

Ms. Kwesell said that the 2020 census figures for housing are coming out next month, and these will change the town's SHI (subsidized housing inventory) percentage. She also recommended that any incentive provisions (such as for sustainable energy, etc.) be proposed at a future town meeting.

Ms. Siciliano-Perry opened the hearing to comments from the public, but nobody spoke.

The board and Mr. Davis discussed the zoning change again and tried to finalize its language. Ms. Tremblay expressed concern about high densities. The board agreed to specify a floor area ratio (FAR) of 1.00, also referred to as 100%, and agreed that the minimum number of units in a multifamily housing project would be 10 rather than 5. In addition, the board agreed to remove the 150-foot-buffer rule for residential projects.

Mr. Taylor made a motion to close the public hearing, Mr. Wandell seconded the motion, and the board voted unanimously in favor.

PUBLIC HEARING FOR PROPOSED SITE PLAN #SP3-23 SELF-STORAGE FACILITY AT 330 OLD OAK STREET

Ms. Siciliano-Perry opened the public hearing on the application of 330 Old Oak Street, LLC / Michael Juliano JEI Ventures, 289 St. George Street, Duxbury, MA 02332, requesting Site Plan approval under the Zoning Bylaws of the Town of Pembroke, Section V.7. (Site Plan Approval). The applicant proposes to demolish a small multifamily residential building and replace it with a one-story, 4,000-square-foot building that would contain internal self-storage units and an office. Improvements would also be made to the site's paving, grading, landscaping, utilities and septic system. The property is about 3.24 acres in size and is mixed use at present, with its primary use being a self-storage facility consisting of many buildings that will remain and its other use being the multifamily residential building to be demolished. The property is located at 330 Old Oak Street, Pembroke, MA 02359, in Business District B and the Adult Use Overlay District, as shown on Assessors' Map G15,

Lots 1 and 3. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Susan Spratt, the civil engineer for the project, was present, as was Deborah Keller, the board's peer review engineer for the project.

Ms. Spratt summarized the project. The property consists primarily of a self-storage facility, and most of its buildings would remain. She explained that the house containing multiple apartment units (at the front of the property, close to the road) would be demolished and replaced by a building with an office and numerous self-storage units (accessed by internal corridors). She described the minor changes that would be made to the site, parking area and landscaping around the new building. She also displayed the elevation drawings of the building.

Mr. Taylor commented that the surrounding area is partly residential and so the new building might seem out of character. Discussion followed.

Mr. Heins noted that the building to be razed is potentially historic and so the demolition permit could be held up. Ms. Spratt said that she has begun that process.

Mr. Taylor asked Ms. Keller about her peer review report. She suggested that more landscaping be shown, with more specificity, around the building, and that more details be provided regarding the wall mount lighting.

There was a conversation about the abutting lots, some of which are commercial and some of which are residential.

Mr. Taylor mentioned the heavy traffic at the nearby intersection of Route 139 and Old Oak Street, and a discussion ensued.

Ms. Keller recommended that a signature block be placed only on the first sheet of the drawings, but that the block for recording (at the Registry of Deeds) be on all the drawings. There was a discussion between Ms. Keller and Ms. Spratt about a tree that would remain.

Ms. Keller suggested that one of the parking spaces be ADA compliant. Ms. Spratt confirmed that the existing signage would remain, in reply to Ms. Keller's question. Ms. Keller recommended that a roof recharge system be added, given the project's increase in impervious surface area and other factors. She also suggested that an operation and maintenance plan and an illicit discharge statement be created.

Ms. Spratt said that the applicant (who was not present because he was traveling) had agreed to add a roof recharge system to the design.

Ms. Siciliano-Perry opened the hearing to comments from the public.

Todd Szymczak addressed the board, and explained that he represented the North River Church at 334 Old Oak Street. He asked whether a traffic study would be done, and emphasized that traffic is a problem on Old Oak Street. He also asked what the lead time would be for the project.

Ms. Spratt said her impression is that the applicant intends to construct the building as soon as possible, but it will depend on various factors.

Mr. Szymczak said that they have parking on their property and would be willing to allow some of the construction machines to have access to the property, but with conditions. Mr. Taylor asked where the entrance to the church is, and a conversation followed.

