



**Pembroke Conservation Commission
Minutes of the Meeting of
July 16, 2020
Virtual**

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: Gino Fellini, Chair; Robert Clarke, Sr., Member; Ronald Boidi, Member; Arthur Egerton, Vice Chair; Mark Sotir, member

Not Present: Richard Madden, Member; Sandy Gremlich, Member

Staff present: Melissa Joyce, Administrative Agent

At 6:10PM, Mr. Gino Fellini, Chairman, opened the meeting and stated pursuant to Governor Baker’s March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Conservation Commission is being conducted via remote participation. No in-person attendance will be permitted, but the public can view this meeting while in progress. PACTV is providing this service on Comcast Government Access channel 15, and for those without cable, on their PRIME streaming channel by visiting www.pactv.org/live. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by emailing or calling the provided contact information. All votes during this meeting will be made via roll call.

ADMINISTRATIVE BUSINESS

Forms for Vote and Signature:

Certificate of Compliance – SE56-388 – 27 Shores Edge - A motion to issue Certificate of Compliance was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Partial Certificate of Compliance – SE056-981 – 12 Copperwood Road - A motion to issue partial Certificate of Compliance with the stipulation that the landscaping be completed and the lawn mowed twice before issuing a complete COC was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Certificate of Compliance – SE056-985 – 8 Silverwood Circle - A motion to issue Certificate of Compliance was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Certificate of Compliance – SE056-995 – 16 Ironwood Road - A motion to issue Certificate of Compliance was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Order of Conditions – SE056-1041 – 70 Old Cart Path Lane - A motion to issue the Order of Conditions with Special Conditions as written was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Order of Conditions – SE056-1043 – 0 Hobomock Street - A motion to issue the Order of Conditions and Special Conditions as written was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Agent's Report: Mr. Clarke stated that at Luddam's Ford Park there is a patch of a tar-like substance coming up through the grass. It looks like it is in an area that was previously paved. DPW has covered it and it will be monitored. Mr. Boidi asked if this looks like something the BOH should address. Mr. Clarke explained that it looks like tar and there is grass growing around it. It was brought to the attention of the town by a resident after a dog got the substance all over his feet.

Open Space: Mr. Boidi stated that the Lage Property CPC request is going before Town Meeting. He said it has been nice to see how many people from our community as well as others have been using our Open Space Trails throughout the Pandemic shutdown.

Mr Boidi asked that the board begin the process of revising the local Conservation bylaw and add it to the next few meeting agendas. The policies and procedures need to be updated and available to residents. Mr. Clarke agreed.

Hearings:

Request for Determination of Applicability (RDA) – 65 Forest Street

In Attendance: Rob Carlezon, Grady Consulting

Proposed garage in the buffer zone. Closest corner is 65' from the cranberry bog. The driveway is not going to be expanded. Mr. Egerton asked if there was any way to move it further out of the buffer zone, the representative stated that it could not be done without moving the existing driveway.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue a -3 determination and build according to the plans was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Request for Determination of Applicability (RDA) – 97 Furnace Colony Drive

In attendance: Colin McSweeney

Septic system, 1500-gallon, 2 compartment tank with pump system. Tank is 70' from pond, field is 77', silt sock will be placed. Mr. Clarke asked that additional silt sock be placed around the driveway side. He also asked where materials will be stockpiled. Representative said they plan to use the driveway and the right side of the house and will put more silt sock in to control run off. Additional silt sock should be on site in case of heavy rains, per Agent. Mr. Boidi asked for clarification on whether an NOI would be more appropriate than an RDA. Mr. Clarke clarified that DEP still reviews all Determinations as well. The Board of Health has already approved the plan. Mr. Boidi asked for clarification on bedroom numbers. This is a 2-bedroom home per the plan and assessor.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue a -3 determination and build according to the plans was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Request for Determination of Applicability (RDA) – 17 Lisa's Lane

In Attendance: Branden Kling

New home, septic and driveway being built. The septic and driveway are outside the buffer zone. The house is 83' from the intermittent brook. Silt sock will be placed along the tree line. There will be a walk out basement which will require grading. No fill will be brought in. Mr. Clarke stated that most of the tree clearing was done when the road was put in. He stated that for any additional trees removed, \$10/tree could be donated to the Tree Fund, or 3 new trees could be planted. Mr. Kling stated that trees will be planted along the lot line.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue a -3 determination and build according to the plans was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) – (DEP # SE056-1045) – 52 Brisan Way

