



**Pembroke Conservation Commission  
Minutes of the Meeting of  
March 11, 2019  
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:** Ronald Boidi, Member; Robert Clarke, Member and Agent; Arthur Egerton, Member; Gino Fellini, Member; Richard Madden, Member; Sandra Simon, Member; Mark Sotir, Chairman  
**Staff present:** Sabrina Chilcott, Administrative Assistant to the Town Manager  
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 of the meeting**

There was discussion about whether the herring fisheries members assured the abutters that any property damage would be remedied by the herring fisheries commission. The administrative agent was asked to update the minutes to reflect what was promised.

A motion was made by Ms. Simon and seconded by Mr. Clarke to accept the minutes of the January 28, 2019 meeting. All in favor. Motion passed unanimously.

**Forms for Signature**

A motion was made by Mr. Clarke and seconded by Mr. Egerton to issue a certificate of compliance for 34 Beverly Way, MA DEP File # SE056-1011. All in favor. Motion passed unanimously.

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

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a partial certificate of compliance for 19 Ironwood Road, MA DEP File # SE056-0997. All in favor. Motion passed unanimously.

### **HEARINGS**

#### **Request for Determination of Applicability (RDA) – Gorham Mill Pond – Thorne**

**Attendees: Ms. Sabrina Chilcott, Assistant to the Town Manager (on behalf of Edwin Thorne, Pembroke Town Manager); Mr. Williard Boulter, Secretary to the Pembroke Herring Fisheries Commission; Mr. Bradford Chase, Massachusetts Division of Marine Fisheries**

Mr. Willard Boulter gave the members a brief history of the local fisheries group's work in Pembroke and explained to the members why he believes an administrative review would be sufficient for an application for this particular project. He further stated that his interpretation of the WPA exempts this type of activity in a resource area. He also stated that in 2016 and 2018 the conservation commission approved the memo for stream channel maintenance written by the Massachusetts Division of Marine Fisheries. The chairman stated that there is no documentation verifying that the memo was approved in 2016 and as he was on the commission in 2018, he knows it was not approved in 2018. He asked Mr. Bradford Chase to communicate with the commission's DEP circuit rider to discuss the possibility of getting the DEP to approve the work outlined in the memo as an exemption.

There was then discussion about the current conditions at the pond. Mr. Madden and Mr. Fellini informed the members that there is a "floating island of invasives" that they believe poses a threat to the fish ladder and therefore constitutes an emergency. The administrative agent informed the members that she solicited a response from the DEP circuit rider to the question of whether the DEP would consider this an emergency – the DEP circuit rider stated that this situation would not be deemed an emergency, especially since the health and/or safety of the residents is not in danger. The agent said that if the so-called "floating island" goes within 10' from the dam, it could be considered an emergency and a mini-excavator situated on the dike would be permissible to clear the vegetation away from the fish ladder. He added that a claw bucket proper for vegetation removal should be used.

A motion was made by Mr. Clarke and seconded by Mr. Madden to authorize emergency removal of the "floating island" from the Mill Pond. All in favor. Motion passed unanimously.

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

#### **Notice of Intent (NOI) – Gorham Mill Pond – Thorne (DEP File # - not yet issued)**

**Attendees: Ms. Sabrina Chilcott, Assistant to the Town Manager (on behalf of Edwin Thorne, Pembroke Town Manager); Mr. Williard Boulter, Secretary to the Pembroke Herring Fisheries Commission; Mr. Bradford Chase, Massachusetts Division of Marine Fisheries**

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

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## **OLD BUSINESS**

### **Tree planting proposal presented by Mr. Egerton and Mr. Madden**

Mr. Egerton informed the members that he and Mr. Madden have most of their plan materials together, but they do not have a formal proposal to present to the commission just yet. He mentioned that the delivery/pickup method for the trees has not yet been determined. Mr. Madden stated that Sunshine Farms will provide the outhouses at a lower cost than last year. The chairman stated that the only business of the commission would be to approve funding for the purchase of the trees.

A motion was made by Ms. Simon and seconded by Mr. Madden to continue this agenda item to the next meeting date when Mr. Egerton and Mr. Madden expect to have a plan to present to the members. All in favor. Motion passed unanimously.

A motion was made by Ms. Simon and seconded by Mr. Clarke to close the meeting at 8:35PM. All in favor.

## **Materials and Exhibits**

Draft minutes of the January 28, 2019 meeting

Certificate of Compliance for 34 Beverly Way, MA DEP File # SE056-1011

Partial Certificate of Compliance for 19 Ironwood Road, MA DEP File # SE056-0997

Request for Determination of Applicability (RDA) and accompanying documentation for Gorham Mill Pond

Notice of Intent (NOI) and accompanying documentation for Gorham Mill Pond, MA DEP File # not yet issued

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