

**Pembroke Conservation Commission
Minutes of the Meeting of
November 30, 2015**

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 Conservation Office.

Open Meeting Law, G.L. c. 30A § 22.

Agenda – May include topics not reasonably anticipated by the Chair at time of posting of the meeting.

Open Meeting Law, G.L. c. 30A § 20.

Attending: Art Egerton, acting chairperson; Richard B. Madden; Bob Clarke; and Scott Glauben
Absent: Andrew Stevenson; and Patti DeVore
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Room 13
Opened: 7:30 p.m.

Acting chairperson Art Egerton opens meeting and states that he is audio-recording the meeting for his personal use.

Discussion: Mattakeesett Ball Field tree replacement

Acting chairperson Art Egerton starts off the discussion stating that he has contacted the Recreation Department regarding their agreement to replace trees removed from Sheppard's Forest during the construction of the ball fields circa 2007. Mr. Egerton stated that the trees should have been replanted within three years and that has not yet occurred.

Agent Bob Clarke stated that the three year period was designated as the completion date for the construction of the ball park and not a timeline for the tree replacement. At the time of the ball park construction, there was no plan or place to replant the trees and to date, the trees have not been replanted. Mr. Clarke recounts a brief history of the project which originated with Boys Baseball and eventually became the responsibility of the Recreation Department. At that time, the commission felt that the communities need for playing fields justified the removal of a portion of Sheppard's Forest.

In replanting the trees, the conservation commission needs to devise a plan on where to place the trees, the number of trees needed for each location (for a total of 7,200 trees), the type of trees and a funding plan to plant the trees. There was no intention by the Recreation Department to deceive the conservation commission or to renege on the agreement.

The commission also discussed the presence of dead trees located behind the DPW barn at Mattakeesett Street. A crane may be needed to remove the trees so as to protect the understory brush. Member and Assistant DPW Director Scott Glauben states that the DPW proposes to chip the trees and use the chips to cover the hillside at the site.

Request for Determination of Applicability (RDA) – 108 Old Church Street – Fries

Hearing opened at 7:40 p.m.

Present: Matthew D. Smith, P.E., principal at Bohler Engineering representing the applicant
Ken Fries, R.K. LHC, LLC, c/o RK Centers, applicant

The subject proposal involves a determination by the commission on whether an Isolated Land Subject to Flooding (ILSF) having the capacity to hold less than a quarter acre-foot of water and having the capacity to hold less than 6 inches of water at least one time a year is subject to jurisdiction under the Wetlands Protection Act or subject to jurisdiction under the Town of Pembroke Wetland bylaws. Plans indicating the location and topography of the site were submitted with the application along with accompanying calculations supporting the request.

Mr. Smith provides an overview of the request while the commission reviews the file and plans. Mr. Smith explains that the ILSF, although not jurisdictional for the conservation commission, falls under the protection and overview of the U.S. Army Corp. of Engineers. During the construction of Lowe's Home Center, the conservation commission had reviewed this ILSF and determined at that time that it was not subject to jurisdiction. Agent Bob Clarke concurs and provides a brief history of the ILSF.

Motion to close: Bob Clarke
Second: Rick Madden
All in favor

Motion to issue a Negative 1 (The area and/or work described in the Request is not an area subject to protection under the Act or the Buffer Zone) and a Negative 6 (The area and/or work described in the Request is not subject to review and approval pursuant to Town of Pembroke local bylaws)

Determination: Bob Clarke
Second: Rick Madden
All in favor

Acting chairperson Art Egerton states that "Please note that any person aggrieved by this decision has the right of appeal within 10 business days. Please contact our office or DEP if you need assistance."

Discussion: Request by Kiwanis Club to Sell Trees at Herring Run Park

The Kiwanis Club has submitted a request to hold their annual tree sale at the Herring Run Park. The sale has commenced with a tentative approval from conservation commission staff due in part to the late request and no meeting of the commission.

Motion to allow the Kiwanis Club to use Herring Run Park for the annual tree sale: Bob Clarke
Second: Rick Madden
All in favor

Request to Amend an Order of Conditions (OOC) – 42 Prince Way – Sotir (DEP file number SE56-759)

Hearing opened at 7:50 p.m.

Present: Mark Sotir, owner and applicant

Mr. Sotir is requesting to amend his OOC as he has recently acquired an adjoining undeveloped property (recently sold at auction by the Town of Pembroke as excess property). He has redesigned his septic system with a smaller impact as well as other minor changes to the property. The subject request involves the design of the bridge that crosses an area of seasonal flow of an intermittent stream. Mr. Sotir is looking to replace the approved bridge design with an open bottom box culvert that meets current stream crossing standards and is more cost effective.

Motion to close: Bob Clarke
Second: Rick Madden
All in favor

Motion to allow amendment and accept new plan: Bob Clarke
Second: Rick Madden
All in favor

Acting chairperson Art Egerton states that "Please note that any person aggrieved by this decision has the right of appeal within 10 business days. Please contact our office or DEP if you need assistance."

Mr. Sotir is advised that there is a ten day appeal period and that any work prior to that date is done at his own risk.

Cont. NOI – 256 Valley Street – Brainfrank (DEP file number: SE56-949)

Hearing opened at 8:10 p.m.

Attending: Steve Kotowski, Webby Engineering, representing applicant (not present)
Nigel Harling, 261 Valley Street (abutter)
Daniel Sullivan, 260 Valley Street (abutter)

Mr. Kotowski provides the commission with a copy of a Form A plan which was approved by the Planning Board last week. The Form A plan allows a utility/travel easement across the upland portion of the adjacent lot (referenced by the assessor's office as Map F5, lot 13). In addition, Mr. Kotowski has provided a permanent 30 foot vegetated privacy screen between the newly created Form A lot and the southerly adjacent property located at 260 Valley Street. The commission discusses an Order of Conditions (OOC) similar to the OOC issued for 230 Valley Street (DEP file number SE56-947) with the added conditions that the commission does not affirm the wetland delineation on the easement lot (Map F5, lot 13) and the maintenance of the 30 foot vegetated buffer.

Motion to close: Bob Clarke
Second: Rick Madden
All in favor

The commission will discuss and vote on an OOC at the next meeting.

Acting chairperson Art Egerton states that "Please note that any person aggrieved by this decision has the right of appeal within 10 business days. Please contact our office or DEP if you need assistance."

Cont. NOI – 256 Valley Street – Brainfrank (DEP file number: SE56-949)

Hearing opened at 8:45 p.m.

Mr. Kotowski requests another continuance, hopefully, to submit a withdrawal of the application.

Motion to continue hearing to Monday, December 14, 2015 at 7:40 p.m.: Scott Glauben
Second: Rick Madden
All in favor

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Motion to continue hearing to Monday, December 14, 2015 at 7:40 p.m.: Scott Glauben
Second: Rick Madden
All in favor

Unscheduled Discussion: Valley Street Gravel Project

Mr. Nigel Harling and Mr. Daniel Sullivan request information regarding a proposal to bring in gravel to an undisclosed location on Valley Street. Mr. Harling and Mr. Sullivan had heard that the Selectboard had hearings about this issue. The conservation commission was unaware of any such activity.

Discussion: Tubbs' Meadow

The commission reviews a letter from a concerned citizen in the mail folder regarding the disposal of trash and unauthorized parties/gatherings at Tubbs' Meadow. The commission discusses policing and monitoring the area and the recent visit by the DPW to clean up the debris. Conservation member and Assistant DPW Director Scott Glauben stated that the trash was cleaned up when the DPW arrived. He was met on-site by the person who had performed the cleanup. The DPW will also repair the damage to the viewing platform, but it may be a temporary fix until the correct materials are acquired.

Mr. Glauben apprises the commission of cleanup activities occurring on other conservation properties by both the DPW department and local Boy Scout Troops.

Request for Certificate of Compliance (COC) – 9 Country Club Lane (lot 30) (DEP file no.: SE56-393)

A Request for COC was filed by Frank S. Krzywda stating that the work has been completed in accordance with the Order of Conditions issued by the commission on December 12, 1990. A review of the file reveals that an ‘As-Built’ plan had previously been submitted for this project. Agent Bob Clark has inspected the work and recommends the issuance of a complete COC for the site.

Motion to issue a COC: Bob Clarke
Second: Scott Glauben
All in favor.

Discussion: FY17 Budget

The commission reviews the submitted budget and provides their approval.

Discussion: High School Drainage Basin

The commission discussed the current situation, the status of the outstanding enforcement order, and the migration of erosion from the basin to the stream.

Minutes: November 9, 2015

Motion to accept minutes: Scott Glauben
Second: Rick Madden
All in favor.

Documents Signed

- W.B. Mason Bill
- Agent payroll
- Certificate of Compliance for 9 Country Club Lane (DEP file number SE56-393)
- Determination of Applicability for 108 Old Church Street
- Amended Order of Conditions for 42 Prince Way (DEP file number SE56-579)

Adjournment

A motion was made by Bob Clarke to adjourn the meeting at 9:15 p.m. Second by Scott Glauben. All in favor.