In attendance: Terry McGovern

This is for grading and construction of a driveway in the buffer zone. The driveway will hug the property line. The septic and house are outside the buffer zone. Erosion controls will go along the driveway. A dozen arborvitae trees will be planted along the driveway as a natural barrier. Utilities will go underground along the edge of the driveway. The plan is in line with the originals submitted with the subdivision plan. Mr. Clarke asked to make sure wetland markers are installed, according to the owner, Mr. Tayara, they are all installed on the subdivision roadway, but they will make sure they are put in. Mr.

Fellini asked if there is a drainage system for run off in the driveway. Mr. McGovern stated there is a large detention basin that the slope goes towards for runoff.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions according to plans and with the standard Special Conditions was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, abstained, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) – (DEP # SE056-1050) – 49 Brisan Way

In attendance: Terry McGovern

This is for grading and construction of a driveway and home in the buffer zone. The septic is outside the buffer zone. Erosion controls will go along the street, and along the 35' no disturbance line. A small retaining wall will be built, and arborvitae trees will be planted as a natural barrier. The plan is in line with the originals submitted with the subdivision plan.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Sotir. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions according to plans and with the standard Special Conditions was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) – (DEP # SE056-1048) – 23 Bristol Road

In attendance: Matthew O'Donnell, Freeman Boynton -Duxbury Construction

This project is for a proposed inground swimming with a retaining wall, and landscaping within the buffer zone. Siltation barriers exist from the construction of the home and will be added to. There is a proposed fence around the pool. Mr. Clarke stated that within 50 feet of the wetland a vegetated barrier is suggested to deter dumping in the wetland, but that a chain link or open fence would provide the same function. Mr. Boidi asked that there be a drywell for backwash, or a similar style system put in place.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions according to plans and with the standard Special Conditions was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) – (DEP # SE056-1044) – 11 Brisan Way (cont from 7/6) taken out of order

In attendance: Terry McGovern

The driveway is closest to the resource area and will be mostly outside the 50' buffer zone. The septic and house are outside the buffer zone. There will be some grading at the street, but minimal. There is an existing roadway drainage area. Arborvitae trees will be planted as a natural barrier. The plan is in line with the originals submitted with the subdivision plan. Mr. Boidi pointed out that the deer population is high and recommends using a deer resistant planting instead of the arborvitae on all three properties.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions according to plans and with the standard Special Conditions was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) – (DEP # SE056-1046) – 70 Toole Trail (con't from 7/6)

In attendance: Rick Grady

This plan was previously approved in 2016, it got delayed and the OOC expired. The proposed plan is to raze the existing two-bedroom home, rebuild a new house with a septic system out front. The entire lot is within the 100' buffer zone. The septic is approved by the BOH. Mr. Clarke stated that he spoke with the Health Agent who said she and the engineer crawled into the existing dwelling to confirm bedroom count when the project was approved. There are 3 bedrooms in the existing building. The proposed septic system is for 3 bedrooms. Mr. Fellini asked if this is the optimum system for this type of lot. The representative state that it is and that it exceeds the BOH requirements for this lot. Mr. Boidi states the assessor has this listed as a 2-bedroom home. The representative says that setbacks were decreased but the system itself meets both DEP and BOH guidelines. The representative stated that the assessor's information is for tax purposes and does not factor into Title IV. Mr. Boidi stated he would vote to approve the plan for a 2-bedroom home, but not an increase in bedroom count.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Sotir. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions according to plans and with the standard Special Conditions was made by Mr. Clarke and seconded by Mr. Sotir. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, no, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed.

Mr. Sotir commented that while he understands Mr. Boidi's concerns, he feels it is important to defer to the Health Agent. Mr. Boidi said he believes the commission need to take a more conservative stance on the properties around the ponds.

A motion was made by Mr. Clarke and seconded by Mr. Egerton to close the meeting at 7:39pm. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Boidi, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed