

**MINUTES OF THE SELECT BOARD MEETING  
AUGUST 17, 2022**

**PRESENT:** Daniel W. Trabucco (Chairman), Tracy Marino (Vice Chair), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectwoman), Steven Ciciotti (Selectman), William Chenard (Town Manager), Joseph Armstrong, John Graney, Tom Godfrey, Jim Bristol, Jake Bristol, Ryan Bristol, Heather Quintal, Jeff Tocchio, Gabe Crocker, Wendy LaPierre (Deputy Police Chief), David McPhillips, Matthew Heins, Linda Peterson, Carol Dodge, Donald Bryant, Dana Bean, Elin Flashman, Vincent Cogliano, Carly Levy, Tara Brown, Linda MacDonald, Mike Quinn, Donna Casey, John Connaughton, Brooke Musial, Debbie VanRiper, Donna Cannone, Arthur Egerton, Sabrina Chilcott (Assistant Town Manager), and others.

At 7:00 pm Mr. Trabucco opened the meeting with the Chairman's statement.

**ANNOUNCEMENTS**

August 23, 6pm at the Pembroke Library will be a Public Forum regarding the Community Center Project.

**JOSEPH ARMSTRONG, THE BOG CAFÉ: COMMON VICTUALER'S LICENSE APPLICATION AT 159 FOREST ST**

Mr. Trabucco advised that during COVID closures, the Old Colony Sportsman's Club kitchen caterer, went out of business and the 1. The Club is hiring Joseph Armstrong of The New Englander Restaurants, LLC d/b/a The Bog Café to come in and run the kitchen independently as a caterer and keep his own receipts and pay the meals tax out of the 159 Forest Street location. Mr. Armstrong was present before the Board advising that The Bog Café will prepare breakfast on Saturday and Sunday to serve to members, guests and others at the Old Colony Sportsmen's Association located at 159 Forest Street. On behalf of the OCSA, they are seeking a Common Victualer's License under MGL c140 s2. Mr. Ciciotti moved to grant Joseph Armstrong d/b/a "The Bog Cafe" a Common Victualer's License in accordance with the provisions of MGL c140 s2 to be exercised at 159 Forest Street in Pembroke. Ms. Marino seconded the motion. Mr. Armstrong asked if he could submit an application for a Farm Stand permit to sell produce from the location with the approval of the property owner; Mr. Ciciotti amended his motion to include "and upon review of the Town Manager of a produce sales request, would be granted as well". Ms. Marino seconded the amended motion. The vote was unanimously in favor.

**JOHN GRANEY, THE GRILLFATHER, LLC: APPLICATION FOR MOBILE FOOD VENDOR PERMIT**

Mr. John Graney of 264 Forest Street was present before the Board on his permit application to operate a food truck on private property as a Mobile Food Vendor and caterer. Mr. Graney is applying for a permit to work private events only as a caterer; he will not be vending on the town's roads or on any public property in the Town of Pembroke unless specifically invited to do so by the event holder. He is applying for this Mobile Food Vendor's permit as a function of serving prepared food to the public by means of travelling private catering. He is not required to have a Special Permit to Operate under Zoning regulations as a mobile food vendor and he has filed a business certificate with the Town Clerk. Ms. Marino moved to approve the application of John Graney of The Grillfather, LLC for a Mobile Food Vendor Permit to be exercised on private property only conditionally upon the approval of the Health Agent. Mr. Brown seconded the motion. The vote was unanimously in favor.

**BRISTOL BROS. DEVELOPMENT: PROPOSED FRIENDLY 40B PROJECT, 7-15 MATTAKEESETT ST, 66 RENTAL UNITS AGE RESTRICTED AT 55+**

Bristol Brothers Development is present to review their proposed project, a friendly 40B on the site of Shepherd's Funeral Home. The Massachusetts Housing Finance Agency (MassHousing) is currently reviewing an application for Site Approval; the proposed development will consist of 66 units of rental housing on 3.27 acres of land located at 7 Mattakeesett Street in Pembroke, MA. The site approval process is offered to project sponsors who intend to apply for a Comprehensive Permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of their review, MassHousing solicits comments from the local community, in which the Board may include

