

The Commonwealth of Massachusetts

General Court

State House, Boston 02113-1054

April 13, 2021

Mr. Frederick Casavant, IV, Chair
Zoning Board of Appeals
Town of Pembroke
Via Electronic Mail

RE: River Marsh, LLC 40B application

Dear Chairman Casavant,

We write in regard to the comprehensive permit application of River Marsh, LLC (Case #48-18) now pending before the Pembroke Zoning Board of Appeals.

As legislators representing communities along the North River, we are deeply concerned by the negative impacts the proposed development could have on this historic waterway. This includes the construction of a wastewater treatment plant adjacent to the buffer zone which would cross over sensitive wetlands. The North River is a jewel of the South Shore, a scenic, cultural and recreational resource enjoyed by our entire region. It is also an ecologically significant waterway enjoying state and federal protections.

The U.S. Department of Interior has designated the North River as National Natural Landmark, a federal recognition for "nationally significant geological and ecological features." It is one of only eleven such landmarks in the state. While this federal designation does not prescript activity, it does specify that state and local government agencies should factor such status in all future land-use decisions. (36 CFR § 62.3)

The North River is also protected under the state's Scenic and Recreational Rivers Act (302 CMR 3) dating back to 1978. This protective order restricts use and development of land within the river corridor, including upland areas. The North River is unique in the Commonwealth as the only such river afforded this special protection.

(more)

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We would also note that Governor Baker recently signed into law “An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy” (Chapter 8 of the Acts of 2021). This new law includes the requirement for an Environmental Impact Report for any project that is likely to cause damage to the environment and is located within one mile of an environmental justice population. (If it is shown that the project affects air quality the distance is increased to five miles.) Within the broader North River watershed area there are currently two areas that would meet this definition, according to information from the Executive Office of Energy and Environmental Affairs. That is subject to change when the 2020 census tract data is released. Notably the statute specifically states that no agency may exempt a project from this requirement, if it is indeed implicated (Sec. 59).

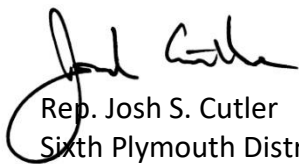
Finally, please be advised that legislation is now pending before the Massachusetts General Court which would further regulate development within a state scenic river corridor. This legislation (H.D.2900) could also materially impact the development application now before you. **A public hearing on this bill has not yet been held and we would respectfully urge the Board to give the public an opportunity to weigh in before any favorable action is taken.**

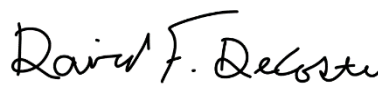
The siting of a wastewater treatment plant on a nearly thirty acre wetland complex could have an unprecedented and irreversible impact on the North River watershed. We are also concerned with the impact of a stormwater management system on this protected estuary.

We greatly appreciate the time and attention your Board has taken to thoroughly review and vet this development. We hope the information and concerns expressed will be helpful to your considerations.

Should you have any questions or if any of our office can provide additional assistance please do not hesitate to contact us.

Warmest regards,


Rep. Josh S. Cutler
Sixth Plymouth District


Rep. David DeCoste
Fifth Plymouth District


Sen. Patrick O'Connor
Plymouth & Norfolk District


Rep. Joan Meschino
Third Plymouth District


Sen. Susan Moran
Plymouth & Barnstable District

cc: Select Board, Town of Pembroke
Chrystal Kornegay, Massachusetts Housing Finance Agency
Gary Wolcott, North River Commission
Samantha Woods, North and South River Watershed Association