

## **ZONING BOARD OF APPEALS / TOWN OF PEMBROKE**

### **MEETING MINUTES: December 11, 2023**

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

**STARTING TIME:** 7:00 pm (Start delayed: actual starting time 7:15 pm)

**BOARD MEMBERS PRESENT:** Frederick Casavant (Chair), John Grenier (Clerk) and Louis Christian Carpenter (Alternate). Louis arrived at 7:20pm.

**BOARD MEMBERS ABSENT:** Christopher McGrail (Vice-Chair), Arthur Boyle (Alternate)

**ALSO PRESENT:** Sue Glauben (Planning Board & ZBA Assistant), Amy Kwesell (Town Counsel/KP Law), Kevin Welch, Darren MacDonald, Melissa Welch, Matthew Archer, Jeff Tocchio, Tom Godfrey, Josh Green, Deborah Keller, Katelyn Sullivan, Jim Bristol, Otis Hathon, Mark McNamara, Sharon McNamara & Diego Coelho.

### **OPENING THE MEETING**

Mr. Casavant (Chair) opened the meeting by reading the Chairman's statement.

**Public Hearing:** #10-23/ Special permit/ Applicant: Kevin Welch / 171 Mattakeesett Street

Mr. Casavant opened the public hearing on the application of Kevin Welch, 651 Orchard Street, Unit 308A, New Bedford, MA 02744, requesting a special permit in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.3.B.7. Outdoor storage, display and sale of goods. The property is located at 171 Mattakeesett Street, Pembroke, MA 02359, in Business District A and the Water Resource and Groundwater Protection Overlay District, as shown on Assessors' Map B8, Lot 339. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Mr. Welch is requesting to temporarily store his boats and trailers on the front lawn. This is only until the parking lot is completed. Most of the boats are lower than 20 feet in length. Only a few are longer in length, adding another 5 to 6 feet for the trailers. There are approximately 34 boats/trailers on the lawn; this also includes smaller trailers. Once the parking lot is completed all boats/trailers will be moved to a designated area in the buildings. Mr. Welch hopes to have the parking lot paved soon - this all depends on the weather.

Mr. Casavant asked if any members of the public present wished to speak or comment. Mr. MacDonald and Mr. Archer, who are both abutters to the applicant, didn't have any questions or comments.

At 7:20pm, Mr. Carpenter arrived. Mr. Casavant provided an overview of the recent discussion.

Mr. Casavant made a motion to close the public portion of the public hearing; Mr. Grenier seconded the motion, and the board voted unanimously in favor.

Mr. Casavant made a motion that the board grant the requested special permit for 6 months, Mr. Grenier seconded the motion, and the board voted unanimously in favor.

#### **PUBLIC HEARING FOR CASE #1-23 COMPREHENSIVE PERMIT FOR MATTAKEESETT VILLAGE 40B HOUSING PROJECT AT 7 & 15 MATTAKEESETT STREET**

Mr. Casavant reopened the public hearing (continued from February 27, 2023, April 24, 2023, May 15, 2023, and June 12, 2023, July 24, 2023, September 25, 2023, November 6, 2023, and December 11, 2023) on the application of Bristol Bros. Development Corp. for a comprehensive permit pursuant to M.G.L. Chapter 40B. The project, titled “Mattakeesett Village,” consists of two buildings (later changed to four buildings) and contains 66 residential units in total (46 one-bedroom units and 20 two-bedroom units [later changed to 66 one-bedroom units]), of which a certain percentage shall be restricted as affordable for low- or moderate-income persons or families, on a site of approximately 3.27 acres. (A 135-seat restaurant was later added to the project.) The project is located at 7 and 15 Mattakeesett Street, Pembroke, MA 02359, in the Center Protection District and Residence District A, as shown on Assessors' Map C9, Lots 14 and 15. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Jeffery Tocchio, Thomas Godfrey, Josh Green and James Bristol were present, representing the project in various capacities.

Town Counsel (KP Law) Amy Kwesell was present, as was Deborah Keller, the board’s peer review engineer for this project.

