

PEMBROKE PLANNING BOARD MINUTES
TUESDAY, OCTOBER 6, 2015

PRESENT: Daniel Taylor (Chairman), Rebecca Coletta (Vice-Chairman), Thomas Irving (Clerk), Andrew Wandell, Brian VanRiper, Paul Whitman, Cathy Salmon, Philip Howard, Carl and Spencer Catani, Sean Foster, Keven Sullivan, Keith Jansen and Marilyn Zechello.

PLAN:

Public Hearing for the Assisted Living By-law

Old Business:

Extension of Time for Completion for Site Plan #SP2-15 593-599 Washington Street.

Site Plan #SP5-13 Panera Bread & Taco Bell requesting an extension of time for the traffic study.

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

Please note that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access channel 15 and is being recorded for broadcast at future dates. Comments made in open session will be recorded.

The Chairman then opened the public hearing for the Assisted Living By-law by reading the following legal ad:

Notice is hereby given pursuant to M.G. L., Ch. 40A, Sec.5, that the Planning Board will hold a Public Hearing in the Veteran's Hearing Room, Town Hall, Pembroke, MA 02359 on Tuesday, October 6, 2015 at 7:30 p.m. to hear comments relative to a proposed amendment to the Pembroke Zoning By-laws to be included as an Article on the Warrant for consideration and action at the Fall Town Meeting to be held on October 27, 2015.

Article:14: To see if the Town will vote to amend the Zoning By-laws of the Town of Pembroke to add "**assisted living**" to "Section IV, Use and Dimensional Regulations", Sub-section 5. Industrial District A, and Sub-section 5a., Industrial District B. To amend by adding "assisted living" to "Section II Definitions" and by adding "assisted living" to "Section III Establishment of Districts" Sub-section 5A. Industrial District B.

SECTION II, DEFINITIONS

ADD: Assisted Living Residence: A building containing dwelling units for persons in need of assistance with activities of daily living and as defined and regulated by M.G.L. ch.19D and 651 CMR 12.00.

SECTION III, ESTABLISHMENTS OF DISTRICTS, Sub-Section 4. BUSINESS DISTRICT B.

TO READ: K. Church Street: Beginning at Water Street, on both sides, thence easterly to Parcel 28A, as shown on Assessor's Map F15 on the north side and to the interchange at Route 3 on the south side to a depth of 400 feet.

SECTION III, ESTABLISHMENTS OF DISTRICTS. Sub-section 5A. INDUSTRIAL DISTRICT B.

TO READ: B. An area bounded by Water Street on the north, Route 3 on the east, Church Street and old Church Street on the south, and on the west, to the westerly boundary of Parcel 28 A as shown on Assessor's Map F-15 including Lots 5,6,28, 28A, but excluding all of Lots 3A, 3B, 89, 90, 91, 92 and 87, 88.

SECTION IV, USE AND DIMENSIONAL REGULATIONS, Sub-section 5. Industrial District A.

Modify: 5.A.3. Business, financial, governmental, insurance, medical, professional, real estate, **assisted living residence**, fitness/health centers, or similar office use, hotel, convention center and their ancillary services.

Modify: 5.D.4. Front Yards: All buildings, structures, and paved areas other than parking and access ways shall be set back a minimum of sixty feet from the lot line.

SECTION IV, USE AND DIMENSIONAL REGULATIONS, Sub-section 5A. Industrial District B.

Modify: 5A.A.3. Business, financial, governmental, insurance, medical, professional, real estate, **assisted living residence**, fitness/health centers, or similar office use, hotel, convention center and their ancillary services.

Modify: 5A.D.4. Front Yards: All buildings, structures, and paved areas other than parking and access ways shall be set back a minimum of sixty feet from the lot line.

Or take any other action relative thereto.

Submitted by the Planning Board

A copy of the full text of the amendment will be available for inspection at the Town Clerk's Office and the Planning Board Office during regular business hours. All persons, parties or corporations interested therein may appear and be heard in relation thereto.

Article 15: To see if the town will vote to amend the Pembroke Zoning Map revised June 11, 2014 so as to extend the Industrial B District on Church Street to the west to include Parcels F15-5, F15-6, F-15 28 and to the westerly boundary of Parcel F-15-28A on Church Street.

Or take any other action relative thereto.

Submitted by the Planning Board

A copy of the full text of the amendment will be available for inspection at the Town Clerk's Office and the Planning Board Office during regular business hours. All persons, parties or corporations interested therein may appear and be heard in relation thereto.

The Board explained that this by-law is being proposed to allow "assisted living" into Industrial District A and the Industrial District B. The purpose of this change is Industrial District A and Industrial District B already allowed "medical facilities" in these districts. Assisted Living facilities are not governed by medical regulations they are governed by a different regulation. In order, to allow this to happen we have to include it in these districts that already include medical facilities as a permitted use. We have to add this to the definitions to include "assisted living" and what it means in accordance to the state regulation and to change the zoning map.

Mr. Sullivan from National Development presented the project that is being proposed. He stated that this is a 13 acre parcel bordered by Cross and Church Streets. We have entered into a purchase and sales agreement with the owner and are working on the permitting process. This is a 48 unit assisted living-memory care units that is a low impact development. For many years this property has been classified as agricultural and by changing this property it had to come under the "Right of First Refusal". We have been before the Board of Selectmen and presented to them the terms of the project and the proposal of the sale and they passed on the "Right to First Refusal" of the project and to allow the project to proceed.

Cathy Salmon Chief Assessor her question was specific to the boundary as described and why the three residential lots to the north Lot #7C, 7D and 7E were not excluded and she felt they should be listed. The Board members felt that the three lots should be excluded and listed.

Ms. Coletta, moved, seconded by Mr. VanRiper, "That the Planning Board modify it to read: to the westerly boundary of Parcel 28A as shown on the Assessor's Map F-15 including Lots 5,6, 28, and 28A, inclusive of Cross Street but excluding all of Lots 3A, 3B, 7C, 7D, 7E, 87, 88, 89, 90, 91m and 92.

Voted unanimously

Mr. VanRiper moved, seconded by Mr. Whitman, "That the Planning Board votes to close the public hearing for the zoning by-law change to add "assisted living" to Industrial District A and Industrial District B and the change to the Town of Pembroke Zoning Map." Voted unanimously

Old Business:

A request for an Extension of Time for Completion was received by Mr. Vayo for Site Plan #SP2-15 entitled 593-599 Washington Street.

Ms. Coletta moved, seconded by Mr. Wandell, "That relative to Site Plan #SP2-15 entitled 593-599 Washington Street the Board voted to grant the developer request for an Extension of Time for Completion until June 1, 2016". Voted unanimously

A request for an extension of time for the final traffic study was received from RK Centers for Site Plan #SP5-13 entitled Panera Bread & Taco Bell.

Mr. Whitman moved, seconded by Mr. Irving,

"That relative to Site Plan #SP5-13 entitled Panera Bread & Taco Bell the Board accepts your request for a 120-day extension of time to prepare the final traffic study until February 26, 2016." Voted unanimously

A motion was made and seconded that the Planning Board meeting be adjourned at 8:50 p.m.

The next regular meeting of the Planning Board will be held on Monday, October 19, 2015 at 7:30 p.m.

Respectfully Submitted,

Marilyn A. Zechello – Planning Board Assistant