



**Pembroke Conservation Commission
Minutes of the Meeting of
September 24, 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
Member(s) absent: Scott Glauben, Vice Chairman
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

Minutes

A motion was made by Mr. Clarke and seconded by Ms. Simon to accept and approve the minutes of the August 13 and August 27, 2018 meetings, as written. All in favor. Motion passed unanimously.

DISCUSSIONS

Process for recommending new members

The chairman mentioned that it is his understanding from his experience of applying to the commission that the process for accepting new members to town boards, committees and commissions is for the vacancy to be posted publicly and then the applicant to attend meetings, submit an application and be interviewed by the members and then recommended to the board of selectmen. He noted that this process is not always adhered to by the board of selectmen, as they have appointed applicants to the commission without input from its membership. There was discussion about the preferences of the members for the proper procedures for the appointment of new members. Following discussion,

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A motion was made by Ms. Simon and seconded by Mr. Egerton to accept the following procedure for new applicants to the commission. Mr. Egerton was not in favor of the motion. All other members were in favor. Motion passed.

1. Advertise a new vacancy on the commission for 14 calendar days via the town website homepage and commission's page, relevant social media sites and in the town hall
2. Require attendance at two commission meetings prior to the submittal of a volunteer application
3. Conduct an interview of each candidate after attendance at two meetings and receipt of volunteer application
4. Commission members deliberate on the merits of each candidate, decide which is/are the best fit and forward their recommendation(s) to the board of selectmen for appointment

Approval for funding delineation of the land behind the community center

The agent informed the members that the town administrator has requested a \$10,000.00 loan from the commission to hire a firm to delineate the wetlands behind the community center. The purpose of the delineation is to have a proper depiction of the wetlands on a concept plan that will be promoted by the community center study group.

A motion was made by Mr. Clarke and seconded by Ms. Simon to make available to the town up to \$10,000.00 from the commission's wetlands account for the delineation of the wetlands on the property behind the community center – to be repaid to the wetlands account by the town at a future date. All in favor. Motion passed unanimously.

HEARINGS

Notice of Intent (NOI) – Copperwood Estates – Kelley (DEP File # SE056-0961)

Attendees: Chris Sanderson, Merrill Engineers and Land Surveyors; Eoghan Kelley, Downwind Realty, LLC

Mr. Sanderson informed the members the hearing was requested to present an amendment to the order of conditions that was issued for the Copperwood Estates subdivision. The purpose of the amendment is to change the wetlands crossing portion using retaining walls with culverts to a timber and steel bridge, which will ultimately minimize the impact to the wetlands. As originally proposed, there was an alteration of 3,700 sq. ft. of wetlands; however, with the amendment, there would be an alteration of 1,560 sq. ft., instead. There was discussion about the necessary release of replication area 1B, with the continued inclusion of replication area 2C.

A motion was made by Ms. Simon 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 require the applicant to furnish approvals from the DPW, the Pembroke police and fire departments, the planning board and the board of zoning and building appeals and to then issue an amended order of conditions with allowance for the bridge and release of replication area 1B. All in favor. Motion passed unanimously.

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Request for Determination of Applicability (RDA) – 5 Fairview Avenue – D'Olimpio

Attendees: Stephen D'Olimpio, applicant

Mr. D'Olimpio stated he would like to remove the existing deck from his home and add a 15' X 16' room to his home in place of the deck. The agent mentioned that 12" silt sock or hay bales will be required around the lower edge of the property to prevent siltation.

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 Ms. Simon to issue a negative three determination with the special condition that a silt sock be installed between the work and the pond in a "U" formation, prior to any digging, to ensure siltation does not occur in the pond and that the stockpiling be done so that siltation does not occur. All in favor. Motion passed unanimously.

Request for Determination of Applicability (RDA) – 35 Bluejay Way – van den Toorn

Attendees: Bernhard van den Toorn, applicant

Mr. van den Toorn explained that he would like to remove some brush and stumps from a 50' X 30' area on the rear of his property. The agent informed the members that the wetlands on the property are federally regulated and because of this, there is no buffer zone; therefore, the applicant can work up to the wetlands line. There was discussion about the replanting of trees.

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 three determination. All in favor. Motion passed unanimously.

Notice of Intent (NOI) – 50 Allen Street – McGill (DEP File # not yet issued)

Attendees: Rick Grady, Grady Consulting, L.L.C.; Don McGill, applicant; Laura and Charles Dannison, abutters at 60 Allen Street; Paul Kelleher, abutter at 1 Old Center Street; Donna Bagni, seller's realtor at 68 Dwelley Street

Mr. Grady explained that the proposed construction would mainly be in a location on the property that is a previously developed grass area of the 90,000 sq. ft. lot. The building is proposed in the front, approximately 62' from the edge of pavement front to keep the work away from the BVW that is associated with the herring run. The septic is located in the front corner to further prevent impacts to the wetlands. There is proposed erosion control around the perimeter of the project to prevent sedimentation from entering the resource areas. The proposal includes a request to fill approximately 1,500 sq. ft. of wetland, as is necessary to meet zoning requirements.

There was discussion about the planting plan, including the types of plants to be used. Mr. Madden asked Mr. Grady to change the proposed vegetation plan to include North Atlantic white cedar trees (in groupings), bayberry and witch hazel. There were some comments regarding drainage concerns from the abutters. There was further discussion about requiring the replication be changed from 1:1 to 2:1.

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

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A motion was made by Mr. Clarke and seconded by Ms. Simon to issue, upon receipt of a DEP file number, an OOC to include the stipulation of a 2:1 replication requirement. A new plan to be sent to the commission by the applicant's representative. All in favor. Motion passed unanimously.

A motion was made by Ms. Simon and seconded by Mr. Madden to close the meeting at 8:51PM. All in favor.

Materials and Exhibits

Notice of Intent and accompanying documentation for Copperwood Estates bridge amendment
Request for Determination of Applicability and accompanying documentation for 5 Fairview Avenue

Request for Determination of Applicability and accompanying documentation for 35 Bluejay Way

Notice of Intent and accompanying documentation for 50 Allen Street

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