



**Pembroke Conservation Commission
Minutes of the Meeting of
April 8, 2019
Pembroke Town Hall, Room 13**

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 (remote participation via cell phone); 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

A motion was made by Mr. Clarke and seconded by Ms. Simon to accept the minutes, as written, of the March 11, 2019 meeting. Mr. Madden abstained from the vote. All others in favor. Motion passed.

A motion was made by Ms. Simon and seconded by Mr. Fellini to accept the minutes, as written, of the March 25, 2019 meeting. Mr. Boidi and Mr. Madden abstained from the vote. All others in favor. Motion passed.

Forms for Signature

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a partial certificate of compliance for 23 Bristol Road, DEP File # SE056-1018. Mr. Egerton's cell connection was

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dropped at 7:10pm and he was unable to vote on the matter. All others were in favor. Motion passed.

A motion was made by Mr. Clarke and seconded by Ms. Simon to table the ratification of the enforcement order issued in response to the violation of the order of conditions currently active on Herring Run Park, 211 Barker Street, DEP File # SE056-1025. All in favor. Motion passed.

A motion was made by Mr. Clarke and seconded Mr. Madden to issue a certificate of compliance for 68 Lake Street, DEP File # SE056-1006. Mr. Egerton abstained from the vote. All others were in favor. Motion passed.

HEARINGS

Request for Determination of Applicability (RDA) – 46 Brisan Way – Brisan Way, L.L.C.

Attendees: Mr. Terry McGovern, Stenbeck & Taylor, Inc.

Mr. McGovern explained to the members that this plan is to fill 750 sq. ft. of upland area within the buffer for the side slope of a septic system at house that is currently under construction on lot 4, 46 Brisan Way. Slope will be a max of 3:1; toe of slope will be approximately 81' from wetlands; and septic system will be greater than 103' from the wetlands.

A motion was made by Mr. Clarke and seconded by Mr. Fellini to close discussion. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Mr. Madden to issue a negative 3 determination and to build according to plan. All in favor. Motion passed unanimously.

(cont.) Request for Determination of Applicability (RDA) – Gorham Mill Pond – Thorne

The agent informed the members that no information supporting the opinion that an RDA is the acceptable form for this proposed project has been received by the office. He further stated that there is currently no exemption for the work under the WPA. The chairman read an email from the S.E. Region's DEP circuit rider, Andrew Poyant, which was drafted as follows

"I haven't received a response from Brad Chase regarding citation of an exemption that would allow for the work proposed in the NOI for THIRD MILL POND/GLOVER MILL POND CHANNEL/GORMAN MILL POND FISHWAY, or similar work per the Massachusetts Wetlands Protection Act. In order for the project to move forward we would want to see how this work is exempt as it is not listed as an exempt activity in the WPA regulations."

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a positive 1 and 3 determination. Mr. Fellini abstained from the vote. Mr. Egerton and Mr. Madden were not in favor of the motion. All other members were in favor. Motion passed. .

AGENT'S REPORT

The agent informed the members of some vandalism discovered at the abandoned pump house next to the Brockton pumping station across from Mill Street. He explained that the administrative agent notified the town manager and the police department, via email, about the vandalism and potential safety concerns that exist there. Permission has been granted to remove this and four other pump houses in the town. The DPW will perform the work.

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The agent also informed the members that he had further discussion with the property owner on Littles Avenue regarding the two trees that need to be removed at the Bicentennial Trail trailhead. The members agreed that the property owner should sign a statement drafted by the town confirming consent to access the trees via her property during removal.

He then informed the members about a pipe at the entrance to the parking lot at Herring Run Park that has been compromised. He stated that the town manager is evaluating the situation.

UNFINISHED BUSINESS

Tree planting plan and proposal presented by Mr. Egerton and Mr. Madden

The chairman informed the members that he had discussion with Mr. Egerton regarding the project. Mr. Egerton informed him that the Mattakeesett Garden Club would be leading the project. He informed Mr. Egerton that someone would have to submit the RDA and accompanying plan to the office by Friday, April 5. Mr. Madden explained that the garden club would not be the applicant until next year. He also explained that the delivery of the trees and the rental of the outhouses will be paid for by Ben Bastinelli. The administrative agent confirmed the RDA was received on April 4 and the hearing was scheduled for April 22.

A motion was made by Ms. Simon and seconded by Mr. Madden to close the meeting at 7:51PM. All in favor.

Materials and Exhibits

Draft minutes of the March 11 and March 25 meetings
Partial Certificate of Compliance for 23 Bristol Road (DEP File # SE056-1018)
Determination of Applicability for 44 Chapel Street
Enforcement Order for 211 Barker Street (DEP File # SE056-1025)
Certificate of Compliance for 68 Lake Street (DEP File # SE056-1006)
Request for Determination of Applicability (RDA) and accompanying documentation for 46
Brisan Way
Request for Determination of Applicability (RDA) and accompanying documentation for Gorham
Mill Pond

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