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*Via E-Mail: [schilcott@townofpembroke.mass.org](mailto:schilcott@townofpembroke.mass.org)  
And First Class Mail*

Frederick Casavant IV, Chairman  
c/o Sabrina Chilcott  
Pembroke Zoning Board of Appeals  
100 Center Street  
Pembroke, MA 02359

**Re: River Marsh – Comprehensive Permit Application  
North and South Rivers Watershed Association Inc.  
Water Street, Pembroke, MA**

Dear Ms. Chilcott, Chair Casavant, and members of the Board:

This letter is in response to comments by the North and South Rivers Watershed Association (the “Association”) in their letter dated March 15, 2021. We appreciate the Association taking the time to review our project. We look forward to working together to preserve the North River and are excited to welcome future residents of this project to enjoy its scenic beauty.

Since the last hearing on March 9, 2021, the Applicant’s team has closely studied the plans to incorporate questions raised at the hearing and through the Town’s third-party peer reviewer, Merrill Engineers. The Applicant performed soil testing and modeling since that hearing, as requested. The project has also been moved completely outside of the 300-foot boundary of the North River Protective Order. Although the walking trail and maintenance path that had previously been proposed within 300 feet from the North River would be allowed under Section 5 of the Protective Order, the Applicant understood from Association and community comments that it was important to keep the entire project outside of 300 feet. Accordingly, there is no

portion of the redesigned project that falls within the 300-foot corridor that was created to preserve this important resource.

We have included below the comments and questions by the Association to which this letter responds. We have included our response in **bold**.

Comments from the Association:

Proposed Stormwater Management System Comments

The proposal includes a conventional drainage system — dense development with closed drainage system that discharges to a single infiltration basin in the rear of the site adjacent to the river. There is no attempt to employ low impact development/green infrastructure techniques to the project, which would decentralize the stormwater system and allow the development to reflect the natural hydrologic conditions as required by the MassDEP Stormwater Management Standards. There are significant opportunities to incorporate LID including reducing the impervious footprint, disconnection of roof drains, decentralizing the closed drainage system, and incorporating bioretention and porous pavement into the project.

From the Natural Resources Conservation Service soil mapping, the on-site soils appear to be favorable for infiltration throughout the upland areas of the site. Integration of these additional systems will reduce the size of the basin that is in the lowest portion of the site and encroaches upon the resource areas.

**Response. The drainage system has been designed to comply with Massachusetts DEP Stormwater Management Regulations to protect the surrounding environment. Additional low impact techniques are not required nor economically appropriate for this housing development that incorporates 25% affordable units.**

On-site soil testing should be performed to confirm soil texture and estimated seasonal high groundwater elevation. The engineer is currently utilizing test pit data that is over 20 years old. The design documentation should be updated to confirm that the proposed design will meet the offset requirement for the infiltration basin and clarify the infiltration rate.

**Response. Additional soil testing was performed on March 16, 2021 at the specific location of the infiltration basin.**

The Applicant should confirm that they are using Atlas 14 rainfall data for the drainage analysis. SCS rainfall data is historical and does not allow the stormwater system to be sized based on current precipitation patterns.

**Response. The project complies with all current MassDEP Stormwater Regulations, even though it is exempt from Standard 2 for land subject to coastal storm flowage as defined in 310 CMR 10.04.**

The Stormwater Report is missing the following information as required under the MassDEP Stormwater Management Standards:

- o Water quality calculations
- o Groundwater recharge calculations
- o Mounding calculations (if less than 4 foot offset to GW)
- o Closed drainage calculations
- o MassDEP Stormwater Checklist
- o LTPPP and O&M Plan
- o Illicit Discharge Statement

**Response. The Applicant has prepared and submitted updated reports based on the March 16, 2021 soil testing, entitled Drainage Calculations and Stormwater Management Plan, Comprehensive Permit Plan, River Marsh Village, Pembroke, MA, prepared by McKenzie Engineering Group, dated November 27, 2018, last revised April 5, 2021. The Applicant's project complies with the MassDEP Stormwater Management Standards.**

#### Wetland/Scenic Resource Areas

The following outlines specific concerns regarding potential impacts to wetlands and scenic resource areas:

Project is partially located within North River Scenic Corridor. This includes the proposed infiltration basin and part of the recreational trail. We ask for this to be removed from the Scenic Corridor to maintain the public's scenic views from the river. And that there be an analysis of how this project will look from the point of view of public using the river. All attempts should be made to reduce impacts to the scenic vista from the North River for the public.

**Response. As noted in the introduction, the project has been removed completely from the Scenic Corridor as requested.**

Wetland resources include a Certified Vernal Pool abutting the site. The project may impact hydrology towards vernal pool/upper wetland. This should be analyzed by the Applicant to confirm the project will not negatively impact the vernal pool.

**Response. The vernal pool is located entirely within a bordering vegetated wetland and shielded by the surrounding protected area within the BVW. The project will not impair any wildlife habitat function that may be present in this vernal pool.**

In 2017, when the project was first proposed, an examination using Massachusetts GIS online mapping of natural resources showed that the majority of property, including the proposed development, was within mapped Natural Heritage and Endangered Species Priority Habitat. Since that time, the NHESP program removed this area, not because there was a study done to

investigate whether the endangered species was still using this site, but because there had not been any documentation of that species on this site for over 25 years. We request that the site be assessed for the species to see if it no longer uses the site.

**Response. This property is not listed as a Natural Heritage and Endangered Species Priority Habitat, so the Applicant is not required to perform the requested study.**

NSRWA

The Applicant should confirm if the Project requires submittal for MEPA review. It appears that the proposed impervious areas, including pavement, gravel roads with compacted subbase, and roofs, will approximate five (5) acres which is a MEPA threshold.

**Response. The Project does not meet a MEPA threshold that would trigger review.**

The Applicant is filling in wetlands to access upland for wastewater disposal. The Applicant should examine if there is an alternative to filling in wetlands and provide an alternatives analysis that does not involve filling in wetlands.

Additional detail is needed for wetland crossing to determine the impacts to the jurisdictional resource areas. This includes a larger scale plan of the crossing to clarify the crossing type, associated grading and retaining wall construction, erosion and sediment controls, limit of work, and intended construction sequencing.

**Response. The Applicant includes a 2:1 replication area in exchange for the wetland crossing that is proposed. The Applicant has reviewed alternatives for construction. Impacts are minimized by a crushed stone road and open bottom culvert to maintain water and wildlife movement important to these resource areas at the crossing. After resolution of the Comprehensive Permit, final plans will be created with precise details on the crossing and replication area for Applicant's Notice of Intent that will be filed with the Pembroke Conservation Commission.**

We look forward to discussing these and other matters with the Board during the hearing scheduled for April 13, 2021.

Respectfully yours,  
RIVER MARSH LLC  
By its Attorney,

WARRENT. BAKER

WFB:amg

Cc: Amy Kwesell, Esq.