

**Pembroke Conservation Commission
Minutes of the Meeting of
April 25, 2016**

*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 (arrives at 7:40 p.m.); Bob Clarke; Sharon Tuells; Scott Glauben; and Andrew Stevenson
Absent: Patti DeVore
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Veteran's Hall
Opened: 7:30 p.m.

Acting chairperson Art Egerton opens the hearing at 7:30 p.m. and states he is "recording so everyone knows".

Discussion: Review Order of Conditions (OOC) for Copperwood Estates (DEP file number: SE56-961)

Present: Thomas Pozerski, Merrill Associates, representing applicant (not present)
Paul Brogna, Seacoast Engineering, peer review engineer

Administrative agent Mary Guiney prepared and distributed a draft of the Special Conditions to all parties prior to the meeting. Mr. Pozerski and Mr. Brogna responded with comments for review and discussion as follows (a copy of the approved Special Conditions is provided below):

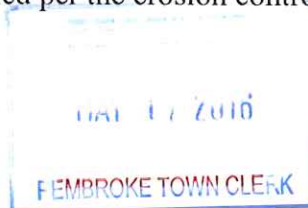
- #9) Mr. Brogna would like the opportunity to review the SWPPP prior to the preconstruction meeting and requests that the document be submitted "At least seven (7) days prior" to the meeting (agreed);
- #19) Mr. Pozerski respectfully requests that the distance between the markers be extended to 100 feet. He feels that the cost of installing concrete bounds is excessive. Agent Bob Clarke explained that the (wooden) wetland resource posts are necessary to ensure that future homeowners know the edge of the resource areas. He recommends additional wetland resource posts at pivot points where the edge of the resource area changes direction at an angle of 25 degrees or greater (agreed);
- #22) Mr. Pozerski states that the project will not have any slopes greater than 3:1 and suggests that silt fence be substitute for snow fence (agreed);
- #23) Mr. Brogna questions whether the stormwater basin will be used for dewatering. Mr. Pozerski has not had any good experience in this regard and is not recommending it (no changes);
- #29) Mr. Pozerski requests the insertion of "other than shown on the approved plans." (agreed);
- #30) Mr. Pozerski does not recommend the use of a silt sack and requests the insertion of "such as haybales with stone check dams" (agreed);
- #34) Mr. Pozerski recommended adding the sentence "The use of any of the stormwater management systems for dewatering purposes is strictly prohibited." (agreed);

- #35) Mr. Pozerski recommended changing the phrase “private or public groundwater wells” to “drainage inlets” (agreed). Agent Bob Clarke questions whether there is enough room on the site to comply with this condition. Mr. Clarke suggested possibly dedicating a house lot for a concrete washout location. The sentence “The proposed locations of the concrete washout stations shall be submitted to the Conservation Commission prior to the pre-construction meeting.” (agreed);
- #38, #39, #40, #41 and #42) Need to change “Environmental Monitor” to “Professional Wetland Scientist” (agreed);
- #40) Mr. Pozerski recommends adding the sentence “The wetland replication and bufferzone mitigation areas will be staked prior to the commencement of work in these areas. The Conservation Commission Agent, or their representative, and the Professional Wetland Scientist will conduct a site inspection of these areas to assess and flag vegetation to remain prior to the commencement of the restoration mitigation work.” (agreed);
- #52 Mr. Pozerski questions the need to test for pollutants outside the requirements of MassDEP’s stormwater regulations. The conservation commission wants to guarantee clean fill for the site. (no change);
- #55) Mr. Brogna suggests a sign off from the Profession Wetland Scientist for the COC (agreed).

