



**Pembroke Conservation Commission
Minutes of the Meeting of
December 16, 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: Mark Sotir, Chairman; Ronald Boidi, Member; Robert Clarke, Sr., Member; Arthur Egerton, Member; Sandy Gremlich, Member; Gino Fellini, Member
Not Present: Richard Madden, Member
Staff present: Robert Clarke, Sr., Agent; Melissa Joyce, 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. Fellini and seconded by Ms. Gremlich to accept the minutes, as written, of the December 2, 2019 meeting. All in favor. Motion passed unanimously.

Forms for Signature

Certificate of Compliance – 253 Taylor Street- SE056-1019- A motion was made by Mr. Clark and seconded by Mr. Fellini to issue a Certificate of Compliance. All in favor. Motion passed unanimously.

Permit for Extension of Order of Conditions- Brisan Way EXT SE056-975 – A motion was made by Mr. Fellini and seconded by Ms. Gremlich to issue a three year extension to the existing Order of Conditions. 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.

Agent's Report

The work at Copperwood is moving quickly.

The waterwheel looks great at the Herring Run, however the OOC has not been followed. According to the OOC the wheel was not to be put in position until the bridge is deemed safe by the agent. A child could easily lean over and drop over the edge. This is the biggest concern of the Agent. It has been brought up to the people in charge of the project, and it is agreed that this is a safety concern, however nothing has been done about it so far.

Mr. Sotir stated that it was discussed last meeting that the bridge aesthetically is not pleasing, but that is essentially a non-issue compared with the safety aspect. It was brought to the attention of Mr. Thorne after the last meeting and nothing has been done. The wheel should not have been placed without the proper paperwork being completed anyway, but now the wheel looks to be running as well. He asked if it is running because pins have been removed or are the sandbags just unable to hold back the water.

Mr. Fellini stated that the wheel is running due to an overflow of water.

Mr. Sotir stated that it is more of a safety concern while it is running because it becomes an attraction. He suggested reminding Mr. Thorne again that this is a concern of the committee and it needs to be dealt with immediately.

Mr. Boidi asked if this is currently an active construction zone, or if it is open to the public.

Mr. Sotir stated that it is open right up to the bridge with some construction materials still on site. The committee has no desire to place an Enforcement Order on this project, but something has to be done, even temporarily to address this situation.

Mr. Fellini said he can stop the wheel from running. He was under the impression that the wheel was allowed to go in and spin. Nothing was done intentionally to go against the Orders. He also stated that the railing that was put in is not the railing that was agreed upon. It was supposed to be more rustic and encased in wood. Mr. Fellini stated that he believes the railing is not even handicap compliant.

The committee is in agreement that the railing is not safe. It needs to be addressed by the Town Manager.

Mr. Sotir requested that a letter be written to Mr. Thorne.

Mr. Clarke stated that according to the OOC a number of things have not been done that were required before the wheel was to be put in motion. It is paperwork but needs to be completed.

Mr. Boidi motioned to table the discussion until after the scheduled hearings, seconded by Mr. Fellini. All in favor.

Open Space Report

Mr. Boidi stated Open Space is holding the trail maintenance event on Sunday, December 8.

Hearings:

Notice of Intent (NOI) SE056-1039 – 10 Harvard Street

In attendance – James Garfield, Morse Engineering representing Paul Gallagher

The project is to install a new septic in the front yard. It is as far from the wetlands as possible. The town has no record of where the current system is. It is assumed to be failing and is most likely a cesspool.

DEP has requested an updated WPA Form 3 to clarify whether this is Bordering Vegetated Wetlands or an Isolated Vegetated Wetlands. The representative was unaware of this, but believes it is a typo and will file the updated paperwork with DEP and Conservation. Mr. Sotir suggested voting on this, contingent to the proper paperwork being filed to avoid making the representative come back for another hearing. Mr. Clark mentioned there are also back real estate taxes due, which need to be paid before any permits can be issued.

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Mr. Fellini made a motion to close the hearing contingent upon the proper paperwork being filed and taxes paid and to replace silt fence with silt sock throughout the plans, seconded by Mr. Egerton. All in favor.

A motion to issue a standard Order of Conditions was made by Mr. Fellini, seconded by Ms. Gremlich, contingent on the above requirements being met. All in favor. Motion passed unanimously.