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issues or concerns raised by other Local Boards, officials, or other interested parties. Pursuant to the new Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. The Town's comments will be considered as part of MassHousing's review. Pembroke must submit comments to MassHousing by Tuesday, September 6, 2022. During the course of its review, MassHousing will conduct a site visit, which Local Boards, as defined in 760 CMR 56.02, may attend. The site visit for Mattakeesett Village has been tentatively scheduled for Tuesday, August 23rd at 11 a.m. Tom Godfrey opened the presentation by review the details of the parcel, the proposed buildings and units and situation on the parcel. The project's proximity will increase pedestrian traffic and recharge the center of town. All 66 units will be rental units and 100% of them will be included in the town's SHI stock while 25% will be available for affordable rental versus retail rental. Mr. Godfrey stated that an application for a Comprehensive Permit would be filed on MassHousing's granting of Site Eligibility. Discussion ensued on the Bristol Brother's project on West Elm Street at the Country Club location and the connection between the two projects. Under the new Cluster Housing bylaw, they are able to construct 172 lots on a total of 244 acres single family units with connective roadways primarily situated in the center of the golf course with some development at the exterior areas of the parcel. Mr. James Bristol confirmed the course will remain eighteen holes with improvements done to the first hole and a plan to demo one of the function buildings and create a destination restaurant for residents and the public. Discussion ensued on Planning Board's ability under the bylaw to allow the affordable housing component in the cluster to be built elsewhere, which would result in this project. Discussion ensued on impact studies of over 55 developments versus family developments and the affordability factor for seniors where only 25% of the rentals would be affordable at \$1800+/m versus the one- and two-bedroom units ranging over \$2300/m. Mr. Godfrey advised that the Planning Board meeting for the Country Club project is September 12. Mr. Chenard will draft the Board's response due to MassHousing September 6<sup>th</sup> and requested feedback from the Board; the consensus of the Board has presented to be cautiously in favor of the project with reasonable concerns for the intersection of Mattakeesett Street and Center Street (traffic and turning lanes), overall water use projection variables and septic system incorporation with the rear retention area location. Mr. Trabucco would request the Board's response include the desire for a water use study, a traffic study for the complex and a septic system study for the project. Ms. Coletta requested that Board include that the materials, feel and paint colors match Pembroke's Center Protection District rules to maintain harmony in the center, including the rear view of the project.

### **VOTE TO ACCEPT THE RESIGNATION OF JASON FEDERICO FROM THE WATER COMMISSIONERS**

Ms. Marino moved to accept the resignation of Jason Federico from the Water Commission; Mr. Brown seconded the motion. The vote was unanimously in favor.

### **VOTE FALL SPECIAL ARTICLES FOR INCLUSION OR REMOVAL FROM WARRANT**

Mr. Chenard updated the Board on the eleven articles submitted for inclusion in the fall warrant. Three articles are being drafted by town counsel for the Planning Board to address the requirements for MBTA adjacent communities, the CPC is meeting to refine the CPC project article, the capital plan article is largely complete but requires additional review and remaining articles include routine fall articles and the Select Board's sponsored Brave Act adoption article. Discussion ensued. Ms. Coletta moved to include articles one through eleven in the fall special town meeting warrant; Mr. Ciciotti seconded the motion. The vote was unanimously in favor.

### **VOTE ORDER OF TAKING FOR LISA'S LANE ROADWAY ACCEPTANCE AS VOTED AT TOWN MEETING MAY 10, 2022**

Ms. Coletta moved, in accordance with the authority of the provisions of Chapter 79 and Chapter 82, Sections 21-24 of the General Laws, as amended, the vote taken under Article 10 of the May 10, 2022 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, and any and every other power and authority that is hereunto in any way enabling, hereby takes, on behalf of the Town,

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for all purposes for which public ways are used, including, without limitation, for the purpose of undertaking the Lisa Lane project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land shown more particularly on a plan of land entitled "AS-BUILT ACCEPTANCE PLAN LISA'S LANE PEMBROKE, MASSACHUSETTS" dated December 2, 2021, prepared by Grady Consulting, L.L.C. recorded with the Plymouth County Registry of Deeds. Mr. Ciciotti seconded the motion. The vote was unanimously in favor.

### **VOTE TO APPOINT GRETCHEN EMMETTS AS PEMBROKE'S GATRA REPRESENTATIVE**

Mr. Brown moved to appoint Council on Aging Director Gretchen Emmetts to the role of GATRA Representative for the Town of Pembroke. Ms. Coletta seconded the motion. The vote was unanimously in favor.

### **VOTE TO ACCEPT THE MINUTES OF JULY 20, AUGUST 3, 2022**

Mr. Brown moved to accept the minutes of July 20, 2022; Ms. Coletta seconded the motion. The vote was 4/0/1 in favor with Ms. Marino abstaining. Ms. Marino moved to accept the minutes of August 3, 2022, and Mr. Brown seconded the motion. The vote was unanimously in favor.

### **DISCUSSION/ VOTE RE DRAFT LETTER: TOLLS/IMPLEMENTING MOBILITY PRICING**

Mr. Brown moved to table this item to the next regularly scheduled meeting; Ms. Marino seconded the motion. The vote was unanimously in favor.

## **TOWN MANAGER'S REPORT**

### Community Center Project Update

Mr. Chenard stated that the town is moving through the bidding process and thus far have seen some positive news but the final bids will now be known until August 31. He is recommending that the Board host a brief remote meeting to discuss and release the bid numbers on September 7 to which he will invite Council on Aging, Recreation and Advisory Committee. There is a public forum scheduled August 23 at the Pembroke Library, and he is proposing a second public forum at the Town Hall on September 8th.

