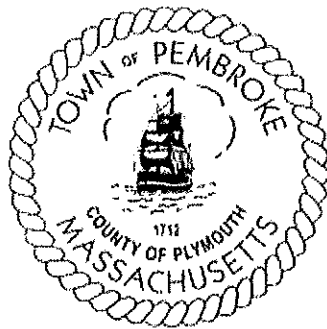


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MAY 23 2019

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**Pembroke Conservation Commission
Minutes of the Meeting of
May 6, 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 (joined the meeting at 7:03PM); Gino Fellini, Member; Richard Madden, Member; Mark Sotir, Chairman
Staff absent: 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 vote to approve the minutes of the April 22, 2019 was postponed to the next scheduled meeting, as Mr. Madden requested an amendment.

HEARINGS

Request for Determination of Applicability (RDA) – 242-244 Mattakeesett Street – Johnson

Attendees: Mr. Michael Johnson, applicant

The applicant explained the plan – utility installation for a tree house bar with erosion controls – to the members. The agent informed the applicant that 12" silt sock was required for erosion control measures.

A motion was made by Mr. Boidi and seconded by Mr. Madden to close discussion. 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. Egerton and seconded by Mr. Boidi to issue a negative 3 determination and to include a stipulation regarding the 12" silt sock. All in favor. Motion passed unanimously.

UNFINISHED BUSINESS

Tree cutting at Bicentennial Trail

The agent informed the members that a formal document for signature by the property owner adjacent to the entrance of Bicentennial Trail was requested to be drafted by the board of selectmen's office; however, as of today, a response has not been received.

UNSCHEDULED DISCUSSIONS

Mr. Fellini asked to read a statement he had prepared regarding the enforcement order the agent issued for the dumping of granite block at 211 Barker Street. The text of Mr. Fellini's statement, as written by him and read by the chairman, is as follows

Measures are taken every year in order to promote the safe passage of anadromous species, our alewife or herring, through a myriad of manmade obstacles.

To improve the success rate and to prevent unnecessary mortality, measures are taken every year and monitored, too increase the herring population.

Previously, rocks and sand bags have been used with mixed results. This year granite blocks were available and better suited in maintaining their position in high volume, high velocity stream conditions. This was due to the recent heavy rains we have been experiencing.

The square to rectangular blocks allegedly in violation, wee WPA9 Enforcement Order SE056-1025, were deemed a more suitable alternative to either rolling rocks or deteriorating sandbags. This use is supported by the DMF who Pembroke Fisheries supported and assisted in this endeavor.

All the granite blocks delivered to this site at 211 Barker Street have been strategically placed in and at the water's edge successfully mitigating safe passage and resulting in Zero mortality in "the kill zone" adjacent to the concrete spillway of the inner brook.

Note that this Enforcement Order has not been endorsed by all members of the Pembroke Conservation Commission. The Conservation Agent acted without previous consent and notice to the board members.

A motion was made and seconded to rescind the order and it did not pass, resulting in a 3-3 tie.

Care and maintenance for the safety of the herring has been performed for centuries, far longer than the advent of the WPA9 Enforcement Order. The actions taken are designed to remove obstructions allowing fish passage with no alteration or impedance of wetland functions of WPA performance standards.

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Please reference the Stream Maintenance Plan accepted by the Pembroke Board of Selectmen and the Pembroke Conservation Commission. Also see M.G.L. Chapter 130 §94 included in the Plan.

The agent reiterated that the enforcement order was properly issued for the dumping of granite blocks in the buffer zone without a permit.

A motion was made by Mr. Boidi and seconded by Mr. Clarke to close the meeting at 8:09PM. All in favor.

Materials and Exhibits

Draft minutes of the April 22, 2019 meeting

Enforcement Order for 211 Barker Street, DEP File # SE056-1025

Determination of Applicability for 48 Elliott Avenue

Order of Conditions for 92 Birch Street, DEP File # SE056-1029

Determination of Applicability for 95 Glenwood Road

Determination of Applicability for 28 Fish Street

Request for Determination of Applicability (RDA) and accompanying documentation for 242-244 Mattakeesett Street

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