The following Special Conditions were agreed to by all parties:

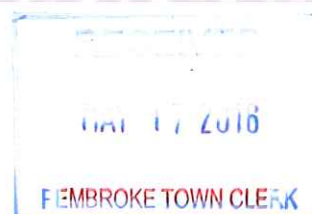
1. The project, except as noted in condition number 2 below, shall be built according to the plans entitled “Copperwood Circle Comprehensive Permit Plan” Sheets 1-25, revised April 4, 2016 which bears the seals and signatures of Thomas A. Pozerski, PE and Shane M. Brenner, PLS, and this Order of Conditions.
2. These Special Conditions shall be included in the plans mentioned above and all construction plans as page 2 and shall be legible in the same font and size of the Landscape Details (Replication Details) on page 17.
3. This Order shall be included in all construction contracts, subcontracts, and specifications dealing with the proposed work and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the permit’s terms and conditions. Thereafter, the contractor will be held jointly severally liable for any violations of the Order resulting from failure to comply with its conditions.
4. This Order shall apply to any successor in interest or successor in control of this property. The Conservation Commission shall be notified in writing, at the time of such transfer, of any transfer in title for all or part of the property that occurs prior to the issuance of the Certificate of Compliance. A lack of such required written notification to the Conservation Commission shall delay the issuance of the Certificate of Compliance.
5. This Order is for the roadway, gravel, drainage, utilities, bufferzone enhancements, gravel access drive, wetlands replication, slope stabilization and roadway walls and limit of work within the erosion control area. The Order does not cover individual lot development within Conservation Commission jurisdiction. Lots 1 through 30 as shown on the approved plans will require individual Notices of Intent.
6. Prior to any work being done on the project site, the applicant shall inform the Conservation Commission in writing of the names, addresses, phone numbers of both the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate.

7. The contractor shall conduct a pre-construction meeting with the Conservation Agent at least five (5) business days prior to the beginning of work and at least five (5) business days prior to resuming work after suspending for winter or any other cause.
8. In advance of any work on this project, the applicant shall arrange and participate in a pre-construction meeting with the Conservation Commission to include the Commission, the Conservation Agent, the contractor, the Environmental Monitor and any other party involved in the construction of this project.
9. At least seven (7) days prior to the preconstruction meeting a Stormwater Pollution Prevention Plan (SWPPP) will be submitted.
10. At, or before, the time of the preconstruction meeting a copy of the 401 Water Quality Certification will be submitted.
11. The applicant must provide three business days notice to the conservation commission staff for work requiring the approval of the Pembroke Conservation Commission.
12. Pembroke Conservation Commission Jurisdictional Areas shall be defined to include environmental resource areas identified in the Massachusetts Wetlands Protection Act and shall include their associated bufferzones as determine in 310 CMR 10.02. There shall be no disturbance of Pembroke Conservation Commission Jurisdictional Areas beyond the approved erosion control line and/or limits of work. The Pembroke Conservation Commission Jurisdictional Areas shall be left in their original state.
13. The Contractor shall provide a schedule of operations to the Pembroke Conservation Commission detailing scheduling and sequencing of work within Pembroke Conservation Commission Jurisdictional Areas including but not limited to: stakeout and placement of erosion control measures; clearing and grubbing; culvert replacement/extension; earth-disturbing activities; wetland restoration/replication; tree planting; and seeding/stabilization.
14. During the construction season, erosion controls shall be inspected at least once every seven (7) calendar days and within twenty-four (24) hours of the occurrence of a storm event of 0.25 inches or greater, and repaired if necessary. The Conservation Commission or its Agent shall be notified in writing immediately if it is determined that repairs to the erosion control measures are warranted. Repairs to the erosion controls shall be made within 24 hours of discovery of an issue unless the Conservation Commission or its Agent authorizes additional time for repairs to be made. If construction is suspended for the winter, erosion controls shall be inspected at least once per month if runoff is unlikely due to continuous frozen conditions that are likely to continue at the site for at least three (3) months based on historic seasonal averages, land disturbances have been suspended, and all disturbed areas of the site have been temporarily or permanently stabilized. Any silt that has breached the erosion controls will be removed by hand, and not by machines (unless approved by the Conservation Agent) to the satisfaction of the Conservation Agent. Erosion controls shall be placed at the limit of work/limit of disturbance in all Pembroke Conservation Commission Jurisdictional Areas. No work shall occur beyond the erosion controls.
15. Additional straw wattles, or approved equivalent, will be stockpiled on site for temporary use and emergency repairs.
16. Erosion controls consisting of compost filter tubes with biodegradable sleeves/socks having a diameter of twelve (12) inches or greater must be installed prior to the commencement of work. The Agent must inspect and approve the erosion control line prior to beginning any work.
17. Erosion control requirements are as follows:
 - (a) Erosion controls must be installed per the erosion control line on the plan referenced on the Order of Conditions.



