

## Pembroke Conservation Commission Minutes of the Meeting of January 5, 2015

*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 Conservation Office.

*Open Meeting Law, G.L. c. 30A § 22.*

Agenda – May include topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.

*Open Meeting Law, G.L. c. 30A § 20.*

**Attending:** Mark Ames, chairperson; Carey Day, vice-chairperson; Robert Clark; Al Gigliotti; Dan Smith; and Michael Kirby

**Absent:** Scott Glauben

**Staff:** Bob Clarke, agent; and Mary Guiney, administrative agent

**Location:** Town Hall Selectboard Office, Second Floor, Room 10

**Opened:** 7:30 p.m.

Susan Roche of 67 Lady Slipper Circle is in attendance.

Commission reviews mail folder, minutes and documents.

- **Documents signed:**

- Agent Payroll

- **Continued Notice of Intent (NOI) – 230 Valley Street – Delprete (DEP file no.: SE56-947)**

**Present:** Steve Kotowski, Webby Engineering representing applicant Delwin, LLC.

**Abutters:** Daniel Sullivan, 260 Valley Street  
Carolyn Cleary Sullivan, 260 Valley Street  
Nigel and Anne Harling, 261 Valley Street

Mr. Steven Kotowski presents an overview of the projects. This property and the other three NOI filings for Valley Street scheduled for this meeting are owned by Brainfrank Nominee Trust and the wetland delineation was performed by Brad Holmes of Environmental Consulting and Restoration, Inc. The four NOI's have been scheduled for the same hearing time for efficiency, but they will be heard and addressed separately. Vice-Chairperson Carey Day wants it noted for the record that he has worked with Mr. Brad Holmes on a professional basis. It will not have any bearing on the outcome of the review.

The lot is scheduled to be sold to Peter Delprete of Delwin, LLC. Webby Engineering has been hired by Delwin, LLC to determine whether the lot is buildable. As such, no percolation tests have been performed. Webby Engineering relied on soil maps and data from other percolation tests performed in the area for the design of the project. This site is to be improved with a four bedroom 26 foot by 36 foot house having a porch in front and a deck in the rear. A rock retaining wall will separate the leaching area from the driveway in the front of the property. The house will have a walkout basement with the slab foundation set on the existing grade (elevation 105.5 feet) and the top of foundation will be at 113.50 feet. This will allow a 5 foot separation between the bottom of the leaching field and groundwater.

Erosion controls consisting of double staked haybales are proposed for erosion control and will be installed at the closest point of 26 feet from the edge of the bordering vegetated wetland (b.v.w.). Other distances from the b.v.w. are: back of house at 40 feet; and the soil absorption system (S.A.S.) at 54 feet.

Comments from chairperson Mark Ames: Mr. Ames informs Mr. Kotowski that, typically, the commission will only allow work at 25 feet from the resource area for existing homes and 50 feet for new construction. Mr. Kotowski says that they can gain 10 feet by reducing the size of the structure and making alterations to the garage. Mr. Kotowski requests clarification on the addition of the deck. Mr. Ames says that it will be acceptable if the deck is on SONA tubes, but the house foundation cannot encroach any closer than 50 feet.

Comments from vice-chairperson Carey Day: Mr. Day wanted to acknowledge and thank Mr. Kotowski for not proceeding with the percolation testing. Mr. Day also had the following comments to offer:

- 1.) the b.v.w. delineation needs to extend 100 feet beyond the property line;
- 2.) the diagram for the erosion controls on the plan indicate that the stakes will extend 2 inches into the ground. This needs to be corrected to read 2 feet;
- 3.) the trees near the street are taller and get progressively shorter as you travel towards the rear property line. Mr. Carey noted that this tends to happen when the root systems are submerged in water;
- 4.) the site is currently under about 6 inches of water; and
- 5.) he is recommending that the b.v.w. line be verified by a outside consultant at the expense of the applicant.

Comments from agent Bob Clarke: the plan needs to reflect a vegetated barrier at the limit of work for any work closer than 50 feet from the b.v.w.

