



**Pembroke Conservation Commission
Minutes of the Meeting of
February 24, 2020
Pembroke Town Hall,**

Disclosure: These minutes are not verbatim – they are the administrative agent's interpretation of what took place at the meeting.

All materials presented during this meeting are available in the Pembroke Conservation Commission office.

Open Meeting Law, G.L.c. 30A § 22.

Members present: Mark Sotir, Chairman; Gino Fellini, Vice Chair; Robert Clarke, Sr., Member; Ronald Boidi, Member; Richard Madden, Member

Not Present: Sandy Gremlich, Member; Arthur Egerton, Member

Staff present: Melissa Joyce, Administrative Agent

At 7:00PM, Mr. Sotir, Chairman, opened the meeting and asked the members to introduce themselves, and then stated that the proceedings would be made available to the public through video or audio broadcast on the PACTV Government Access Channel for broadcast at future dates and that all comments made in open session would be recorded.

ADMINISTRATIVE BUSINESS

Minutes of the meeting

A motion was made by Mr. Fellini and seconded by Mr. Madden to accept the minutes of the February 10, 2020 meeting. All in favor. Motion passed unanimously.

Forms for Signature

Request for extension of ORAD (DEP # SE56-980) 715 Washington Street- continued until after the hearing for 715-737 Washington Street NOI.

Agent's Report

Tabled until after hearings

Open Space Liaison Report

Tabled until after hearings

Hearings:

Materials or other exhibits used by the public body in an open meeting are available to the public, within 10 days, upon request.

Notice of Intent – 715-737 Washington Street (DEP File #SE056-1042)

In attendance – Kevin Grady, Grady Consulting

The project is for an expansion of a commercial business. The proposal is for a 12,000sq ft warehouse. There is an ORAD for the property which expires 3/29/2020. There is a BVW and an intermittent stream on the property. The majority of the work will be 50ft or greater from the resource area. The proposed driveway and parking lot should cut down on traffic problems on Rt. 53 that currently occur. Mr. Sotir asked if the building could be situated or shaped differently to avoid the buffer zone completely. Mr. Grady stated that due to zoning rules there must be a 100ft setback from the street which limits the placement of the building. There must also be a 40ft setback from residential areas. In order to meet zoning setback requirements, the building is limited to the current proposed placement. The corner of the proposed building is in the 100ft buffer zone, as well as the parking lot and driveway. The proposed infiltration system will be outside the buffer zone. The septic and utilities are outside the buffer zone. Mr. Fellini asked if the stream is MacFarland Brook. The brook has been deemed an intermittent stream based on wetlands regulations. There is an ORAD on file for this property. Mr. Boidi asked about chemicals and hazardous waste in the building, this is not something the representative has access to. The business is currently operating out of the existing building. Mr. Boidi asked which set of rules gets higher precedence, zoning or wetlands regulations? He feels the buffer zone and the residents should get priority over a zoning setback. Mr. Sotir stated that is an issue for the zoning and planning boards rather than the conservation commission. This hearing is strictly to comply with the wetland regulations. Mr. Grady explained this proposed project is protecting the wetlands based on the regulations put forth in the Wetlands Protection Act. The proposed project has a 50ft buffer, silt sock, and a stormwater management compliant drainage system. Mr. Fellini mentioned that according to a report from a neighboring property claims that the stream is perennial. Mr. Boidi stated that this could be true for that section of the stream, but that it does not have to apply to all parts of the stream. The discussion was opened to abutters. Mr. Peter Mason, 142 Old Washington Street, asked for clarification on the drainage system on the property. The representative explained that the drainage systems and paving have been designed to flow into the catch basins. There will be 50feet of woodlands maintained between the rear of the parking lot and the residential lots. Maria Mason, 142 Old Washington Street, stated she has lived there for 50 years, and even when the brook is not running, it is always wet. She stated that she does not think this project is necessary as it will affect the wildlife and the wetlands. Mr. Sotir reminded everyone that the planning and zoning boards decide property use. Mr. Grady stated this is an allowed use for this property based on zoning. More than half of the property is maintained as woodlands and will maintain the habitat for wildlife. No work will be done in the wetland area. Lil Sullivan, 126 Old Washington Street, stated she has lived on her property for 47 years and has observed some periods where it is dry, but infrequently. Mr. Sotir explained that an independent wetland scientist was hired to determine whether the stream was intermittent or perennial. It has been determined to be an intermittent stream. Mr. Clark stated it was looked at over an extended period by an outside expert. Mr. Sotir suggested that the Commission table this discussion in order to go over all the information presented. Mr. Grady said he would request a continuance if he could get all the questions the commission had beforehand so he can address them properly. He stated again that the plan is not impacting the wetlands and follows all regulations.