- (b) The location of any erosion controls will not be altered without the prior written consent of the Pembroke Conservation Commission or its agent.
 - (c) Erosion controls are to be properly maintained (repaired and/or replaced as needed) throughout the entire construction project until the Commission issues the Certificate of Compliance.
 - (d) No heavy equipment will be stored, nor any other work, is to be done beyond the erosion control line within Pembroke Conservation Commission Jurisdictional Areas.
18. To assure the continued effective removal of sediments, the contractor will inspect the erosion controls weekly and after each rainfall event to determine its conditions. At the time of these inspections, accumulated sediments will be removed from the erosion controls and damaged barriers will be repaired or replaced as necessary. In no event shall silt be allowed to accumulate to a height greater than ½ of the height of the erosion controls. Any removed sediment will be disposed at a suitable location.
19. Prior to the commencement of work permanent property line to property line wetland resource posts must be installed along the edge of the erosion control line at a distance no greater than 50-feet. Additional wetland resource posts will be placed at pivot points where the edge of the resource area changes direction at an angle of 25 degrees or greater. These wetland resource posts must be a minimum of 4 inches in diameter and extend 2-feet above grade. Signs visible at a distance of 12-feet must be placed on every wetland resource post stating, "The area beyond this point must not be altered. Per order of the Conservation Commission". This condition shall extend beyond the Certificate of Compliance unless specified otherwise by the Commission.
20. There shall be no disturbance of Pembroke Conservation Commission Jurisdictional Areas past the erosion control line. The area is to be left in its original state.
21. Loaming and re-vegetation must occur within seven (7) calendar days of final grading within Pembroke Conservation Commission Jurisdictional Areas. Standard grass seed mix may be used in areas adjacent to lawn; native roadside upland or erosion control mix may be used in non-lawn areas; a native upland seed mix is to be used in buffer zone areas adjacent to the wetland limits; and wildflower seed mix is to be used in areas more difficult to maintain.
22. Where grading in the bufferzone and/or resource area will be done on slopes of grade 3:1 or steeper, or where grading is proposed within 5 feet of erosion controls, the erosion controls shall be protected by installing a silt fence on the uphill side of the slopes. After these barriers are installed they shall be maintained in good condition at all times until the Conservation Commission has either issued a Certificate of Compliance or formally found the area to be stable and the barriers are no longer necessary.
23. The detention basins shall be constructed prior to the finished grading of any catchment area draining to the applicable drainage facility. Detention basin bottoms shall have a vegetated bottom to maximize the pollutant removal process. The seed mixture used in the detention basins shall be reviewed and approved by the Commission staff at the preconstruction meeting.
24. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lathe, paper, cardboard, pipe, tires, ashes refrigerators, motor vehicles or parts of any of the foregoing.
25. Abandoned areas located within Pembroke Conservation Commission Jurisdictional Areas should be stabilized by completely biodegradable straw mulch if work on the project is interrupted for more than seven (7) calendar days. Notwithstanding the above, should the season or weather conditions not be optimal for stabilization of soils by re-vegetation or biodegradable straw mulch, the Contractor shall request a determination from the Conservation Commission or its Agent as to whether an alternative measure should be constructed.

