

Pembroke Conservation Commission
Minutes of the Meeting of
June 8, 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; Scott Glauben; Al Gigliotti; and Michael Kirby

Absent: Dan Smith

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

Location: Town Hall, Veteran's Hall

Opened: 7:30 p.m. (Chairperson Mark Ames opened the meeting and reads the prepared script that advises that the meeting is being made available to the public through a live video and audio broadcast and is also being recorded for airing at future dates. Comments made in open session will be recorded.)

RDA – Birch Street/Archer Street – Copperwood Circle Builders, Inc.

Attending: Thomas Pozerski, P.E., Merrill Corporation, representing applicant
 Larry Cashin, 75 Archer Avenue, abutter
 Mike Motta, 28 University Avenue, abutter
 Teresa and Bradley Melville, 22 University Avenue, abutters
 Sandra and James Lynch, 80 Archer Avenue, abutters
 Cynthia and David Ware, 34 University Avenue, abutters
 Richard C. Sawler, 8 University Avenue, abutter
 Cayla Hadfield, 47 Birch Street, abutter
 Craig Johnston, 47 Birch Street, abutter

Mr. Pozerski presents the application on behalf of the applicant (not present). The subject proposal involves the performance of soil evaluation and percolation tests for the future development of the site. Test pits for approximately 32 septic systems will be performed outside the 50 foot bufferzone (n.b. septic system percolation pits are exempt per 310 CMR 10.02(2)(b)2.g.). Percolation tests for future drainage systems may encroach on the 50 foot bufferzone, but will not involve any wetland crossings. Access to the site will be from Archer Street and Birch Street with limited clearing and will use small machines on an existing trail network. Restoration of the site will involve back filling and grading the area, and if needed, seeding. Mr. Pozerski does not foresee any tree removal, but may have to down some trees. Agent Bob Clarke would like to stipulate that he be present during the testing and will require 24 hours notice. All of these tests will also be witnessed by the Board of Health Agent Lisa Cullity.

Motion to close the hearing: Carey Day
 Second: Al Gigliotti
 All in favor

Motion to issue a Negative 3 Determination with the following conditions: Bob Clarke

- 1.) The percolation tests will be witnessed by the conservation agent;
- 2.) The agent must be given at least 48 hours prior to the commencement of testing; and 3.) Backfilling from testing must be smooth.

Second Carey Day

All in Second: Carey Day

All in favor.

Abutter's present during the hearing questioned Mr. Pozerski with regards to future development of the site as a housing project. As the questions were not relevant to the subject proposal, chairperson Mark Ames requested Mr. Pozerski to hold an informal question and answer session outside of the meeting room.

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

Member and Assistant DPW Director Scott Glauben recuses himself from the hearing.

Attending: Rob Cahoon, Project Engineer, CHA
 Jay Hall, P.W.S, CHA
 Eugene Fulmine, Jr., applicant and DPW Director
 Ben Bastianelli, DPW commission, chair
 Paul Whitman, DPW commission, vice-chair
 Joseph and Lenore Cunningham, Maquan Street, abutters

Vice-chairperson Carey Day requests permission from the DPW commissioners to act on application as he is an abutter to the water department property. Permission is granted.

The subject proposal involves the rehabilitation and improvement of Route 14 from the Hanson town line to Washington Street at Route 53 in Pembroke. The improvements include road widening, sidewalk installation, relocation of curb lines and road crowns, upgrading the existing stormwater drainage system to improve discharge to adjacent wetland resource areas; safety improvements; and replacing/extending three (3) culverts at Oldham/Furnace Ponds, Herring Brook and Little Pudding Brook. The project does not include a 1,300 foot portion of Mattakeesett Street and Center Street where recent construction has taken place at the intersection.

Rob Cahoon submits green cards and apprises the commission on the status of various permits required for the project to move forward, including: Section 106 clearance (received); Section 4(F) (received); Massachusetts Environmental Policy Act Environmental Notification Form (received); 401 Water Quality Certificate (WQC) (in process) and 404 WQC (in process); National Pollution Discharge Elimination System (NPDES) (this will be filed by the contractor through MassDOT); and Natural Heritage and Endangered Species Program (NHESP) (filed simultaneously with the Notice of Intent).

