

Pembroke Conservation Commission
Minutes of the Meeting of
May 11, 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; Michael Kirby; Scott Glauben; Dan Smith; and Al Gigliotti
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Veteran's Hall
Opened: 7:35 p.m.

Request for Minor Adjustment to Order of Conditions (OOC) – 47 Old Washington Street Street – Dornan (DEP file number: SE56-942)

Attending: David Crispen, BSC Group, representative
 Brianna Dornan, applicant and homeowner

Mr. Crispen is requesting two adjustments to the issued OOC for property located at 47 Old Washington Street.

First, the homeowner would like to install a privacy fence between the site and 55 Old Washington Street. The proposed fence will be located 6 inches off of the ground to allow the passage of turtles.

Motion to allow the installation of a privacy fence located 6 inches off of the ground: Scott Glauben
 Second: Dan Smith
 All in favor.

Secondly, although the construction of the stormwater management rain garden has not been completed, Mr. Crispen is requesting that an overflow swale be added to the design to direct excess water towards a catchbasin located on Old Washington Street. After the winter's snow melt there was 10 inches of water across the driveway. Mr. Crispen had requested that the DPW allow a direct connection to the town's catchbasin, but his request was denied (it would require a National Pollutant Discharge Elimination System (NPDES) permit). He is now proposing to change the grading to direct overland flow to the catchbasin.

The commission reminded Mr. Crispen that the issues of stormwater management and the adequacy of the system design were discussed during the original review of the filing. At that time Mr. Crispen averred that the system was designed to handle any and all storm events, and insinuated that the commission lacked the necessary background to understand the proposal.

Subsequent discussion on the minor adjustment to the OOC by the conservation commission included the following issues: grade changes directing flow to the catchbasin was essentially the same as an unallowed connection (Mr. Crispen stated that overland flow is allowed without a NPDES permit); possible safety issues with directing the water onto the street; that the grading change will result in the loss of municipal flood storage; whether the proposed change should be readdressed after the construction of the raingarden; whether Mr. Crispen should construct a larger raingarden; and whether the elevation of the driveway should be raised. A discussion in favor of the change included: similar instances where such work was allowed; the actual amount of water entering the system; whether the applicant should be penalized for requesting permission prior to the implementation of the change; and balancing the possibilities that the raingarden is adequately design vs. waiting several years and then perform the additional work.

Motion to grant a minor adjustment to the OOC to allow the construction of a swale: Michael Kirby
Second: Scott Glauben

Vote: 4-1-2

Roll Call: For (Michael Kirby, Scott Glauben, Dan Smith and Mark Ames) - Against (Carey Day) - Abstain (Bob Clarke and Al Gigliotti).

Motion allowed.

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

The applicant has requested a continuance until June 1, 2015.

The commission wants an update of the project peer review. As per the agreement, the commission was to meet Lenore White of Wetland Strategies on-site to review changes to the wetland line. Agent Bob Clarke's advises that, at this point, she has marked areas that need to be revisited by the applicant's wetland scientist. The commission wants the issue resolved prior to the next meeting and requests that the on-site meeting be scheduled after 6:00 p.m. to accommodate attendance by commission members.

Motion to continue until June 1, 2015 at 8:00 p.m.: Al Gigliotti

Second: Michael Kirby

All in favor.

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

The applicant has requested a continuance until June 1, 2015.

Motion to continue until June 1, 2015 at 8:00 p.m.: Al Gigliotti

Second: Michael Kirby

All in favor.

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

The applicant has requested a continuance until June 1, 2015.

Motion to continue until June 1, 2015 at 8:00 p.m.: Al Gigliotti

Second: Michael Kirby

All in favor.

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

The applicant has requested a continuance until June 1, 2015.

Motion to continue until June 1, 2015 at 8:00 p.m.: Al Gigliotti

Second: Michael Kirby

All in favor.

Discussion: Animal Rescue League Property

Agent Bob Clarke reports that the undeveloped portion of this property (the land owned by the Anna Harris Smith Conservation Trust) has been sold. He has been approached by a wetland consultant to walk the wetland line and provide an unofficial opinion of the delineation and has been told that the new owners would then gift the wetland portion to the Town of Pembroke. Mr. Clarke feels that rendering his opinion may be construed as a conflict of interest and wants to decline the invitation. The commission has several items to discuss in this regard, including: why the conservation commission should only accept the wetland portion of the site; whether the new owners should be responsible for the property as environmental stewards; whether the gift would include the access easement from 599 Washington Street; and that fact that the developer gets to transform a ‘tax exempt’ conservation trust site into a possible housing development.

With regards to the tax status of the property, the commission requests that a memorandum be prepared and sent to the assessor’s office. They feel that the Town of Pembroke is deprived of valuable tax revenue by allowing someone to create a tax-exempt non-profit conservation trust on a large parcel of land until such time as a buyer/developer is found.

Discussion: Andruk Bog Conservation Restriction (CR)

Commission member and DPW Assistant Superintendent Scott Glauben recuses himself from the discussion.

The commission has received and reviewed a copy of the ‘draft’ CR for this property. The document is basically a template and it does not represent the features and restrictions previously communicated to the Community Preservation Committee (CPC). It does not protect the interests of the conservation commission or the DPW. It does not provide parking for the passive recreational use of the property. It does not discuss the possible use of the property to provide drainage and stormwater management from the Route 14 project. It does not provide any ultimate authority for a grantor.

The conservation commission requests that a memorandum be sent to the CPC informing them that, after a review of the ‘draft’ CR, the commission recommends no action to be taken until a new draft is prepared.

Discussion: Route 14 Reconstruction Project

Barbara Thissell, P.E. has requested guidance in the review of the project. She has performed a preliminary review of the plans and has familiarized herself with the site. The commission recommends waiting for a formal filing of the NOI.

The commission discusses the status update to the selectboard.

Discussion: High School Drainage Basin

Agent Bob Clarke reports that the work is coming along nicely. The existing basin may be expanded to handle the stormwater runoff. Project engineer Ryan Trahan is also aware that the abutting property is not owned by the Town of Pembroke.

Discussion: 64 Blueberry Lane - Enforcement Order

Status: The erosion controls has been installed, inspected and approved by the agent; the fine has been paid; and a Request for Determination of Applicability has been filed.

Minutes: April 27, 2015

Motion to accept minutes: Michael Kirby

Second: Al Gigliotti

Vote: 6-0-1 for-against-abstain; Vice-chairperson Carey Day abstains

Minutes: April 13, 2015

Motion to accept minutes: Michael Kirby

Second: Al Gigliotti

Vote: 6-0-1 for-against-abstain; Vice-chairperson Carey Day abstains

Minutes: March 30, 2015

Passover until next meeting. Commission would like to be provided with another copy for review.

Meeting: May 18, 2018

Currently there are no items on the agenda. Meeting is cancelled.

Summer Schedule

Discussion put over until meeting of June 1st.

Discussion: Boat Ramp at Oldham Pond

A Notice of Intent will be filed for the removal and expansion of the boat ramp at this location.

Documents Signed

- Perma-line bill re: signs
- Regulation violation and fine re: 64 Blueberry Lane
- Gatehouse Media bill
- Order of Conditions for 105 Furnace Lane (DEP file number SE56-953)
- Order of Conditions for 0 Crescent Street (DEP file number SE56-954)

Adjournment

A motion was made by Michael Kirby to adjourn the meeting at 9:30 p.m. Second by Al Gigliotti. All in favor.