

Pembroke Conservation Commission

Minutes of the Meeting of

June 29, 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: Mark Ames, chairperson; Carey Day, vice-chairperson; Robert Clarke; Al Gigliotti; and Michael Kirby

Absent: Scott Glauben; and Dan Smith

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

Location: Town Hall, Veteran's Hall

Opened: 7:30 p.m.

NOI – Route 14 Reconstruction Project – Fulmine (DEP file number: SE56-955)

Hearing opened at 7:40 p.m.

Attending: Rob Cahoon, Project Engineer, CHA
Jay Hall, P.W.S, CHA
Gene Fulmine, DPW Director (and applicant)
Barbara Thissell, PE, peer review engineer representing conservation

Vice-chairperson Carey Day asks Mr Cahoon if the previously requested changes to the plans had been lined out. Mr. Cahoon says that they have not; he would like a copy of Mr. Day's notes and a copy of a draft Order of Conditions (OOC).

In response to Ms. Thissell's comment letter dated June 28, 2015, Mr. Cahoon reviews and responds to her comments.

Sidewalks: A 5 ½ foot sidewalk is proposed along the entire project area. Ms. Thissell has suggested a reduction in the width to reduce the impervious area since the project has a limited area for cleansing the stormwater. CHA had responded that the request is unacceptable and that a reduction in width would not substantially impact wetland resources. High volume and high speeds on the corridor pose a safety risk and that a request for a waiver would delay the project. Ms. Thissell voices her disappointment in the response from MassDOT.

Roadway sideslopes and proposed seed mixtures: Ms. Thissell recommends clarification of the seed mix: standard grass seed mix adjacent to maintained lawn areas; native roadside upland or erosion control mix in non-lawn areas; native wetland seed mix adjacent to resource areas and erosion control or wildflower seed mix in areas more difficult to maintain. Specifications will be put on the plan and added as a condition to the OOC.

Temporary stabilization of slopes: It was agreed that biodegradable straw mulch will be used and added as a condition to the OOC. The commission also discussed stabilization of disturbed areas, both temporary and long-term and compliance.

Riprap: Ms. Thissell recommends the placement of riprap at all outlets. Mr. Cahoon says that the rip rap will only be placed on easements and town owned parcels. Mr. Clarke and Mr. Day ask about the additional discharge from existing pipes. The Lucky Dawg has two outfall pipes which may result in untreated discharge

into Furnace Pond. Riprap should be placed at the outlets of all outlets.

Limit of work and staging areas: The limit of work should be demarked on the down-gradient side by silt sock. The applicant has indicated that staging or laydown areas in sensitive areas will be restricted. Ms. Thissell has recommended that staging areas in resource areas and bufferzones be prohibited without written approval from the conservation commission.

Water Cleansing at Discharge Point 4 (in area of Mattakeesett Street roundabout): This discharge point receives runoff from over 900-feet of roadway and the receiving area connects to Furnace Pond. Although CHA references a drainage ditch, there is no drainage ditch depicted on the plans. CHA will add this to the plans.

Drainage configuration at Pondview Avenue: The drainage configuration at this location is unclear and needs to be verified. CHA will investigate.

Trees:

- a.) The Tree Protection Detail requires that protective fencing be installed at a distance from the tree trunk 'as large as possible'. Ms. Thissell recommends that the protective fencing be installed at the drip line unless the conservation commission allows a reduction on a case by case basis (i.e. adjacent to roadway).
- b.) The Tree Protection Detail requires that roots that have been exposed or damaged by excavation shall be pruned with a sharp saw. CHA states that this note is to identify work to be performed if roots are exposed or damaged by construction activities. Ms. Thissell recommends that any/all root trimming be authorized by the conservation commission.
- c.) Plans propose selective tree clearing and thinning consisting of hazardous growth and dead, dying or diseased plant material which may interfere with the growth of more desirable trees which will be staked out by the resident engineer. Ms. Thissell recommends that all trees that have a diameter at breast height of 4 inches or greater (4" dbh) must be identified in the field and that their removal be authorized by the conservation commission. Further no 4" dbh tree located beyond the back of the sidewalk may be removed without authorization from the conservation commission.
- d.) Thirty-three (33) public shade trees (trees having a 14" dbh) located in the right of way are scheduled for removal with thirteen trees (13) being planted for mitigation. Ms. Thissell recommends replacement (in kind) of ALL trees (4" dbh or larger) be considered on a 1 to 1 basis and not just public shade trees. CHA will perform a tree survey for details.
- e.) Mitigation by planting replacement trees should be considered beyond the right of way. Project disturbances occur beyond the right of way, therefore mitigation should not be limited to the right of way to mitigate anticipated temperature increases. The commission also needs to specify a minimum planting size of the replacement trees.