Mr. Cahoon provides an overview of the project using color ortho photographs and submitted plans. He states that the project involves more than one million dollars (\$1,000,000.00) in drainage improvements along the 3.2 mile linear project. Environmental impacts include 33 feet of bank alteration (2 feet permanent/31 feet temporary for the headwall replacement at Herring Brook); 518 square feet (SF) of alteration to a bordering vegetated wetland (BVW) (20 SF permanent/598 SF temporary) which will be mitigated by 116 SF of replication area; 418 SF of alteration to land under water (LUW) (20 SF permanent/398 temporary associated with the 2 foot culvert extension on the south side of Herring Brook); 99,425 SF of riverfront alteration, the majority of which currently exists as 61,220 SF of paved road way (new impacts include 8,400 SF of new roadway and 12,000 SF of new impervious paved area); 16,240 SF of roadway is located within bordering land subject to flooding (BLSF), 950 SF of BLSF will be impacted and 414 SF of compensatory flood storage is proposed at the intersection of Barker and High Streets; and 6.42 acres of alteration within the bufferzone of a BVW. Mr. Cahoon states that the

project qualifies as a limited project and has been designed to reduce impacts to resource areas to the degree practicable.

Mr. Jay Hall, P.W.S, provides an overview of wetland resource areas located along the project route starting at the Hanson town line. These resource areas consist of the following: Andruk Bog (BVW); Oldham Pond/Furnace Pond (Drinking Water Supply, Federal Emergency Management Agency (FEMA) Flood Zone AE, Outstanding Resource Water (ORW) Zone A surface water protection, and Natural Heritage and Endangered Species Program (NHESP) Priority Resource Habitat); Unnamed tributary connection Furnace Pond and Oldham Pond (riverfront area); Herring Brook and Little Pudding Brook (riverfront, anadromous/catadromous fish runs, NHESP Priority Habitat, LUW). Construction timing restrictions will be imposed to protect the presence of blueback herring and alewife; and roadway construction will use ‘turtle protocol’.

Mr. Hall also presents an overview of the proposed culvert improvements/replacements starting at the Hanson town line. The existing 4 foot by 2 foot culvert connecting Furnace Pond to Oldham Pond will be replaced with a 4 foot by 4 foot box that will be imbedded 2 feet into the ground to provide a natural base. Due to existing road height, the proposed Oldham Pond/Furnace Pond cannot meet current stream crossing standards.

The existing twin circular 48 inch culverts located at the Herring Brook will be extended by approximately 2 feet to support the installation of sidewalks and guardrails. The replacement of the culverts with a structure that would conform to current stream crossing standards was not considered as part of this project as it was determined that conditions of the existing culverts are satisfactory. In addition, the cost of spanning the stream is expensive and outside the scope of the project.

The existing 24 inch and 40 inch culverts at Little Pudding Brook are to be replaced with a 6 foot by 6 foot box culvert which will allow a 6 foot by 4 foot flow area. The openness ratio of the culvert will be improved by 50 percent over current conditions. This proposed culvert will not conform to current stream crossing standards, due to financial restraints, but was designed with a goal of improving upstream/downstream flow and aquatic wildlife passage.

This project involves impacts/alterations to three riverfront areas and therefore an alternatives analysis was required as part of the project design. The alternative analysis did not provide a lot of options and include the following: 1.) build it; 2.) do not build it; and 3.) relocation of the road (not feasible). The project is a limited project under the DEP regulations and the completed project will result in no loss of BVW.

Comments/questions from the conservation commission:

Agent Bob Clarke: Mr. Clarke questions whether the finished project will live up to current standards. Mr. Cahoon states that the subject proposal is considered a redevelopment project; it is in compliance with DEP regulations; they have made improvements to the degree practicable; and it includes more than a million dollars in drainage improvements. Mr. Clarke states that he understands the response to be a no.

Mr. Clarke further states that although the project is exempt from meeting DEP stormwater standards, he is looking for what is best for the Town of Pembroke.

Mr. Clarke also questioned whether the fish at the Herring Run were considered endangered species per NHESP (no), whether there will be time limit involved with work within the culverts (to be included in Order of Conditions – spring and fall dates), and placement of the water mains at the culverts (they will be placed over the culverts).

Member Michael Kirby: Mr. Kirby wanted confirmation from DPW Director Eugene Fulmine with respect to the condition of the culverts at Herring Brook that are not scheduled for replacement. Mr. Fulmine states that they are in good condition.