Mr. Sotir reminded the representative that no permit will be issued until the proper paperwork is filed, wording changed, and taxes paid.

Request for Determination of Applicability (RDA) – 76 Harvard Street

In attendance: Richard Savant, representative

Project is to replace the existing septic. There are existing cesspools and an old, filled-in swimming pool in the backyard. The proposed area is the only place to put the new system and is inside the 100' buffer zone. Silt fences will not be used, all language in the plans will be changed to silt socks. A motion to close the hearing was made by Mr. Fellini and seconded by Mr. Clarke. All in favor. Motion passed unanimously.

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

New Business:

Letter of Support- Wildlands Trust – Conor Michaud

Wildlands is currently working on a project at Willow Brook Farms, with a Mass Trails Grant. They are putting in bog boards on the trails. These are used to restore the natural ecosystem while still allowing foot traffic throughout the trails. Parking lot enhancements will also be done. Conor explained what bog boards are and their purpose. They are pressure treated 2x8 boards raised up about 10" off the ground by supports. They are looking for a letter to the State offering the support of the Commission for the project. A motion was made by Mr. Clarke, and seconded by Ms. Gremlich to write the letter. Conor will forward all the information over to the office and a letter will be sent.

Conor then gave a quick update on the project at the Indian Head River. It is a year in, they are starting to form a "Friends Group" to continue the maintenance once the project is completed. Project will be finished by next fall. They are always looking for volunteers.

WPA Changes – There are some proposed changes to the way DEP accepts filings. Nothing is set in stone. There is a webinar to take questions Thursday, December 19, 2019 at noon through MACC.

Meetings schedule - There are no scheduled hearings for the meeting on December 30, so it is proposed to reconvene on January 13, 2020 unless something important comes up in the meantime.

Agents Report continued:

Special Conditions # 22 and 23 have not been completed. The Town Manager should be contacting the engineer regarding the filing of the paperwork. The remaining issues with the OOC are paperwork. Mr. Fellini will take a copy of the Special Conditions so that the Herring Fisheries can start taking care of these issues. The commission is in consensus that the safety of the railing is the most important issue. A

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temporary fix would be acceptable to make the bridge safe until it can be completed. A letter to Mr. Thorne will be sent requiring immediate action, even if it is snow fencing wrapped around the railing.

Open Space Report:

Trail clean-up was very successful.

Open Space is looking to apply for CPC funding for 2 projects. Mr. Boidi is putting out 2 RFQs and is hoping to have the bids back by December 27 so he can file the CPC paperwork by the end of the year. Mr. Clarke stated that all the CPC plans from Open Space should go through Conservation and the Town Manager. He suggested Mr. Boidi work with Mr. Fellini, the Conservation liaison to CPC, and Lisa Cullity. Mr. Boidi and Mr. Fellini will work together once the bids are in to finalize the application to CPC. Mr. Boidi is requesting permission from the Commission to go forward with this project on Open Space. All members are in favor.

Mr. Sotir suggested that once these plans are in place the Fire Department should be notified about the demolition of the buildings since they have been allowed to use them for training.

The plan is for possibly having a community garden and an apiary area. Mr. Boidi has reached out to several organizations for help with creating this project and believes at some point a committee will need to be formed to keep the project moving forward. He is also looking to get a sign put in recognizing the Lage Preserve as thanks.

Mr. Fellini mentioned that the barn that is possibly being demolished is currently home to several families of barn swallows. Mr. Clarke stated that Mr. Lage had always asked that the barn be kept open for the swallows to nest there. During a recent inspection by only 2 buildings were deemed salvageable. The shed and the garage. The Commission believes the barn should be saved in some way to keep the habitat for the birds. Mr. Boidi will reach out to Mass Audubon about possible solutions.

Mr. Boidi also stated he would look into filing an RDA for the entire lot for future trail clearings.

A motion was made by Mr. Fellini and seconded by Ms. Gremlich to close the meeting at 8:04pm. All in favor.

Materials and Exhibits

Draft minutes of the December 2, 2019 meeting

Certificate of Compliance- 253 Taylor Street- SE056-1019

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Requests for Determination of Applicability - 76 Harvard Street

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