Fertilizers: The plans should specify that the use of fertilizers within the areas under conservation commission jurisdiction is not allowed.

Oil-grit separators: CHA has contacted MassDOT to consider the use of non-proprietary oil-grit separators in the an area that contributes flow to Furnace Pond and herring run to remove some total suspended solids (TTS) from entering sensitive environmental areas. Funding for this is not available and the town should consider alternative best management practices (BMPs). The commission states that maintenance of the BMPs is an issue.

Barker Street herring run: Stormwater cleansing is recommended to protect the herring run. CHA will add it to the plans. Ms. Thissell requests more details.

Additional plan changes: Plans need to be changed to reflect: treating the modified rockfill slope along Barker Street with compost and native wildflower seed mix to provide additional shade; planting scheme of compensatory flood storage area at Barker Street STA 129+40; Deciduous Tree Planting and Evergreen Tree Planting Details needs to specify minimum tree planting size.

The commission discusses timelines for completion of the review and MassDOT requirements to meet September 1st deadline. DPW Director Gene Fulmine states that he needs a closing date of early August in order to meet the deadline.

Motion to continue hearing until July 13, 2015 at 7:40 p.m.: Carey Day

Second: Michael Kirby

All in favor

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

The hearing is opened at 10:00 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
Lenore White, wetland peer review scientist representing conservation commission
Nigel Harling, 261 Valley Street

The applicant requests a continuance until July 27, 2015 at 7:40 p.m

Motion to continue until July 27, 2015 at 7:40 p.m.: Al Gigliotti

Second: Michael Kirby

All in favor

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

The hearing is opened at 10:00 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
Lenore White, wetland peer review scientist representing conservation commission
Nigel Harling, 261 Valley Street

The applicant requests a continuance until July 27, 2015 at 7:40 p.m

Motion to continue until July 27, 2015 at 7:40 p.m.: Al Gigliotti

Second: Michael Kirby

All in favor

Cont. NOI – 230 Valley Street, lot 25 – Delprete (DEP file no.: SE56-947)

The hearing is opened at 10:00 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
Lenore White, wetland peer review scientist representing conservation commission
Nigel Harling, 261 Valley Street

Mr. Kotowski has submitted new plans which show the following changes:

- Wetland flags located to the south of the site;
- House size has been reduced to 24 feet to 34 feet with a 40 foot setback from the side lot line;
- Back of the house is located at 50 feet from bordering vegetated wetland (b.v.w.);
- Deck is to be located at less than 50 feet from the b.v.w; and
- The house will have a walk out basement in the rear.

The commission asks for the following changes to the plan:

- The commission will require an approved septic plan from the Board of Health;
- A vegetated barrier must be installed at the limit of work (erosion control line);
- Stormwater drainage to run to the front, a french drain on the west side and connection to a roof drain;
- A French drain swale located on the east side at a distance of 26 feet from the b.v.w.;
- A concrete washout area to be located in the center of the lot;
- Conservation stakes at the limit of work every 50 feet stating no activity is allowed beyond this point;

Abutter Nigel Harling requests that the percolation tests be performed prior to the issuance of an Order of Conditions.

