



**Pembroke Conservation Commission  
Minutes of the Meeting of  
August 3, 2023  
Veterans Memorial Hall, Pembroke Town Hall**

*Disclosure: These minutes are not verbatim – they are the administrative agent’s interpretation of what took place at the meeting.*

*Open Meeting Law, G.L.c. 30A § 22.*

All materials presented during this meeting are available in the Pembroke Conservation Commission office.

**Members present:** Arthur Egerton, Chair; Gino Fellini, member; James Campbell, member; Richard Madden, member; Robert Clarke, Sr., member Nicole Pelletier, member.

**Members Not Present:** Teresa Harling, vice chair

At 7:00PM, Mr. Egerton, chair, opened the meeting then stated that the proceedings would be made available to the public at future dates and that all comments made in the open session would be recorded.

**ADMINISTRATIVE BUSINESS**

**Town Manager Update – No Report**

**Open Space – No report.**

**Agents Report** - Mr. Madden and Mr. Fellini asked about the rocks that will be removed due to the Herring Run Culvert repair. Discussion about where to store the rocks ensued with concern over the work involved in moving and placing them. Mr. Madden mentioned using the Lage property as a storage location.

**Minutes – July 6, 2023 –** A motion to accept the minutes as written was made by Mr. Fellini and seconded by Mr. Madden. 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.*

## **Request for Extension of Permit for Orders of Condition – SE56-1046 70 Toole Trail**

It was explained that the work at the site was nearing completion but that the OOC was set to expire the next day, August 4, 2023, and that the maximum extension in this case should be a year, until August 4, 2024.

Mr. Fellini made a motion to extend the Orders of Conditions for 70 Toole Trail until August 4, 2024. Mr. Madden seconded the motion, and it was passed unanimously.

Mr. Madden mentioned concern about the herring brook culvert on West Elm Street and recommended that the DPW go out and look at it and see if it is related to the current work being done or whether it is an issue that will need to be dealt with.

Mr. Campbell mentioned the Eagle Scout project completed by Jacob Bunszel of Troop 105 at Veterans Park and asked the Commission to look at the project and the fine work done there. Mr. Clarke mentioned the need for ongoing maintenance for these projects.

## **Hearings:**

### **Enforcement Order – 98 Barker St. & 409 Washington St.**

Mr. Spath's attorney, Mr. Brodsky had contacted the Conservation Commission office and requested a continuance of the public hearing until the Commission's regularly scheduled September meeting. Ms. Pelletier reported that she had heard from a member of the public that Mr. Spath was bringing additional materials onto the site. A brief discussion continued, and it was noted that there is no restoration plan or wetlands delineation that has been presented to the Conservation Commission.

A motion was made to continue the public hearing to August 17 at 7:15PM by Mr. Fellini with the stipulation that the restoration plan and wetlands delineation be presented, seconded by Mr. Madden. Motion passed unanimously.

### **Abbreviated Notice of Resource Area Delineation – (ANRAD) – 51 & 55 Chapel Street**

Kevin Grady representing the applicant had called the Conservation Commission office and requested to continue the public hearing to the next regularly scheduled meeting on September 7, 2023. Additional findings require more work on the ANRAD. Mr. Fellini made the motion to continue the public hearing until September 7, seconded by Ms. Pelletier, motion passed unanimously.

The chair asked for a recess of 10 minutes. The motion was made by Mr. Fellini and seconded by Mr. Madden, passed unanimously.

### **NOI – 10 Taylor Point Road SE056-1095**

Joe Webby representing the applicant explained that the project is a repair and upgrade to an existing septic system and that the property is on Oldham Pond with the leaching system beyond 100 feet with a septic tank and pump chamber placed as far from the pond as possible. Keith Armstrong, 12 Taylor Point Road, an abutter questioned the proximity of the system to his well. A discussion of the placement of the system ensued and clarification surrounding the role of the Conservation Commission was explained. A motion was made by Mr. Fellini to accept the location of the tanks and approve the septic upgrade and repair as presented and to issue an Order of Conditions for 10 Taylor Point Road seconded by Mr. Madden, the motion passed unanimously.

