



**Pembroke Conservation Commission
Minutes of the Meeting of
November 5, 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; Gino Fellini, Member; Scott Glauben, Vice Chairman; Richard Madden, Member; Sandra Simon, Member; Mark Sotir, Chairman

Members of the public: Ronald Boidi, Pembroke resident

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.

DISCUSSIONS

Hiring of review engineer for the Herring Run Park Notice of Intent (NOI)

Mr. Fellini and Mr. Madden discussed their concern about hiring an independent engineer for the review of the NOI submitted by the town administrator for work to include ADA accessibility measures, restoration of the fish ladder and installation of a water wheel at Herring Run Park. They believe there are enough engineers already working on the project and that another engineer would slow the process and be seen as an authoritative figure. The agent and administrative agent reminded the members that hiring an independent engineer to review a project is done routinely to be sure conservation's interests, on behalf of the town, are being observed.

A motion was made by Mr. Fellini and seconded by Mr. Madden to rescind the vote taken and passed on October 29, 2018 to hire an independent engineer to review the Herring Run Park NOI submitted by town administrator, Edwin Thorne. Mr. Fellini and Mr. Madden were in favor of the motion. All other members were not in favor of the motion. The motion failed.

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

HEARINGS

Notice of Intent (NOI) – Herring Run/Brook – Thorne (DEP file number – not yet issued)

The agent explained that there is a state directive for local fisheries groups to perform normal maintenance work in the waterways, but a conservation permit is required for the work to actually be performed.

A motion was made by Mr. Clarke and seconded by Mr. Fellini to close the hearing and to issue an order of conditions, upon the issuance of a DEP file number, to give permission to the Pembroke Herring Fisheries Commission to perform normal maintenance from Oldham Pond to the North River. All other members in favor. Motion passed.

(cont.) Notice of Intent (NOI) – 211 Barker Street, Herring Run Park Improvements – Thorne (DEP File # SE056-1025)

Attendees: Mel Higgins, Weston & Sampson, Inc.; Scott Russo, Weston & Sampson; Edwin Thorne, applicant and Pembroke Town Administrator; Brad Chase, Massachusetts Division of Marine Fisheries; Willard Boulter, Pembroke Herring Fisheries Commission member

The chairman asked Mr. Mel Higgins if the information requested by the commission had been added to the plans. Mr. Higgins informed the members that contours, a scale bar and erosion control information was added to the plans. The agent asked if there was a benchmark on the plan. Mr. Higgins was unsure. The agent then asked if it would make more sense to separate the ADA accessibility portion of the project from the other two parts since it is still in a preliminary design phase and the ADA accessibility representative for the town has not seen or approved the plan. Mr. Higgins agreed to contact Brandon Gulnick in the BOS's office to discuss the ADA accessibility portion of the plan and amend the NOI to remove that portion of the work from this application.

There was then some discussion about the timeframe for the work on the fish ladder. Mr. Willard Boulter stated that the springtime would not be feasible due to the migration schedule of the fish and that the best time to complete the work would be mid-to-late November or the first part of December. He further stated that springtime would also not work for the DMF's schedule, either. The agent explained that the current submission, though, is just a concept and not a buildable plan that can be approved by the commission since there is no benchmark and no measurements or elevations. Mr. Brad Chase of the Massachusetts Division of Marine Fisheries stated that he could schedule a review of the site for Tuesday or Wednesday of next week for measurements (dimension of the weirs, their placement and the proper elevations), communicate with Weston & Sampson to determine where their benchmark is and then provide their data to Weston & Sampson for addition to the plan to be submitted to the commission at the next scheduled meeting. He then informed the members that the concrete work could not be done until after the spring of 2019.

There was no further discussion, therefore;

A motion was made by Mr. Clarke and seconded by Ms. Simon to continue the hearing to November 19 at 7:20PM. All in favor. Motion passed unanimously.

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A motion was made by Mr. Clarke and seconded by Ms. Simon to close the meeting at 8:04PM.
All in favor.

Materials and Exhibits

Notice of Intent and accompanying documentation for Herring Run/Brook

Notice of Intent and accompanying documentation for 211 Barker Street, Herring Run Park

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