



**Pembroke Conservation Commission  
Minutes of the Meeting of  
April 22, 2019  
Pembroke Town Hall, Veterans' Hall**

*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; Mark Sotir, Chairman

**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.

**ADMINISTRATIVE BUSINESS**

**Minutes of the meeting**

A motion was made by Mr. Egerton and seconded by Mr. Boidi to accept the minutes, as written, of the April 8, 2019 meeting. All in favor. Motion passed.

**Forms for Signature**

A motion was made by Mr. Fellini and seconded by Mr. Madden to rescind the enforcement order issued by the agent on DEP File # SE056-1025 for the dumping of granite block at 211 Barker Street. Mr. Egerton, Mr. Fellini and Mr. Madden were in favor of the motion. Mr. Boidi, Mr. Clarke and Mr. Sotir were not in favor of the motion. The motion, therefore, failed and the enforcement order remains active.

A motion was made by Mr. Clarke and seconded by Mr. Boidi to issue a certificate of compliance for 15 West Fish Street, DEP File # SE056-0672. All in favor. Motion passed unanimously.

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A motion was made by Mr. Clarke and seconded by Mr. Boidi to issue a certificate of compliance for 15 West Fish Street, DEP File # SE056-0908. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Mr. Boidi to issue a 3-year extension permit for order of conditions for 211 Barker Street, DEP File # SE056-0928. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded Mr. Boidi to issue a 3-year extension permit for order of conditions for 41-49 Cross Street, DEP File # SE056-0963. All in favor. Motion passed unanimously.

### **HEARINGS**

#### **Request for Determination of Applicability (RDA) – 48 Elliott Avenue – Thomas**

**Attendees: Mr. Eric Thomas, Thomas Construction & Remodeling (applicant); Ms. Karen Overshiner, Thomas Construction & Remodeling (representative)**

The applicant explained the plan – 14' X 20' addition and farmers porch – to the members. The agent informed the applicant that he would be responsible for calling the office 24 hours in advance when the holes are dug so he can be sure the dirt is disbursed properly as to avoid siltation.

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. Boidi to issue a negative 3 determination and to include stipulation regarding the proper disbursement of the direct from digging. All in favor. Motion passed unanimously.

#### **Notice of Intent (NOI) – 92 Birch Street – McGlone (DEP File # SE056-1029)**

**Attendees: Mr. Shayne McGlone, McGlone Enterprises, Inc.**

The applicant gave a brief history of the property and the current dwelling that is presently there. He informed the members that the foundation of the home was placed too low in the ground and he would like to install a foundation drain (gravity French drain) around the existing structure. The agent mentioned that there is already an outstanding order of conditions (DEP File # SE056-0929) on the property and that he would like to see the special conditions from that order included on the order that would be issued for this filing.

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

A motion was made by Mr. Clarke and seconded by Mr. Fellini to build according to plan and issue an order of conditions which incorporates the conditions from SE056-0929. All in favor. Motion passed unanimously.

#### **Request for Determination of Applicability (RDA) – 95 Glenwood Road – Egerton/Madden**

**Attendees: Mr. Richard Madden, Pembroke resident; Arthur Egerton, Pembroke resident**

Mr. Madden informed the members that he, Mr. Egerton and other volunteers intend to plant 2,000 on Bog 12. The agent voiced his concern about planting trees in retired bogs, since when left alone, these bogs return to their natural state and repopulate with native species trees and flora. He further stated that

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he would like to see the funds in the forestry account used for the planting of trees in other spots throughout town and at different times to prevent a one-level forest.

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

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

A motion was made by Mr. Fellini and seconded by Mr. Boidi to authorize payment of \$2,200.00 for the purchase of 2,000 North Atlantic cedar trees. All in favor. Motion passed unanimously.

**Request for Determination of Applicability (RDA) – 28 Fish Street – Leonard**

**Attendees: Ellen and Edward Leonard, applicants; Lester Wade, contractor**

The applicant explained to the members that project consists of a modification to an existing deck. The wood will be replaced by Trex decking. The stairs will be moved from their current location so new footings will need to be installed. In addition, the deck will wrap around the house. The section of the deck that will wrap around the house will be approximately 6' wide. Contractor stated he will be using helical piles for the footings to minimize any mitigate any impacts to the resource area.

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

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

**Notice of Intent (NOI) – 2 Washington Street – Sullivan (DEP File # SE056-1030)**

**Attendees: Mr. Thomas Pozerski, Merrill Engineers**

Mr. Pozerski explained the plan for a residential dock and boatlift to the members. The chairman read an email from DEP for the record, the text of which is as follows

**ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION**

Although a file # is being issued, please note the following:

Is the cleared path that goes through the wetland, where the dock is proposed previously permitted? According to MassGIS, wetland flags WFA7 should connect to WFA108 and the area marked as upland northwest of this would be considered BVW.

Per 310 CMR 20.53(3)(I):

1. any portion of such work which alters a bordering vegetated wetland shall remain subject to the provisions of 310 CMR 10.55,
2. such work in any other resource area(s) found to be significant to flood control or prevention of storm damage shall meet the performance standards for that interest(s), and

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3. adverse impacts from such work in any other resource area(s) shall be minimized regarding the other statutory interests for which that resource area(s) is found to be significant.

The Conservation Commission, may request alternatives that would minimize impacts to resource areas, such as siting the dock on a portion of the parcel that would result in no or less impacts to Bordering Vegetated Wetland.

In response to DEP's comments, Mr. Pozerski provided the following information

- the wetlands were delineated by Brad Holmes, WS, using wetlands species, hydrology and soil samples;
- upland walkway though the center has been used for well over 200 years;
- the dock has not been previously permitted;
- hand pruning would be performed with proper erosion controls;
- there aren't any workable alternative locations; and,
- this is an area of protected species, but a letter from NHESP has not been received yet.

Mr. Pozerski then informed the members due to the lack of a letter from NHESP, he believes a continuance is in order.

A motion was made by Mr. Clarke and seconded by Mr. Fellini to continue the hearing to May 6. 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.

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 8, 2019 meeting

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

Certificate of Compliance for 15 West Fish Street (DEP File # SE056-0672)

Certificate of Compliance for 15 West Fish Street (DEP File # SE056-0908)

Extension Permit for Order of Conditions for 211 Barker Street (DEP File # SE056-0928)

Extension Permit for Order of Conditions for 41-49 Cross Street (DEP File # SE056-0963)

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