



**Pembroke Conservation Commission  
Minutes of the Meeting of  
November 19, 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.

**MEETING MINUTES**

A motion was made by Ms. Simon and seconded by Mr. Madden to accept the minutes, as written, of the October 29, 2018 meeting. All in favor. Motion passed unanimously.

**FORMS FOR SIGNATURE**

A motion was made by Mr. Clarke and seconded by Mr. Madden to issue a certificate of compliance for 242 Valley Street (DEP File # SE056-0976). All in favor. Motion passed unanimously.

**DISCUSSIONS**

**Maintenance work at Bicentennial Trail**

The agent informed the members that a Boy Scout is interested in doing some maintenance trail work at Bicentennial Trail and he asked Mr. Madden about the status of the work he and others

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have been doing there. Mr. Madden said there has been some brush cutting and cutting of logs will begin soon. He said he would welcome the help from the Boy Scouts.

#### **Invasives at Mill Pond**

Mr. Fellini asked who is permitted to complete and submit the application to perform the work needed to remove the invasives at Mill Pond. The agent informed the members that anyone can submit the application – a Notice of Intent (NOI) – with a plan.

#### **HEARINGS**

##### **Notice of Intent (NOI) – Herring Run/Brook – Thorne (DEP file # - SE056-1025)**

##### **Attendees: Mel Higgins, Weston & Sampson; Willard Boulter, Pembroke Herring Fisheries Commission**

Mr. Mel Higgins reminded the members that at the previous meeting, it was said that the ADA portion of the application should be removed completely; however, since then, it was determined that a small portion of ADA work would remain – the portion near the culvert, ADA-compliant safety handrails to be installed. The agent asked what material would be used for the handrails, as a more natural look would be preferred. Mr. Higgins said aluminum pipe would be used. Mr. Glauben mentioned that approval of materials might need to be obtained from the Pembroke Historical Commission.

The agent confirmed that a narrative was submitted by the Division of Marine Fisheries (DMF) which contains ample information to deem all questions answered for that portion of the project. Mr. Higgins informed the members that with the new information from DMF, the NOI form was updated to show the reduced impact to the riverfront area.

There was lengthy discussion regarding the absence of an accurate benchmark on the plan and corresponding elevation markers, especially with regard to the digging associated with the base for the water wheel. Mr. Higgins stated that he would agree to a condition that would include a survey of the area prior to any digging taking place, with an update to the plan.

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

There was discussion about the schedule for issuance of the order of conditions (OOC). Mr. Willard Boulter stated that the order should be issued as soon as possible so the work can begin now since, if the work does not begin until next summer, he believes the funding will no longer be available. The agent asked where the funding is coming from. Mr. Boulter stated the funding, in the amount of a \$100,000.00 grant, is coming from the (state) government. The agent questioned the appropriateness of using the referenced grant funds for the installation of the water wheel. Mr. Boulter assured the members that although the contract between the town and the state does not specifically name the water wheel as an approved part of the project for these funds, he obtained verbal permission from governmental officials, including Josh Cutler, Vinny deMacedo and Ms. (Nancy) Pelosi, to use the funding for the installation of the water wheel.

The agent then asked if the water quality certification requirement had been satisfied. Mr. Higgins informed the members that an official with the DEP verified that if the US Army Corps of Engineers confirms it does not need to review the project, a water quality certification review is not required either. He has forwarded the NOI to the Army Corps several times and is still awaiting a response.

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A motion was made by Ms. Simon and seconded by Mr. Madden to issue an OOC with special conditions. All in favor. Motion passed unanimously.

There was discussion regarding the timeline for issuance of the draft OOC. Some members thought an OOC with special conditions should be drafted and approved prior to the conclusion of the meeting; however, the agent informed the members that the administrative agent would need some time to draft an OOC with special conditions that would include all of the interests and requirements of the commission that were discussed at the current and previous meetings. Mr. Egerton proposed authorizing additional work hours for the administrative agent to prepare the draft by November 26, 2018. A majority of the members agreed that a week deadline, with the town hall being closed at the end of the week including two days for the thanksgiving holiday, was not reasonable and that a deadline of December 3, 2018 would be more appropriate.

An amended motion was made by Mr. Clarke and seconded by Mr. Glauben to direct the administrative agent to prepare a draft order of conditions, with special conditions, for review at a meeting on December 3, 2018. All in favor. Motion passed unanimously.

**Request for Determination of Applicability (RDA) – 33 Fairwood Drive – Caprio**

**Attendees: Robert Crowell, Crowell Engineering**

Mr. Robert Crowell stated the existing system has failed. He explained proposed placement of the system and erosion control measures. The agent confirmed that 12" silt sock is preferred by the commission, but 10" would be allowed in the flatter, more level areas of the proposed work area.

A motion was made by Ms. Simon and seconded by Mr. Glauben 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 stipulations. All in favor. Motion passed unanimously.

A motion was made by Ms. Simon and seconded by Mr. Glauben to close the meeting at 8:45PM. All in favor.

Materials and Exhibits

Request for Certificate of Compliance and accompanying documentation for 242 Valley Street  
Request for Determination of Applicability and accompanying documentation for 33 Fairwood Drive

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

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