



**Pembroke Conservation Commission
Minutes of the Meeting of
June 18, 2018
Pembroke Town Hall, Room 3**

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 Pembroke Conservation Commission office.

Open Meeting Law, G.L.c. 30A § 22.

Members present: Robert Clarke, Member and Agent; Arthur Egerton, Member; Richard Madden, Member; Sandra Simon, Member; Mark Sotir, Chairman
Members absent: Scott Glauben, Vice Chairman; Sharon McNamara, Member
Staff present: Rachel Keller, Administrative Agent

At 7:00PM, Mr. Mark Sotir, Chairman, opened the meeting and asked the members to introduce themselves, and then stated that the proceedings would be made available to the public through video or audio broadcast on the PACTV Government Access Channel for broadcast at future dates and that all comments made in open session would be recorded.

ADMINISTRATIVE BUSINESS

Meeting minutes

A motion was made by Ms. Simon and seconded by Mr. Madden to accept and approve the draft minutes of the June 4, 2018 meeting, as written. All in favor. Motion passed unanimously.

UNSCHEDULED DISCUSSIONS

Wild Parsnip

There was discussion about the former attempts to decide how to eradicate the invasive plants at Herring Run Park. It was suggested that it might not be under the jurisdiction of the commission at all. The administrative agent informed the members that the last time this particular issue was discussed last spring, the commission generally thought it was something that would ultimately have to be decided by the board of selectmen. The chairman then instructed the administrative agent to add this topic to the agenda for a future meeting.

Materials or other exhibits used by the public body in an open meeting are available to the public, within 10 days, upon request.

Work at the Brockton pumping station

The agent informed the members of some work he discovered that was being done at the pumping station at Furnace Pond without a permit from the commission. The chairman said the work being done there was basically dredging and that the material collected was put on the banks. The agent spoke to Brad Chase, Massachusetts Division of Marine Fisheries, about it and noticed shortly thereafter, some of the debris had been cleared; however, during the cleanup, some trees were damaged and are now hanging into the canal. The chairman directed the administrative agent to send a letter requesting information about the work that had been performed at the pond and direction to the division to request a hearing with the commission prior to the commencement of any work at the ponds.

HEARINGS

Request for Determination of Applicability (RDA) – 24 Forest Street – Braveman

Attendee: Shayne McGlone, McGlone Enterprises

Mr. McGlone explained that the homeowner is selling her home, but in order to do so, she must have the septic system on the property upgraded. He further explained that the plan includes installation of a new leaching field in the front yard, which keeps the limits of work 51' from the edge of the recourse area on the property.

A motion was made by Mr. Clarke and seconded by Mr. Madden to close the hearing. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a negative 3 determination with all of the usual conditions. All in favor. Motion passed unanimously.

Request for Determination of Applicability (RDA) – 38 Cranberry Road – Reardon

Attendee: Blake Reardon, property owner

Mr. Reardon explained that he would like to build a 6' addition, with a block or poured concrete foundation, on his home which is on Gorham Mill Pond. The agent informed Mr. Reardon that the only erosion control measures accepted by the commission are silt sock and staked hay bales. He also stated that stockpiling of materials would not be allowed.

A motion was made by the agent and seconded by Mr. Madden to close the hearing. All in favor. The motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a negative 3 determination – build according to plans – with siltation measures as discussed. All in favor with Mr. Egerton abstaining from the vote due to the close proximity of his residence to the subject property. Motion passed.

(cont.) Notice of Intent (NOI) – 49 Canoe Club Lane – Moberg (DEP File # SE056-1012)

The administrative agent informed the members that the applicant forwarded a letter – which was included with their meeting materials – from the Massachusetts Division of Fisheries & Wildlife that explained that the Natural Heritage & Endangered Species Program determined that although the endangered species Estuary Beggar-Tick (*Bidens hyperborean*) is in the vicinity of the proposed project, the work would not adversely affect the habitat of the plant. In addition to the letter, there was an email from the applicant indicating agreement to the list of conditions imposed by Mass Wildlife and a request that the hearing be closed.

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A motion was made by Mr. Clarke and seconded by Ms. Simon to close the hearing. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Mr. Madden to issue an order of conditions with all agreed upon conditions, including the conditions issued by Mass Wildlife. All in favor. Motion passed unanimously.

(cont.) Notice of Intent (NOI) – 45 Taylor Street, Libby's Lane – K&G Development (DEP File # SE056-1014)

Attendees: Richard Grady, Grady Consulting; Robert Gosselin, K&G Development Corp.; Marta Nover, Nover-Armstrong Associates; Mike Tyler, abutter

Mr. Richard Grady informed the members that Mr. Brad Holmes and Ms. Marta Nover had visited the site together to review the flagging of the intermittent stream and the riverfront in the rear that was originally submitted with the NOI filing. Mr. Grady stated that after the site visits, the two wetland scientist were in agreement regarding the flagging of the intermittent stream; however, they were not in agreement regarding the flagging of the riverfront area.

Ms. Nover explained that at her visit to the site with Mr. Holmes, the area was flooded. She stated that if it is flooded now, at mean annual high water she would suspect there would be more standing water to a greater depth at other times during the year. She described the soil as being what is called "Freetown mucky peat" and said that 1-2' of water typically covers the surface of this type of soil for most of the year. She further stated that there is no difference in the vegetation from the brook to the wooded swamp. She concluded that the bank boundary is indeed coincidental with the mean annual high water mark, but that line is closer to the proposed project than is indicated in the proposed plan.

There was some general discussion about the possibility of Mr. Grady agreeing to a change in the riverfront line. Mr. Grady said that he "could live" with a change to the line being moved 20' behind the B-series flags. There was no compromise. Mr. Grady stated he would like to continue the hearing and hire John Zimmer to reflag the areas in question.

A motion was made by Ms. Simon and seconded by Mr. Madden to continue the hearing to July 2, 2018 at 7:20PM. All in favor. Motion passed unanimously.

A motion was made by Ms. Simon and seconded by Mr. Clarke to close the meeting at 8:26PM. All in favor.

Materials and Exhibits

Draft minutes of June 4, 2018 meeting

Certificate of Compliance for 74 Toole Trail

Determination of Applicability for 0 Woodbine Avenue

Request for Determination of Applicability and accompanying documentation for 24 Forest Street

Request for Determination of Applicability and accompanying documentation for 38 Cranberry Road

Notice of Intent and accompanying documentation for 49 Canoe Club Lane

Notice of Intent and accompanying documentation for 45 Taylor Street, Libby's Lane

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