26. There shall be no refueling of equipment within Pembroke Conservation Commission Jurisdictional Areas. Refueling of equipment and/or machines shall not be allowed after 2:00 p.m. each work day. Spill kits shall be available and within sight while a machine is being refueled. No machine maintenance, beyond routine daily maintenance shall be allowed within Pembroke Conservation Commission Jurisdictional Areas (no oil or oil filter changes, including hydraulic) without the written approval of the Conservation Commission or its Agent.
27. There shall be no more than a total of 50 gallons of fuel (other than what is in vehicles) or maintenance chemicals stored on the site in Conservation Commission Jurisdictional Areas at any one time.
28. Trash shall be picked up daily and disposed of properly.
29. There shall be no staging areas within Pembroke Conservation Commission Jurisdictional Areas without the written approval of the Pembroke Conservation Commission or its Agent other than shown on the approved plan.
30. Siltsack, or an approved equivalent, such as haybales with stone check dams, shall be installed in all proposed catch basins immediately following drainage structure installation to prevent sediments from entering the drainage system. These will be cleaned as needed. The contractor shall be responsible for inspecting catch basins on a weekly basis and after every rain event and cleaning out basins as needed. In no event will sediments be allowed to accumulate to a height less than 6 inches from the rim elevation. The contractor will be responsible for removing the silt sacks and accumulated sediments immediately following construction.
31. Dust control shall be by water only. Calcium (or calcium substitute) shall not be permitted. Water shall not be withdrawn from a hydrant without authorization from the DPW director. No water shall be drawn from a pond.
32. There are to be no fertilizers used in seed mixes within Pembroke Conservation Commission Jurisdictional Areas. Seed mixes for use within Pembroke Conservation Commission Jurisdictional Areas must be submitted to and approved by the Conservation Agent ten (10) business days prior to use.
33. Pesticides, herbicides and fungicides must not be used within Conservation Commission Jurisdictional Areas. Low Nitrogen, slow release fertilizers may not be used within 50 feet of a wetland resource area. This Condition will be noted on the Certificate of Compliance and will continue in perpetuity.
34. Any dewatering or draw down activities on the project in which water will be released toward a resource area or storm drain shall make use of dirt bags or similar device to remove sediment before the water is released. There shall be no direct discharge of water into the environmental resources. The use of any of the stormwater management systems for dewatering purposes is strictly prohibited.
35. Concrete washout stations shall be established outside of Pembroke Conservation Commission Jurisdictional Areas and may not be located within one-hundred (100) feet drainage inlets. The proposed locations of the concrete washout stations shall be submitted to the Conservation Commission prior to the pre-construction meeting. No discharge of wash water shall enter existing or proposed stormwater drainage systems. Following completion of construction activities described in the Notice of Intent (NOI) and approved under this Order of Conditions, concrete washout stations will be removed and disposed of in an approved manner.



36. No rock salt (sodium chloride) can be used on paved surfaces within 100 feet of wetland resource areas. Other de-icing chemicals may be used with the prior written approval of the Conservation Commission, after a formal review of the proposed substances. The Conservation Commission shall not grant a perpetual use of any one salt alternative chemical for the site. This condition will be noted on the Certificate of Compliance and will continue in perpetuity.
37. Paved areas will be swept no less than two times during the year. At least one sweeping shall be conducted between January and April of each year. Additional sweeping may be required at the request of the Conservation Commission, the Board of Health or the Department of Public Works upon a finding that the paved surfaces have sediment/sand accumulations.
38. At the expense of the applicant, a Professional Wetland Scientist must be brought in to monitor work within the resource area, monitor conditions for wetland replication areas, and bufferzone restoration areas. The resume of the Professional Wetland Scientist is to be submitted to the Conservation Commission prior to beginning any work.
39. The Professional Wetland Scientist will have the authority to stop construction for erosion and/or sedimentation control issues. The Professional Wetland Scientist will be required to inspect all such devices and oversee cleaning of any entrapped silt at least once per week while construction activities are conducted within Conservation Commission jurisdictional areas.
40. The Professional Wetland Scientist must be on-site for all activities related to the wetland replacement and bufferzone restoration. All wetland replacement, and bufferzone restoration will be performed as outlined on the approved plans and in accordance with the Wetland Protection Act Regulations. No excavation, grading, backfilling, or planting may occur in these areas without the Professional Wetland Scientist present. The wetland replication and bufferzone mitigation areas will be staked prior to the commencement of work in these areas. The Conservation Commission Agent, or their representative and the Professional Wetland Scientist will conduct a site inspection of these areas to assess and flag vegetation to remain prior to commencement of the restoration or mitigation work.
41. The Professional Wetland Scientist shall be responsible for immediately notifying the Conservation Commission when field conditions or activities arise that deviate from the Order of Conditions and approved plans. Verbal notification shall be verified with written notification within twenty-four (24) hours.
42. Seasonal monitoring reports shall be prepared by the Professional Wetland Scientist for the wetland replication area and replanting of vegetation within Pembroke Conservation Commission Jurisdictional Areas. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the area with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). A monitoring report for the replication and revegetation areas shall be submitted each year for a two-year period. The monitoring reports shall be submitted to the Conservation Commission for the annual growing season.
43. Any damage caused as a direct result of the project to any Pembroke Conservation Commission Jurisdictional Areas shall be the responsibility of the Contractor to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Conservation Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
44. Maintenance (watering, pruning, etc.) of all plantings will be the responsibility of the Contractor until the construction monitoring and maintenance period has elapsed (two annual growing seasons).