A motion was made by Mr. Fellini and seconded by Mr. Madden to continue the hearing until March 9, 2020 meeting. All in favor. Motion passed unanimously.

Notice of Intent – 0 Hobomock Street (DEP File #SE056-1043)

In attendance- Scott Goddard, Goddard Consulting

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Mr. Clark disclosed that he was an employee of this company 25 years ago. Mr. Sotir asked the commission if they felt Mr. Clark should recuse himself due to a former affiliation. All members agreed Mr. Clarke does not need to recuse himself and see no conflict of interest.

This project was before the commission recently with DEP File #SE056-1036. The commission approved of the project. DEP appealed the decision and issued superseding orders. DEP stated that the entire area counts as riverfront area, and the project was 2.5 acres over the limit for impact in the riverfront area. The DEP asked for alternatives analysis to be done. The project has been reduced to comply with the guidelines set by DEP. If this new proposed project is approved, the previous NOI will be withdrawn without prejudice. DEP has issued comments regarding the current filing. Mr. Clark stated he believes the DEP has addressed all the issues that the commission would have had. The representative would like to table the discussion til March 9 to address the issues raised by DEP regarding the alternatives analysis to avoid another appeal and superseding orders. The commission agreed. Mr. Clark also requested the representative send over a draft Order of Conditions for this project for the commission to consider. A motion was made by Mr. Fellini and seconded by Mr. Madden to continue the hearing until March 9, 2020 meeting. All in favor. Motion passed unanimously.

Ongoing Business:

Invited guest – Mike Buckley, Town Accountant

Mr. Buckley stated the budget going forward will be very difficult. Mr. Sotir asked that he go over the budget and accounts that are available to the Conservation Commission at this time. There are a few revolving funds available. Mr. Buckley will send over an accounting of what is allowed for each fund. The parameters for what each fund can be used for can be set by the Commission for the most part. The local fund was taken over to the general fund to pay for the position of Administrative Agent. There are restrictions on the wetlands fund that are governed by the state. Historically, the Conservation Commission has requested funds at the Annual Town Meeting to be added to these funds. Mr. Buckley suggests going back to this, despite the financial issues the town is facing. Most other departments do not have the revolving funds that Conservation has.

Barn Swallows:

The state has recommended the barn stay in place. Both Mr. Fellini and Mr. Boidi have done independent research and come to the same conclusion. Mr. Boidi will investigate possible grants. Mr. Fellini has come up with a plan for how to proceed to make the building safe. The board would like the input of the Building Inspector for an assessment of the structure.

Unscheduled Discussions:

Abutters of 660 Washington Street- Mr Alan Nihill and Ms Jean Wool; Mr. Clarke stated that he is embarrassed that the town did not notify the commission that this sale was even happening. According to Mr. Nihill, the property was donated to the town for school use in the 1960s, it has had its use changed several times through the years. The abutters would like to see this land be designated for Conservation land and not be able to be developed. They supplied a report that was done in 2005 stating less than half the land was developable. There are several rare or protected species of plants and animals native to that property. The Commission stated that they are unsure of the procedures involved in doing this, as the town is looking to sell this property. The commission stated they will investigate the information in the report and offered their support and agreement that the land should be protected.

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A motion was made by Mr. Egerton and seconded by Mr. Madden to close the meeting at 8:35pm. All in favor. Motion passed unanimously.

Materials and Exhibits

Draft minutes of February 10, 2020 meeting

ORAD extension request – 715 Washington Street (DEP # SE56-980)

Notice of Intent – 715-737 Washington Street (DEP # SE056-1042)

Notice of Intent – 0 Hobomock Street (DEP # SE056-1043)

Report provided by abutters of 660 Washington Street

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