### Route 36 Project

Two to three crews are out working each day and it is a lengthy project; MassDOT has released a four-year schedule and we will have a beautiful roadway when it is complete.

### ARPA Update, Possible Discussion and Vote

Mr. Chenard provided information regarding the American Rescue Plan Act (ARPA) and how it affects Pembroke. ARPA direct payments to the town from the US Treasury are projected to be \$1,937,300 with the town in receipt of \$968,655 with \$253,000 already expended. Plymouth County is projecting receipt of \$3,487,302 with an initial allocation of \$1,743,651 which we have yet to request and receive. Ms. Coletta stated that she believed the only county amount was the \$1.7million, total of \$3.6 direct and county. Mr. Chenard stated that these are the figures from the county, but he will double check them. Mr. Chenard presented the town needs that are eligible for ARPA funding including PHS science lab water lines for \$35,000, Congress Street culvert work for \$680,000, Edgewood new source permitting for \$370,000, well #2 pump station upgrades for \$250,000 and Swanberg wellfield and pumping station costs partial funding for \$3,487,302 of the total cost of \$4,500,000. Ms. Coletta moved that the Board express support for the ARPA funding amounts presented by the Town Manager; Mr. Ciciotti seconded the motion. The vote was unanimously in favor.

## **Community Comment**

Mr. Don Bryant was present before the Board as a resident and Chair of Pembroke Rising; he read a prepared statement regarding the August 3<sup>rd</sup> reading of a letter from the South Shore Unity Council. Mr. Bryant stated that the letter was dated August 1<sup>st</sup> and submitted to the Town Manager by a member of Uplift on August 3<sup>rd</sup>, not the Friday before a meeting to be considered for a meeting as is required by Board public comment policy. He closed by stating that the group is not from Pembroke. Ms. Coletta stated that the work of the private group continuing the work of the DEI Committee wanted to share the information on how people can reach out to them for assistance.

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### **DISCUSSION, POSSIBLE VOTE: CORRESPONDENCE READING AT MEETINGS**

Mr. Trabucco stated that a discussion may help set expectations for future meetings and letters received as to whether or not and what type and how often letters submitted will be read into the record in their entirety. Melissa Killham rose and stated that she appreciated the letter being read aloud and would like the board to continue to read all letters aloud regardless of content. John Connaughton agreed, stating many residents have evening commitments that prevent them from being able to attend. David Norman stated that if letters are read into the record, they will immediately become part of the public record. Mr. Trabucco stated that the Board has summarized correspondence for discussion during a meeting in the past versus reading it verbatim. Ms. Marino stated that fairness would dictate that a decision be made on reading letters, not reading letters or summarizing correspondence for discussion. Mr. Ciciotti stated that each board member receives many emails and letters; community comment was restored to allow residents to speak in meetings, and the impact of reading all correspondence into the record could be debilitating. Mr. Brown stated that community comment is designed to let people speak and express themselves. Carol Dodge stated that Board members can read anything into the record. Mike Quinn stated that one of the points of Mr. Bryant was that the South Shore Unity Council is not from Pembroke and not a resident who cannot make a meeting. Mr. Bryant stated that he submitted his comment on the Friday before the Wednesday and the letter read was submitted on the day of the meeting, so he asked if the Board's public comment policy could be clarified. Ms. Marino and Ms. Coletta clarified that submitting comments the Friday before the meeting is recommended, not required. Mr. Trabucco asked if the Board would like to change the policy or leave it as is. Jonathan Mueller stated that he doesn't understand why the Board would limit the ability to communicate when it is a letter being read versus extemporaneous comments delivered in the meeting. Discussion ensued. Mr. Trabucco asked if there was a motion to make a change to the policy; there was none.

At 9:35 pm Mr. Trabucco read the upcoming issues from the agenda. Mr. Brown moved to enter executive session under MGL c. 30A, Sec.21(4) a discussion of strategy regarding security devices at town facilities - EMP shields. Mr. Chenard stated the Board will not return to open session. Ms. Marino seconded the motion. 5/0 by roll call: Brown – yes, Ciciotti – yes, Coletta – yes, Marino – yes, Trabucco – yes.

At 9:50 pm, Ms. Marino moved to adjourn and Mr. Brown seconded the motion. The vote was unanimously in favor.

### **MATERIALS & EXHIBITS**

Common Victualer's License Application, Bog Café at 159 Forest Street (TM Office)  
Mobile Food Vendor Permit, The Grillfather (TM Office)  
MassHousing Site Eligibility Permit for Bristol Brothers, 7-15 Mattakeesett Street (TM Office)  
Email, J. Federico (TM Office)  
Draft Fall Special Warrant (TM Office)  
Order of Taking for Lisa's Lane Roadway Acceptance (Planning/TM Office)  
Email, G. Emmetts (TM Office)  
Draft Minutes of July 20 and August 3, 2022 (TM Office)