



**Pembroke Conservation Commission
Minutes of the Meeting of
August 27, 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; Richard Madden, Member; Sandy Gremlich, Member

Staff present: Melissa Joyce, Administrative Agent

At 6:01PM, 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

Minutes of the Meeting: A motion was made to accept the minutes of the July 16, 2020 Conservation meeting by Mr. Egerton and seconded by Mr. Clarke. Vote by roll call, Mr. Egerton, yes, Mr. Madden, yes, Mr. Clarke, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed.

A motion was made to accept the minutes of the July 30, 2020 Conservation meeting by Mr. Egerton and seconded by Mr. Clarke. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed.

Forms for Vote and Signature:

Certificate of Compliance – (DEP # SE056-235) 131 Elmer Street - A motion to issue a Certificate of Compliance was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, abstain, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed.

Certificate of Compliance – (DEP # SE056-963) 49 Cross Street - A motion to continue the vote at the request of the applicant was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

Certificate of Compliance – (DEP # SE056-956) 43 Canoe Club Lane - A motion to issue a Certificate of Compliance was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes, Mr. Madden, yes, Mr. Egerton, yes. Motion passed unanimously.

Extension of Order of Conditions - (DEP # SE056-925) Routes 3, 14/53, 53, & 139 - A motion to extend the Order of Conditions was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

Fishway O & M for Herring Brook Park - A motion was made to accept the Operations and Maintenance Plan for the Herring Brook Park drafted by the Department of Marine Fisheries by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

Agent's Report: Edgewood Bog Violation – Mr. Clarke informed the commission that he was informed by the NRCS that someone cut down trees and cleared brush at the Edgewater Bog in April. This easement is under control of the federal government. The property is owned by the town for the well and DPW use. The violation is the responsibility of the town since they are the landowners. Mr. Clarke has spoken with NRCS to come up with a solution to rectify the situation. The majority of trees cut were pines, maples, and brush. Planting up to 100 Northern White Cedar trees as replacements has been deemed acceptable, to be done in the spring. A letter will be drafted to NRCS. The person believed to have done the cutting has been spoken to, as it looks as though it was done to clear the pond view. The town is determining if any damages can be recovered. Money to pay for the trees can come from the Conservation Forestry account. Mr. Boidi suggested reaching out to the Mass Forestry Service to determine if a forestry plan could be created for this lot. Mr. Clarke stated that most likely would not be applicable to this situation. Mr. Boidi will look into the Forestry Service for future projects.

Hearings:

Request for Determination of Applicability (RDA) – 90 High Street

In attendance: Bob McLaughlin

This project is to replace a deck on the rear of the house. Existing deck needs to be replaced, and the proposal is to extend around the back of the home.

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. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue a -3 determination and build according to the plans and that the agent be notified before work begins was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

Request for Determination of Applicability (RDA) – 32 Monroe Street

In attendance: Martin Lu

This project is to install an inground pool approximately 65 feet off the old bog. Mr. Boidi asked that a drywell be added to the plan. The pool must be approved by the Zoning Board of Appeals as it is 5 feet off the rear lot line. Mr. Clarke requested an updated plan to include a drywell, plans for the drop at the rear of the property and erosion control barriers.

A motion to continue the hearing until approved by the ZBA and updated plans are submitted was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP # SE056-1052) - 48 Copperwood Road

In attendance: Eoghan Kelley, Copperwood Circle Builders; Dave Newhall, Merrill Engineers

The proposed project is a single-family home with septic and associated utilities and site grading. The entire lot is within the buffer zone. Closest point to the wetlands is 2' off the back deck, 10' off the back of the house. Mr. Boidi suggested outlining the resource line with large boulders along with the wetland markers to decrease encroachment into that wetland area as time goes on. Mr. Kelley agreed to include boulders, signs, and vegetated barrier to create an obvious natural line.

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

A motion to issue an Order of Conditions with the standard conditions with the addition of the boulder line was made by Mr. Clarke and seconded by Mr. Sotir. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP # n/a) - 39 Pudding Brook Drive

In attendance: James Garfield, Morse Engineering

DEP has not issued a file number yet, therefore the hearing cannot be closed. The project is a proposed 2 car garage within the 100' buffer zone. The resource area is within 3' of the corner of the proposed garage. It is a previously disturbed area, so no grading, fill or clearing needs to be done. Mr. Egerton

asked if the proposed garage could be smaller or further away from the resource area. Mr. Garfield proposed reducing the size and possibly changing the orientation of the proposed garage as well as including a line of boulders, vegetated barrier, as well as signs along the line of the resource area to be presented at the next meeting. Mr. Clarke suggested boulders every 6' with vegetated barrier in between as an acceptable solution. Instead of drywells, a rain garden was suggested by Mr. Madden.

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

Ongoing Discussions:

Geocache Request- Bay Circuit Trail - A motion was made by Mr. Boidi and seconded by Mr. Clarke to allow geocaching on the Bay Circuit Trail. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion was made by Mr. Boidi and seconded by Mr. Sotir to close the meeting at 7:36pm. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes Mr. Boidi, yes, Ms. Gremlich, yes, Mr. Fellini, yes. Motion passed unanimously.