

**MINUTES OF THE SELECTMEN'S MEETING  
FEBRUARY 11, 2017**

**PRESENT:** Lewis W. Stone (Chairman), Willard J. Boulter, Jr. (Vice-Chairman), Arthur P. Boyle, Jr. (Clerk), , Matthew J. Furlong (Selectman), Edwin J. Thorne (Town Administrator), Shannon Wilson, George Howe, Marty Cournan, Jen Johnson, Carol DeFranca Chapman, Scott Chapman, Christine Perkins Kan, Carolyn Crossley, Chuck Crossley, Paul Kernan, Chris Graham, Robert Schmitz, Sabrina Chilcott (Executive Assistant), and others.

**Not Present:** Daniel Trabucco (Selectman)

At 3:00 pm, Mr. Stone opened the meeting and advised that this meeting is being made available to the public through an audio recording which will be used to ensure an accurate record of proceedings produced in the minutes of the meeting. All comments made in open session will be recorded.

**RIVER MARSH LLC'S APPLICATION FOR SITE ELIGIBILITY MGL C.40B 274 WATER ST  
UPDATE ON PUBLIC RECORDS REQUEST TO MA WILDLIFE ENDANGERED SPECIES  
PROGRAM**

**UPDATE ON LOCAL AND STATE OFFICIALS RESPONSE**

Mr. Boyle thanked the Town Administrator's staff for the research performed to date to draft the town's response to the project, and thanked Mr. Thorne for the background provided on the parcel. Mr. Boyle questioned why a parcel that was unacceptable in 2005 is acceptable now for this project. Mr. Boyle stated that he has drafted a response that details issues including stormwater and chemical runoff into the North River, damage to the environment, destruction of the priority habitat of the classified endangered species of turtle, and crash reports from the Pembroke Police Department citing 423 accidents at the two effected intersections. Mr. Boyle stated that he would input from residents for inclusion.

Paul Kernan stated that he has submitted a petition from the residents directly to MassHousing. Mr. Boyle read his draft to the Board. Mr. Boulter moved to accept the recommendation to send Mr. Boyle's letter with the provision that new information received can be incorporated prior to sending the letter. Mr. Boulter stated that the Herring Fisheries Superintendent has submitted a letter and the Division of Marine Fisheries is in receipt of the Selectmen's request with the submitted plans to review and issue an opinion. Mr. Boulter stated that the river herring have increased in population from 30,000 to 230,000 in a few years, and that progress cannot be lost due to the proposed project on unbuildable wetlands adjacent to the river. Mr. Kernan stated that he has spoken with Mr. Busby at MassHousing and was told that another site visit may be scheduled. Mr. Boulter stated that the NSRWA wasn't allowed to participate in the first site visit. Ms. Kan stated that she has details of the historic homes, assets and natural resources of the area. Mr. Howe stated that this group has resources, information and intellectual capital to share but they do not want to duplicate efforts. Mr. Boulter stated that appeals to state representatives, senators and the head of MassHousing could be helpful. Mr. Kernan stated that environmental issues are overlooked regularly in these projects, but safety issues cannot be ignored. Ms. Crossley asked if the Assessors have completed the land mass calculations as of yet; Mr. Boyle stated that these are complex calculations and they are not yet finished. Ms. Wilson stated that her driveway has a Right of Way easement going in to the property and she is considering an adverse possession claim. Ms. Kan stated that she is also considering a claim. Mr. Graham inquired as to the Boards vote for a moratorium; Mr. Boyle stated that the Board does not yet have a ruling on whether the vote would be permissible in court. Mr. Schmitz stated that there is not 50 feet between the houses to accommodate a 50 foot roadway as proposed. Discussion ensued on potential repercussions of this project on assessed unbuildable wetland. Discussion ensued on application portion (Section 4 – Site Control) that states that the parcel is under purchase and sale from Demos Realty Trust and Red Castle LLC as seller to River Marsh LLC as buyer. Mr. Howe asked if the land has to be offered back to the town to purchase first before it can go to an outside buyer. Mr. Boyle asked Mr. Thorne to check with town counsel. Mr. Chapman expressed concerns with the accuracy of anything presented in the project as the plan submitted is outdated and inaccurate, rendering an evaluation of the project impossible. Mr. Couran expressed concerns with the tenor of the response and asked if it will be a categorical denial or a support of the project if it is modified; Mr. Thorne advised the response is a denial of the project. Ms. Kan asked if the town could take the land via eminent domain, purchase or zoning the area. Mr. Boulter stated that more could be protected if the North

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River Commissioners petitioned the state to increase the buffer zone to 500 feet. Ms. Wilson offered to share the four different species habitats of environmental concern with the Board for inclusion in the response. Mr. Howe asked if there were any additional 40B projects queued for the town; Mr. Thorne advised that Copperwood is the only other project in town. Discussion ensued regarding activity on the parcel and the possibility of reporting alterations the Zoning Enforcement Officer; resulting dialogue indicated that the activity was from several years ago. Ms. Wilson asked if the response would contain the anticipated increase in traffic from the Memory Care facility being built on Cross Street of 34-50 cars per day. Mr. Crossley stated that he has observed new flagging of wetlands on parcel since the day of the site visit.

At 4:25 pm, Mr. Boulter moved to adjourn. Mr. Furlong seconded the motion. The vote was unanimously in favor.

### **MATERIALS & EXHIBITS**

40B Application Excerpts: TA memorandum to Town Depts Regarding 40B Receipts (BOS/TA Off/website)

Letter of Receipt from MassHousing (BOS/TA Off/website)

Cover Letter to MassHousing from River Marsh LLC (BOS/TA Off/website)

Three Area Maps (BOS/TA Off/website)

Application Section 1.0 through 1.3 (BOS/TA Office)

Town's Response to MassHousing RE: Copperwood (BOS/TA Office)

Email, Response to Town's Public Records Request: E. Holt, Mass Division of Fisheries and Wildlife  
Endangered Species Review Biologist (BOS/TA Office)

Letter, State Rep. J. Cutler, Regarding 40B Proposed Project