Mr. Tocchio, the attorney for the project, came before the board and described the revised design of the project. In addition to the 66 residential units, all of which would now be one-bedroom apartments, the new design would contain a 132-seat ancillary tavern. There would now be four buildings in total including a freestanding tavern building. Mass Housing reviewed the revised plans and confirmed that the proposed modification to include the taverns which comprised approximately 5.5% of the gross floor area of the project. It meets the definition of ancillary use. There will be 2 septic systems, one for the residential units and a separate one with grease traps for the tavern use.

Parking was discussed. A waiver is requested for residential parking because the requirement is 2 spaces per unit. The plan is to allow 1.4 spaces per unit. Also, 1 space for 4 seats for each space for the tavern. Currently there aren’t any plans for valet parking for the tavern.

Mr. Tocchio briefly mentioned they will need a waiver for a special permit from the planning board for a restaurant in the comprehensive permit zone. Ms. Kwesell mentioned that they don't need to request a waiver for special permit use for the 40B project.

Brief discussion on traffic study and the sight triangles.

Deborah Keller, the board's peer review engineer for the project, was present and discussed her concerns on the constructability of building the retaining wall along the east side of the property line. There is an existing stone wall along the property. It appears that the retaining wall will be on top of the existing stone wall that demarcates the property line. One option is to coordinate with the abutters for a possible temporary construction easement. Build the wall and use the wall as the property line. The wall will require a guard reel or a fence. Additional discussion followed.

Ms. Keller recommended that any landscaping, signage or fencing within the sight distance triangles be kept low (maximum 2 ft from street level per Traffic Study) or setback sufficiently to not impede the driveway sight distances.

Ms. Keller mentioned that two employee parking spaces are designated as the loading area for the Tavern during designated times. The parking spaces should be clearly noted as employee spaces. This will prevent a customer parking in the wrong area. Further discussion on parking--residents will have a sticker for their car and parking garage spaces will be designated for residents. Visitors will not have a designated parking area. Ms. Kwesell expressed her concern over not having a designated parking area.

Ms. Kwesell asked about snow storage and if it was properly addressed. Ms. Keller confirmed it was. Ms. McNamara (abutter) inquired about the snow storage as well. Additional discussion with Mr. Green. He demonstrated all the areas which are designated for snow storage.

Mr. Casavant made a motion to continue the public hearing for Case #1-23 to January 22, 2024, at 7:30 pm. Mr. Grenier seconded the motion, and the board voted unanimously in favor.

**Public Hearing: Case #11-23/ Variance/ Applicant: Diogo Coelho/ 4 School Street**

Mr. Casavant opened the public hearing on the application on the application of Diogo Coelho, 4 School Street, Pembroke, MA 02359, requesting variances in accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.3.D.1 (referring to IV.1.D. 2 & 3). Side Yard Setback and Rear Yard Setback, for a retaining wall higher than four feet already built along the property boundary. The property is located at 4 School Street, Pembroke, MA 02359, in Business District A, as shown on Assessors' Map A5, Lot 14. A copy of the application is available in the Office of the Planning Board at Pembroke Town Hall.

Mr. Coelho explained that he received a cease-and-desist letter from Mr. Verry. He also spoke to Mr. Verry who requested he remove 2 lines from the retaining wall. He is looking for a variance for a side yard setback and rear yard setback.

Ms. McNamara (abutter) stated her concerns about the safety of the high retaining wall. Mr. Grenier discussed his concerns about the stability of the wall. It was also requested that Mr. Verry attends the meeting to discuss what he is looking for. Need more facts and details.

Mr. Casavant requested Mr. Coelho write something up on exactly what he is looking for. Also, it was requested Mr. Verry attend the meeting as well.

Mr. Casavant made a motion to continue the public hearing for Case #11-23 to January 22, 2024, at 8:15 pm. Mr. Grenier seconded the motion, and the board voted unanimously in favor.

Mr. Casavant made a motion to adjourn the meeting, Mr. Grenier seconded the motion.