Chairperson Mark Ames: Mr. Ames asks about sidewalk impacts, especially compliance with ADA standards.

Mr. Cahoon says that the sidewalks cannot be less than 5 ½ feet without a lengthy waiver process from DOT (which would kill the project). Mr. Ames requested that placing the sidewalk on the north side of the roadway at the Herring Run Park would provide enhanced ADA accessibility to the park. Mr. Cahoon stated that the relocation of the sidewalk would constitute a major design change and that moving the sidewalk would shift the road (and kill the project).

Mr. Ames has also received questions/telephone calls from abutters questioning the right of way (ROW) takings and although it is not a wetland issue, he requested that Mr. Cahoon discuss their rights. The commission allows Mr. Cahoon to provide a brief overview of the ‘taking’ process and fields questions from abutters in attendance.

Vice-chairperson Carey Day: Mr. Day has spearheaded the review of this project on behalf of the commission. He states that he has based his review on the preliminary plans (63 sheets) submitted with the Environmental Notification Form filed in March. Mr. Day questions what changes, if any, exists between the old plans and the new plans (aside from major changes at STA 18+00). Mr. Cahoon states that there are no significant changes between the plans dated March 17, 2015 and May 18, 2015. Mr. Day offered the following comments:

- Sheet 2, General Note 6 regarding the determination of subsurface conditions: Have the borings been done? Have borings have been done in the proposed locations of the stormwater structures.
- Sheet 3: Pavement core logs at test hole #5 at house #135 – what street?
Test hole #3 and #6 – same location, yet different results. Please explain.
Are the test hole locations noted on any plans? None of the plans depict the location of the test holes
- Sheet 6: Discharge point 1 – proposed leach pit within 10 feet of wetland resource area (Rob Cahoon says it is the low point catch basin.) Questions: 12” corrugated manhole pipe eliminated? (Rob Cahoon states that it will not be eliminated). Treatment? (none)
- Sheet 6 and 7: Discharge points 1-3 can all be located in small low bog at STA 9+25. This location may provide great treatment prior to entering Zone A public water supply.
- Sheet 8: What is the treatment proposed for Discharge point 4 (covering the area from the barbershop to the rotary and exiting behind Dave’s autobody)? (Rob Cahoon states that CHA is looking to increase the overland flow before the stormwater meets the pond. As all the houses in this area have septic systems installed in the front of the lots, there is not room to install leaching basins.) (DPW Commissioner Ben Bastianelli states that they are doing the best that they can. Restrictions are driving the project). (Agent Bob Clarke states that by not meeting standards it may preclude the town from getting any funding in the future.) Mr. Day suggests that between wetland flag A-14 and A-15 is an area to clean the water and provide additional treatment.
Where does Discharge point 5 exit?
- Sheet 9: Discharge point 6 – the proposed leaching basins (3) – what are they picking up? The existing pipe flows across the street – what is the invert elevation? Mr. Day states that water within the pipe will not take a 90 degree turn to enter leaching basins – they need to connect to the system. (Agent Bob Clarke has problem with corrugated metal pipe – why is it not being replaced. Rob Cahoon says that they will replace the corrugated metal pipes). Mr. Day also points out that the area from the catch basin to the manhole has no flow to the leaching basins. (Rob Cahoon will check on this.)
- Sheet 10: Discharge point 7 – this is a corrugated metal pipe with no treatment with a direct discharge to Furnace Pond. Mr. Day reminds CHA that the conservation commission does not want any direct discharge into ponds.
Discharge point 8 – same instance as discharge point 7. The treatment is not in line and is not providing any cleansing. The headwall at 2950 is servicing approximately 2,000 feet of drainage. Will the headwall be eliminated?
Discharge point 9 – needs treatment
Pondview Avenue – the pipe is scheduled to remain. Can it handle the additional flow from the roadway widening?
Sta 37+00 (the concrete culvert at 9 Owl Bog): What is a ‘fish hook’? (it breaks the flow).
- Sheet 11: Discharge point 10 at Furnace Lane has no treatment. There is land at this location owned by the Town of Pembroke that can be used. (Rob Cahoon says that the land is occupied by a house and driveway).

Where is the water at STA 41+60 coming from?

What is at STA 41+64?

