

Pembroke Conservation Commission

Minutes of the Meeting of

August 10, 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 at time of posting of the meeting.

Open Meeting Law, G.L. c. 30A § 20.

Attending: Al Gigliotti, acting chairperson; Robert Clarke; and Michael Kirby
Absent: Scott Glauben
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Room 13
Opened: 7:35 p.m.

Cont. NOI – 256 Valley Street, lot 29 – Brainfrank (DEP file no.: SE56-950)

The hearing is opened at 7:45 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
Lenore White, wetland peer review scientist representing conservation commission
Daniel Sullivan, 260 Valley Street (abutter)
Carolyn Cleary-Sullivan, 260 Valley Street (abutter)

Mr. Kotowski submits green cards for abutters. He admits that he did not request a certified abutters list; and a cursory review of the submitted green cards reveal that he did not notify all abutters. Mr. Kotowski also submits revised plans dated July 9, 2015 and a Form A plan dated December 5, 2001 for the creation of lots located on Valley Street. Mr. Kotowski states that the owner will be creating an easement across the parcel identified as Map F5, lot 38 so that the new construction (which will be also be located on Map F5, lot 38) will be accessed between 266 Valley Street and 272 Valley Street. No actual disturbance/alteration will occur on the 256 Valley Street lot. Agent Bob Clarke questions whether the Form A shown on the revised plan has received Planning Board approval and states that he believes that the frontage to the lot must contain the driveway. Mr. Kotowski states that his applicant wants an Order of Conditions conditioning Planning Board approval and then he will approach the Planning Board regarding the Form A lot and access easement. Mr. Kotowski is reminded that standard procedure is for the applicant to apply for and receive all other permits prior to conservation commission approval.

The ensuing discussion of the revised plans indicates that the project will provide a 25 foot undisturbed bufferzone to the resource area; provide a concrete washout area; a permanent vegetated buffer, conservation markers and a gravel driveway across the easement (to reduce costs). Agent Bob Clarke reminds Mr. Kotowski that without valid reasons, new construction needs a 50 foot undisturbed bufferzone. Construction at a close distance to the resource areas does not allow homeowners room for a back yard and homeowners always come back before the commission for a larger yard. Mr. Clarke recommends that Mr. Kotowski use land available on Map F5, lot 38 to meet the commission's standards. The commission should not limit their review because the land owner only wants to work within a small area, especially since additional land is available.

Wetland Peer Review Scientist Lenore White offers the following comments: failure to use a certified abutter's list is not accurate and provides grounds for appeal of any decision; the wetland line for Map F5, lot 13 needs to be delineated and checked; and additional permits need to be obtained.

Abutters, Mr. and Mrs. Cleary voiced their concerns regarding grading. When they built their home, their property was on high ground and now with all of the development, their home is in a gully. They want assurances that they are not going to be swamped as a result of the new construction. Mr. Kotowski states that the proposed plan will only bring in about 1 foot of fill onto the new lot.

Motion to continue until September 21, 2015 at 7:40 p.m.: Michael Kirby

Second: Bob Clarke

All in favor

Cont. Notice of Intent (NOI) – 234 Valley Street, lot 26 – Delprete (DEP file no.: SE56-948)

The hearing is opened at 8:25 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
Lenore White, wetland peer review scientist representing conservation commission
Daniel Sullivan, 260 Valley Street (abutter)
Carolyn Cleary-Sullivan, 260 Valley Street (abutter)

Mr. Kotowski requests a continuation of this hearing as the applicant would like more time to consider withdrawal of the NOI.

Motion to continue until September 21, 2015 at 7:40 p.m.: Michael Kirby

Second: Bob Clarke

All in favor

Cont. NOI – 242 Valley Street, lot 27 – Delprete (DEP file no.: SE56-949)

The hearing is opened at 8:25 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
Lenore White, wetland peer review scientist representing conservation commission
Daniel Sullivan, 260 Valley Street (abutter)
Carolyn Cleary-Sullivan, 260 Valley Street (abutter)

Mr. Kotowski requests a continuation of this hearing as the applicant would like more time to consider withdrawal of the NOI.

Motion to continue until September 21, 2015 at 7:40 p.m.: Michael Kirby

Second: Bob Clarke

All in favor

Appointment: Susan Shannon re: Stetson Pond

The discussion is opened at 8:30 p.m.

Attending: Susan Shannon, 15 West Fish Street
Lynne Anderson, 52 Blueberry Lane
Fred Baker, 64 Blueberry Lane
Stephen Patt, 42 Blueberry Lane

Mr. Patt, leads the discussion for the group regarding recent changes and alterations to the town beach at Stetson Pond. Recent land clearing has taken away from the beauty of the area. The view from their homes located across the pond is disrupted by headlights; they are concerned that the water quality of Stetson Pond will deteriorate; and that the use of boats on the pond is reckless. Agent Bob Clarke explains that the management of the town beaches is under the direct control of Lisa Cullity, Board of Health Agent and the Selectboard. At the request of the conservation commission, no stumps have been removed. Mr. Patt feels that the DPW is doing more work than that authorized by the conservation commission and that the commission is not doing their job to protect the pond. Mr. Clarke pointed out that Police Department had a lot of input into this project and that the recent land clearing was performed at the request of the Police Department to reduce illicit activities at the site. Mr. Patt feels that instead of clearing the land, someone should install a gate and lock it after hours. They would like the conservation commission to investigate their claims.

Appointment: Dan Wells re: water main at Emily Lane

The discussion is opened at 8:50 p.m.

Attending: Dan Wells, Goddard Engineering

Mr. Wells is the wetland consultant representing Clean Energy Collective, the group responsible for the installation of a Solar Energy Farm in Kingston. The Clean Energy Collective is leasing land from John Hanna and is seeking permission to install a water main in Pembroke at a distance of approximately 90 feet from a bordering vegetated wetland (b.v.w.). A wetland line for the project was approved by an ORAD by the town of Kingston, but the wetland line did not extend into Pembroke. Mr. Wells provides the commission with plans of the proposed water main and he also presents an alternative route with work at a distance of 200 feet from the b.v.w. Mr. Wells is requesting permission to perform work within the bufferzone prior to the issuance of a Determination of Applicability. The commission says that the alternate route outside the bufferzone can proceed without a filing, but other route will need verification of the wetland line and the issuance of a Determination prior to the commencement of work.

Discussion: Route 14 Reconstruction Project

So far, everything is okay with the approval issued last week. The appeal period runs until August 20, 2015.

Discussion: High School Drainage Basin

Agent Bob Clarke reports that there is a meeting on Wednesday at Windswept Bogs with the DPW and Environmental Partners.

Documents signed

- Invoice for Barbara Thissell, P.E.
- Mileage reimbursement for Administrative Agent
- Agent payroll
- Gatehouse Media Bill

Adjournment

A motion was made by Michael Kirby to adjourn the meeting at 9:10 p.m. Second by Bob Clarke. All in favor.