45. Wetland regulation (310 CMR 10.55 (4) (b) (6) requires that at least 75% of the surface area of the replacement area be re-established with indigenous wetland plant species within two growing seasons. If monitoring data indicates that this objective cannot be met, a corrective plan of action shall be submitted to the Conservation Commission for approval, and implemented under the supervision of a wetland specialist.
46. Members of the Conservation Commission or their Agent shall have the right to enter upon and inspect the premises to evaluate compliance with this Order.
47. No disturbance to wetland resource areas (including vegetative clearing) other than that approved in the NOI and/or site plans under this Order of Conditions, is permitted without the review and approval by the Conservation Commission or its Agent.
48. No construction site "bury holes" shall be located within any Pembroke Conservation Commission Jurisdictional Areas.
49. No spoils of construction, construction materials, or equipment shall be stored, placed, or operated in Pembroke Conservation Commission Jurisdictional Areas unless approved under this Order of Conditions, by the Pembroke Conservation Commission or its Agent.
50. No fill shall be stored within one-hundred (100) feet of any Pembroke Conservation Commission Jurisdictional Areas without adequate erosion control measures in place and acceptable to the Pembroke Conservation Commission.
51. The stormwater management system will be maintained by the Copperwood Estates Homeowners Association after the Certificate of Compliance is issued.
52. Drainage outfalls from detention basins will be monitored yearly for a period of 5 years after project completion to document whether the desired pollutant TSS removal/attenuation is being achieved. All samples must be analyzed by a certified Massachusetts analytical laboratory. This monitoring may be extended if there is any pollution found during any of the testing. Testing shall be conducted during or after a rainfall event of not less than ½ inch at least once per year. Testing shall be both upgradient and downgradient of detention basins. The applicant must develop a Post-Construction Water Quality Monitoring Plan to be reviewed and approved by the Conservation Commission prior to the completion of construction. Monitoring will be conducted and samples analyzed for the following pollutants: total suspended solids, pH, sodium, chloride, turbidity, total phosphorus, Total kjeldahl nitrogen [TKN is the total concentration of organic nitrogen or ammonia], Volatile Organic Compounds, Polynuclear Aromatic Hydrocarbons, and TPH (VPH/EPH method). The test results will be provided to the Conservation Commission within four weeks of the sampling date. Test results will be provided with detection limits used for each constituent and an analysis of the results in letter report form.
53. A Conservation Restriction (CR) shall be established over the remaining undeveloped portion of the site located in the following areas: 1.) between 73 and 79 Birch Street south to the wetland crossing; 2.) between 103 Birch Street and 109 Birch Street south; 3.) the southeast portion of the site excluding the easement off of Archer Street and the drainage area abutting lot 14; and 4.) the southwest portion of the site excluding the drainage area abutting lots 4 and 5 as depicted on Attachment A. The CR shall restrict the use of the property and ensure that the area beyond the wetland posts remains undisturbed in perpetuity. A copy of the draft Conservation Restriction shall be drafted by the Commission for review and approval by Town Counsel. The CR shall be recorded before construction begins.
54. This Order of Conditions will expire on April 27, 2019. Any application for extension must be filed by March 26, 2019.