(DPW Commissioner Ben Bastienelli states that since the project began 12- 15 years ago, the scope of the project has changed. The town has invested a substantial amount of money in this project and it is very important to the town to complete. He feels that some water is mitigated and thinks that this is the best that we can do. Mr. Day states that the width of the road is expanding from 22 feet to 35 feet with the addition of 5 foot sidewalks. The runoff is changing from sheet flow off of the roadway to curbing with an increased impervious surface. The increase in runoff is flowing into the ponds. The town has spent lots of money to treat the ponds. These ponds are also used for drinking water.

- Sheet 12: The four (4) leaching basins are a good opportunity to clean the water. They should be looped.
- Sheet 13: Can the existing stormwater management systems at Warren Terrace handle the additional flow? Mr. Day requests details on what is happening there.
- Sheet 14: Discharge point 11 – where is it?
Discharge point 12 – is the pipe on town property? There is over 1,000 feet of drainage entering this point – is it capable to handle the discharge?
STA 77+49 – there are no pipes visible. Has this been revised? (Rob Cahoon will check both locations. Notes that there is a leaching field in front of the Council on Aging).
- Sheet 15: Discharge point 13 – the work is within 2 to 3 feet of the cattle pen.
- Sheet 16: Discharge point 14 – where is it going? Can the receptor handle it? (Gene Fulmine states that they are looking at it. Rob Cahoon says that MassDOT wants them off line and not to flow through leaching pits)
- Sheet 17: What is at STA 120+60? (Rob Cahoon says that the drain had to be removed)
Discharge point 15 – Is that a forebay? (yes) The plans need elevation of swale and sediment forebay.
- Sheet 18: Stormwater treatment consists of a vegetated swale. Can it handle the capacity. Mr. Day recommends rip rap to slow the flow.
Discharge point 17 – where is it? (Rob Cahoon says that it is off the roadway. CHA will propose a berm. The roadway is superelevated.) Mr. Day suggests moving the structure to the riverfront and have a splash pad at the bordering vegetated wetland to eliminate scouring. (Rob Cahoon says CHA will consider it and work it out with the homeowner.)
- Sheet 19: Discharge point 19 – is there treatment? (Rob Cahoon states there is very little room in this area as there is a culvert and it is located at the low point in the roadway and that the soil conditions are poor.)
Discharge point 20 – where is it?
- Sheet 20: Discharge point 21 – where does it go? (Rob Cahoon says that CHA is investigating.)
Discharge point 22 – where does it go; is it being treated (Rob Cahoon says it is not discharging into a jurisdictional area.)
- Sheet 21: Flow runs off onto Red Barn Road – is it being treated? And is the system capable of handling the additional runoff?
- Sheet 22: Discharge point 23 – where does it go; is it being treated? Why do the pipes depicted on plan change from a 12” diameter pipe to a 15” diameter pipe to a 12” diameter pipe over a distance of 1,000 feet? (Rob Cahoon states that CHA is looking to replace the pipes).
- Sheet 57: Erosion controls will consist of a single compost filter tube at 2 feet from the limit of work. The conservation commission would like it installed at the limit of work. Also the tube must be biodegradable and not a nylon net. Also the plans need details on culvert pipe construction.
- Sheet 58: The plan needs station markings and elevations. Catch Basin overflow elevation is only a few inches higher than the invert. (Rob Cahoon says that it flows into a closed system.)
- Public Shade Trees: 33 are scheduled for removal and will be replaced by 11. How much canopy will be lost? It is important to for pond temperatures, treatment and health.
- Flooding at Barker Street (discussion on date of dam blowout): Is DPW comfortable with not replacing the culverts at this location?

The commission, DPW and CHA discuss upcoming dates, plan revisions, the creation of draft Orders of Conditions (OOC), Stormwater Pollution Prevention Plan (SWPPP) and the expense of an outside consultant. An on-site inspection is planned for Friday June 12, 2015 at 2:00 p.m.

Motion to continue hearing to Monday, June 15, 2015 at 8:20 p.m.: Carey Day

Second: Michael Kirby

All in favor

-

-

Documents signed:

- Determination of Applicability (DOA) – 64 Blueberry Lane
- DOA – 173 Wampanoag Street
- DOA – 41 Station Street

-

Adjournment

A motion was made by Carey Day to adjourn the meeting at 10:30 p.m. Second by Al Gigliotti. All in favor.