Mr. Wandell asked about the anticipated timeline of construction, and a discussion followed. Ms. Spratt said it would probably be in the summer and/or fall.

Sarah Spatafore, a nearby resident who lives in Marshfield, described the heavy traffic that moves along the street. She also said that there are very bright lights on the property currently, and expressed concern about more lights being added.

Mr. Wandell agreed that lighting was a concern which could be addressed through this site plan review.

Another discussion took place about the traffic on Old Oak Street, and whether this project would increase it. Then there was a conversation about the lighting.

Ms. Siciliano-Perry asked if there were any more comments from the public, but there were none.

Mr. Wandell made a motion to close the public hearing, Mr. Roundtree seconded the motion, and the board voted unanimously in favor.

It was agreed that a revised set of drawings would be submitted, in accordance with the peer review comments, before the board would vote on the site plan. Ms. Spratt said she expected this could be done by the next board meeting on May 1 or else the following meeting on May 22.

VOTE TO ENDORSE APPROVAL NOT REQUIRED SUBDIVISION APPLICATION (FORM A) FOR PROPERTY AT 108 OLD CHURCH STREET

Nick Dewhurst of Bohler Engineering came before the board with an Approval Not Required Subdivision application (Form A) for the property at 108 Old Church Street (Assessors' Map F15, Lots 2, 29, 30, 60B, 65 and 66). The subdividing of this property (which contains a Lowe's Home Improvement store) is part of the site plan approval process for a proposed self-storage facility in the southeast corner of the property along Old Church Street.

Mr. Dewhurst confirmed that the subdivision of land as shown on these two drawings was identical to what had been shown on the site plan application drawings.

The board reviewed the drawings and was in agreement that they were satisfactory.

Mr. Taylor made a motion that the board endorse the ANR [Approval Not Required] Subdivision application, Form A, for the property at 108 Old Church Street, Assessors' Map F15, Lots 2, 29, 30, 60B, 65 and 66. Mr. Wandell seconded the motion, and the board voted unanimously in favor.

Mr. Roundtree, the Clerk of the board, signed the drawings.

ROUTINE ADMINISTRATIVE MATTERS

Mr. Heins explained that the engineer for Site Plan #SP1-23 at 29 Winter Street was still completing the drawings, and so the vote on the site plan application had to be delayed to the next board meeting on May 1.

The board members discussed the proposed zoning bylaw amendment again. It was agreed to make the rules the same for both industrial zones, to have a maximum FAR (floor area ratio) of 1.00, to require two parking spaces per residential unit, to have a minimum lot size of 40,000 square feet, and to eliminate the 150-foot-buffer rule (in the Industrial A zone). Mr. Wandell suggested changing the term “Residential Affordable Housing Development” in the zoning bylaws to “Residential Multifamily Housing Development,” and the other board members agreed.

Mr. Taylor made a motion that the board support the Residential Multifamily Housing Development addition and changes to Industrial District A and B in the zoning bylaws, and that the board support favorable action. Mr. Roundtree seconded the motion, and the board voted unanimously in favor.

The board and Mr. Heins discussed the board’s schedule of June meetings, and whether one date could be given to the Zoning Board of Appeals.

Mr. Heins explained that the developer and owner of Subdivision #2001 Old Cart Path Lane wishes to release some of the lots from the covenant, so he can build houses on them. Discussion followed, and it was agreed that the board’s peer review engineer for this project would prepare a road bond estimate.

The board and Mr. Heins talked about the upcoming public hearings and the board’s schedule of future board meetings.

Ms. Siciliano-Perry asked Mr. Heins to communicate with the developer of the country club project (Site Plan #SP3-22 Country Club Cluster Housing) to figure out if they will request another immediate continuance on May 22.

In reply to Ms. Tremblay’s query about the gravel piles and activities at 98 Barker Street and 409 Washington Street (for which the building inspector has issued a cease and desist letter), Mr. Heins said that the town is diligently pursuing the matter.

Mr. Roundtree gave an update on the progress of the master plan and the Master Plan Collaboration Committee.

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

Respectfully submitted,

Matthew Heins, Planning Board Assistant