Comments from the abutters: Ms. Carolyn Cleary Sullivan at 260 Valley Street stated that, if constructed, her property would be downhill and wanted to know what measures were being taken to alleviate any possible adverse conditions. Mr. Kotowski explained that the houses were designed so that water would run off towards the street and not towards abutting properties.

Mr. Nigel Harding presents photographs of the site and site vicinity and states that there is a river located on the eastern side of the property line. He was of the opinion that there are no uplands on the 256 Valley Street site and any house constructed there would need to be built on stilts.

Motion to continue to February 9, 2015 at 7:40 p.m. to have the wetland line verified and reviewed by an independent wetland scientist, at the expense of the applicant: Carey Day

Second: Al Gigliotti

All in favor.

**Continued Notice of Intent (NOI) – 234 Valley Street – Delprete (DEP file no.: SE56-948)**

Present: Steve Kotowski, Webby Engineering representing applicant Delwin, LLC.

Abutters: Daniel Sullivan, 260 Valley Street  
Carolyn Cleary Sullivan, 260 Valley Street  
Nigel and Anne Harling, 261 Valley Street

In anticipation of a motion by the commission to have the wetland line reviewed, Mr. Kotowski, suggests that the commission forgo a presentation of the project until February 9, 2015.

Motion to continue to February 9, 2015 at 7:40 p.m. to have the wetland line verified and reviewed by an independent wetland scientist, at the expense of the applicant: Al Gigliotti

Second: Carey Day

All in favor.

**Continued Notice of Intent (NOI) – 242 Valley Street – Delprete (DEP file no.: SE56-949)**

Present: Steve Kotowski, Webby Engineering representing applicant Delwin, LLC.

Abutters: Daniel Sullivan, 260 Valley Street  
Carolyn Cleary Sullivan, 260 Valley Street  
Nigel and Anne Harling, 261 Valley Street

In anticipation of a motion by the commission to have the wetland line reviewed, Mr. Kotowski, suggests that the commission forgo a presentation of the project until February 9, 2015.

Motion to continue to February 9, 2015 at 7:40 p.m. to have the wetland line verified and reviewed by an independent wetland scientist, at the expense of the applicant: Carey Day

Second: Michael Kirby

All in favor.

**Continued Notice of Intent (NOI) – 256 Valley Street – Delprete (DEP file no.: SE56-950)**

Present: Steve Kotowski, Webby Engineering representing applicant Delwin, LLC.

Abutters: Daniel Sullivan, 260 Valley Street  
Carolyn Cleary Sullivan, 260 Valley Street  
Nigel and Anne Harling, 261 Valley Street

In anticipation of a motion by the commission to have the wetland line reviewed, Mr. Kotowski, suggests that the commission forgo a presentation of the project until February 9, 2015.

Motion to continue to February 9, 2015 at 7:40 p.m. to have the wetland line verified and reviewed by an independent wetland scientist, at the expense of the applicant: Al Gigliotti

Second: Dan Smith

All in favor.

**Notice of Intent (NOI) – 5 Furnace Lane – Monti (DEP file no.: SE56-952)**

Present: Steve Kotowski, Webby Engineering representing applicant Amanda Monti  
Alan Dias, contractor  
Amanda Monti, applicant and prospective buyer

Abutters: Sandra Snowdale at 4 Furnace Lane

The subject proposal involves the construction of a two-story single family house on the same footprint of a dwelling that was destroyed by fire. The submitted plans indicated the location of the former foundation footprint as any alterations of the footprint of the house will trigger oversight, review and permitting from the Zoning Board. The reconstructed dwelling will tie into the existing septic system and will use the existing driveway. The deck will be located at 33 feet from the top of bank of Furnace Pond and erosion controls will be installed at 26 feet from the top of bank of Furnace Pond. (Mr. Alan Dias requests the use of an 18 inch silt sock instead of haybales.)

Agent Bob Clarke feels that fire reconstruction needs special consideration and the work should be allowed under the existing site conditions. Ms. Snowdale of 4 Furnace Lane requests information on the height of the new structure. Mr. Clarke explains that it is not a wetland issue and cannot be addressed

here.

Motion to close: Carey Day

Second: Michael Kirby

All in favor.