Motion to close hearing: Bob Clarke

Second: Al Gigliotti

All in favor

Motion to issue an Order of Conditions for new construction with the following special conditions: Bob Clarke

- The proposed project shall be built in accordance with the revisions to the approved plans entitled “Plot Plan”, revision date June 3, 2015 which bears the seals and signatures of Joseph E. Webby, Jr. PLS.
- A Board of Health permit for the septic system design must be submitted to the Pembroke Conservation Commission prior to any construction activity within 100-feet of any wetlands on this site or on any adjoining property.
- Revised plans will be submitted consisting of the following must be submitted to this office prior to the commencement of work:
 - a. The revised plans should include details on the stormwater management system which will drain to the front of the lot; roof runoff from the west side of the site will connect to french drains; the French drain/swale on the east side of the site will be installed at 26 feet from the bordering vegetated wetland;
 - b. Details on the concrete washout area to be located in the front center of the lot;
 - c. The limit of work for the project will be 26 feet from the bordering vegetated wetland;
 - d. A vegetated barrier consisting of plantings approved by the conservation commission must be installed along the 26 foot bufferzone.
 - e. grading along the driveway will be revegetated with plantings for erosion control.
- Any damage caused as a direct result of the project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
- Any ‘backwash’ associated with the construction of the house or septic system cannot be released to the wetland resource area without a treatment plan approved by the Conservation Commission.
- Prior to the commencement of work, permanent property line to property line markers must be installed along the 26-foot buffer zone line at a distance no greater than 50-feet. These fence posts must be a minimum of 4 inches in diameter and extend 2-feet above grade. Signs visible at a distance of 12-feet must be placed on every marker stating, “The area beyond this point must not be altered. Per order of the Conservation Commission”. This condition shall extend beyond the Certificate of Compliance unless specified otherwise by the Commission.
- Erosion controls consisting of silt sock having a diameter of 12 inches or greater must be installed prior to the commencement of work. The use of silt fence is prohibited by this order.

Second: Al Gigliotti

All in favor

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

The hearing is opened at 10:00 p.m.

Attending: Steven Kotowski, Webby Engineering representing applicant (not present)
 Lenore White, wetland peer review scientist representing conservation commission
 Nigel Harling, 261 Valley Street

Chairperson Mark Ames questions the Form A lot and whether there is an upland access. Mr. Kotowski says

that there is no upland access. A review of the assessor's maps indicates that there is upland access between 266 Valley Street and 272 Valley Street. The commission questions Mr. Kotowski whether the abutters have been notified. Ms. Whites states that the abutters should have been notified at the time of filing; and that the verification of the wetland line has not been performed.

Motion to continue until July 27, 2015 at 7:40 p.m. to allow Mr. Kotowski to notify abutters and to include an upland access to the lot: Al Gigliotti

Second: Michael Kirby

All in favor

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Discussion: Removal of Carey Day from the Commission and Investigation of Mark Ames by Selectboard

Chairperson Mark Ames discusses the unexplained removal of Carey Day by the selectboard following (nine) years of service, his contributions to the commission and commitment to the protection of the town's natural resources. Mr. Ames also discusses a request by the Selectboard for his appearance in executive session to discuss his removal from the commission. Although Mr. Ames has requested an explanation, none has been forthcoming. The commission reiterates their need for legal counsel to represent them and to answer a continued stream of inaccurate allegations from the selectboard.

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Minutes: June 1, 2015

Motion to accept minutes: Al Gigliotti

Second: Michael Kirby

All in favor.

Documents signed:

- Payroll Authorization Form and Agent payroll
- Determination of Applicability (DOA) for 16 Woodbine Road
- DOA for 21 Furnace Road
- DOA for Furnace Colony Beach
- DOA for Town Landing Beach
- DOA for Stetson Pond Beach
- DOA for Little Sandy Bottom Pond Beach
- Ratify violation letter re: 111 Old Washington Street
- Invoice – Wetland Strategies

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Adjournment

A motion was made by Carey Day to adjourn the meeting at 11:00 p.m. Second by Al Gigliotti. All in favor.