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**NOI – 19 Stetson Ave SE056-1096**

Joe Webby representing the applicant explained the upgrade and repair of the septic system at 19 Stetson Avenue. The location is on Stetson Pond. A discussion of the placement of the system with questions from the Commission as to the proximity of the components of the system to the pond. Mr. Fellini made a motion to close the public hearing seconded by Mr. Madden, the motion passed unanimously.

Mr. Clarke made a motion to approve and issue an Order of Conditions for the project seconded by Mr. Fellini. The motion passed unanimously.

Because the next public hearing was scheduled at 8:15PM the chair asked for a motion at 8:05PM for a ten-minute recess. The motion was made by Mr. Fellini, seconded by Mr. Madden, and passed unanimously.

**RDA – Oldham Street Parallel Water Main Abandonment Project**

Chris Dapson representing Environmental Partners gave a presentation reviewing the project which will be replacing the water main from Center Street along Oldham Street approximately one mile to Pine Tree Lane and abandoning the old existing water main.

The proposed water main improvements project will have no permanent impacts on the Bank, Bordering Vegetated Wetlands, Land under Water Bodies and Waterways, or Riverfront Area. All work will occur within the paved surface of the Town of Pembroke Right-of-Way. No changes will be made to the existing drainage patterns, impervious areas, or topography associated with the street layout. Cleanup and restoration work will be performed throughout and upon completion of the project. Any existing conditions that are altered during construction will be restored to their pre-construction condition. All trenches will be paved and graded to match existing grades when completed.

The limits of the wetland resource areas were delineated by Pinebrook Consulting on May 23, 2023. The wetland limits and associated buffer zones are shown on the permitting design plans.

To mitigate impacts to wetland resource areas during construction activities, the following environmental protection measures will be provided along the project route:

- Erosion and sedimentation control devices (i.e. filter sock) will be installed along the roadways adjacent to wetland resources as shown on the permitting design sheets and per the detail on sheet CD-1. This measure will control sedimentation and erosion in the upland areas and will also serve to define the upland limits of work. Erosion and sedimentation control devices will be inspected and maintained daily during the construction period.
- Silt sacks will be installed in each catch basin within and immediately adjacent to the work zone to avoid transmission of sediment to downstream wetland resource areas.
- Any water discharged from dewatering activities during construction will be directed through a dewatering bag as shown on the detail on sheet CD-1 of the permitting design sheets to minimize sediment from transporting to wetland resource areas.
- Stockpiles of excavated material and aggregate materials (sand, gravel, and stone) will not be maintained on-site. Materials will be delivered on an as-needed basis.
- Disturbed areas will be kept to a minimum during construction. Disturbed areas will be restored to pre-construction conditions with pavement or loam and seed after construction.

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Areas will be loamed and seeded with mix free of fertilizers.

Mr. Dapson answered questions from the Commissioners regarding water pressure, soil conditions and erosion controls.

Mr. Fellini made a motion to close the public hearing, Mr. Madden seconded and the motion passed unanimously.

Mr. Clarke made a motion to issue a negative 3 determination for the project, with the conditions outlined in the presentation. The motion was seconded by Mr. Madden and passed unanimously.

**Ongoing Business:**

As there was no ongoing business to discuss, Mr. Fellini made a motion to adjourn the meeting at approximately 8:25PM, the motion was seconded by Mr. Madden and passed unanimously.

Materials and Exhibits

Request for Extension of Permit for Orders of Condition – SE56-1046 – 70 Toole Trail

Abbreviated Notice of Resource Area Delineation and accompanying documents – 51 & 55 Chapel Street

Enforcement Order – 98 Barker Street & 409 Washington Street

NOI – 10 Taylor Point Road SE056-1095

NOI – 19 Stetson Ave SE056-1096

RDA – Oldham Street Parallel Water Main Abandonment Project

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