Motion to issue a Standard Order of Conditions with the following special conditions: Carey Day

1. The proposed project shall be built in accordance with the plans entitled 'Plot Plan' dated December 9, 2014 which bears the seals and signatures of John C. Veracka Jr., PE and Joseph E. Webby, Jr., PLS.
2. This Order will not allow any excavated materials to be stockpiled on site, except for backfilling.
3. This Order will not allow any cement truck washout within 100 feet of a resource area.
4. Erosion Controls must be installed prior to the commencement of any site work, stump removal or excavation.
5. The Agent is to inspect and approve the erosion control line prior to the commencement of any work.
6. Erosion Controls must consist of either Silt Sock, with a diameter of 12 inches or greater or Haybales. Hay bales must be installed and sealed with 3 inches of wood chips on the upland side. The use of a silt fence is not allowed.
7. Notice to the Conservation Commission office or the Conservation Agent is to be given 48 hours prior to the commencement of work on site.
8. Fertilizers utilized for landscaping and lawn care in the buffer zone shall be slow release low-nitrogen types and shall not be used within 25 feet of a wetland resource area. Pesticides and herbicides shall not be used on any lawn area within the buffer zone.

Second: Bob Clarke

All in favor

#### **Minutes: December 15, 2014**

Motion to accept minutes: Carey Day

Second: Al Gigliotti

All in favor

#### **Discussion of Minutes: December 15, 2014 (Bay Circuit Trail RDA)**

Vice-chairperson Carey Day has not received a telephone call from Eagle Scout Lenny Lapham. Administrative Agent Mary Guiney is requested to contact him.

Agent Bob Clarke needs the size of the white oak planks for the Bay Circuit Trail boardwalk.

#### **Discussion: 2014 Annual Reports**

##### **Open Space Committee**

Motion to accept OSC Annual Report: Carey Day

Second: Michael Kirby

All in favor

##### **Conservation Commission**

Motion to accept Conservation Annual Report: Carey Day

Second: Michael Kirby

All in favor

#### **Discussion: Route 14 Reconstruction Project**

The mail folder also included correspondence requesting that the conservation commission cover \$69,000.00 for the cost of steel backed wooden guardrails for this project. Agent Bob Clarke voices his concern that all parties within the Town of Pembroke need to be aware of the possible adverse ramifications associated with this project. It is very important that the deficiencies in the design of the stormwater management systems be resolved so that the bid deadline is met. A list of issues need to be updated, shared and coordinated with the DPW, and provided to the selectboard for a joint discussion. The Selectboard needs to be aware that the DOT is not required to meet current stormwater standards for this project– but anticipated changes in regulations will put the cost of retrofitting and bringing stormwater systems into compliance will be the responsibility of the Town of Pembroke.

**Discussion: High School Drainage Basin**

No new information has been received.

**Discussion: 9 Owl Bog**

The use of outside counsel is the topic of discussion. The commission needs permission to use outside legal counsel. The commission feels that the assistance of town counsel is a hindrance to the forwarding of any project. The commission would like a memorandum to the Selectboard requesting permission to seek independent counsel for the transfer of property, the fees to be paid for by the conservation commission.

**Discussion: Anonymous Letter**

The mail folder contained an anonymous letter accusing the owners of Herring Brook Farm of wetland fill. A review of wetland maps indicate that there are no resource areas on the property and that the site has been cleared to the property lines. Agent Bob Clarke will investigate.

**Unscheduled Discussion: Susan Roche; and Adjournment**

A very loud and agitated Ms. Susan Roche of 67 Lady Slipper Circle announced that she would like to make a statement. She stated that about a month ago, she made a complaint and demanded that Agent Bob Clarke come to her house to investigate a wetland violation on her neighbor's property. To date, this has not happened. Chairperson Mark Ames reminded her that there is a problem in coming near her house and that the conservation commission will not enter her property without a police escort.

Ms. Roche became extremely vocal and was asked to leave the meeting. A request for assistance was made to the Pembroke Police Department that was cancelled upon her departure.

A motion was made by Carey Day to adjourn the meeting at 9:25 p.m. Second by Michael Kirby. All in favor.