55. Accompanying the applicant's request for a Certificate of Compliance shall be:

- 1.) A written statement by a registered professional engineer, professional wetland scientist, architect, landscape architect, and/or land surveyor, as appropriate, certifying compliance with the approved plans referenced on the Order of Conditions and setting forth what deviations, if any exist.
- 2.) Two sets of "As built plans for Wetland Protection" stamped by a registered professional engineer and/or registered land surveyor showing, as appropriate:
 - a.) Elevations of all drainage ways constructed pursuant to the Order.
 - b.) Elevations of all filled, altered, or constructed resource areas;
 - c.) Distance to all structures and alterations within 100 feet of any wetland resource areas;
 - d.) Any other elevations or distances the Pembroke Conservation Commission may specify to ensure compliance with this Order.

Administrative agent Mary Guiney is to add changes to the Special Conditions and distribute the document to all parties for proofreading. The commission will allow 24 hours for comments and corrections.

The commission also discussed Mr. Brogna's role in the development of the project. Mr. Brogna is to remain as the town's review engineer to oversee compliance with the comprehensive permit issued by town. His role and responsibilities should overlap with the duties of the Professional Wetland Scientist. Agent Bob Clarke foresees the two consultants as a team working together.

Discussion: Mattakeesett Street Ballfields

Assistant DPW Director and member Scott Glauben updates the commission on conditions at the site. He states that the signs are up and that the gates have been installed. Recreation Director Sue Roche is currently out, but the gates will be locked soon.

Discussion: Wild Parsnip

Member Rick Madden states that he will be making a site inspection shortly to determine whether there are seeds present in the area.

Discussion: Agenda

Art Egerton has requested that the commission review and approve the agenda prior to posting on the town's website. Administrative agent Mary Guiney has provided a copy of the agenda for the next meeting on the backside of the current agenda and reminds members that any changes or discussion items need to be submitted to the conservation office by Thursday morning.

Discussion: Erosion at Little Sandy Pond

The commission has voiced their concern regarding erosion at this location. Assistant DPW Director and member Scott Glauben apprises the commission on the status of the site. The DPW will be working to repair and stabilize the swale; however, long term corrective measures will need the installation of stormwater best management practices (BMPs). The DPW will be requesting funding at the fall annual town meeting.

Discussion and mail folder: Conway School and Open Space Plan (OSP)

Open Space Committee (OSC) member Mike McDonough has approached the Conway School (a Graduate Program in Sustainable Landscape Planning and Design), requesting that they consider the completion of the Town of Pembroke's OSP for their project roster for the 2016-2017 school year. If accepted, the Conway School will require a payment of \$6,500.00 to cover expenses. Agent Bob Clarke and administrative agent discuss the value of the assistance and recommend that the conservation commission take advantage of the opportunity. The commission agrees. Agent Bob Clarke suggests that prior to the release of the funds, other avenues of funding be pursued (i.e. Community Preservation Funds or annual town meeting). Administrative agent Mary Guiney was directed to investigate when the monies are due and then put it on the agenda for a vote.

Discussion: Route 14 reconstruction project

Assistant DPW Director and member Scott Glauben reports that work has begun on the project and that the first year will involve tree removal and drainage work.

Meeting Minutes: March 29, 2016

No action.

Documents signed:

- Determination of Applicability re: 119 Furnace Colony Drive
- Order of Conditions re: Copperwood Estates (DEP file number: SE56-961)

Adjournment

A motion was made by Andy Stevenson to adjourn the meeting at 8:40 p.m. Second by Rick Madden. All in favor.

MAY 17 2016