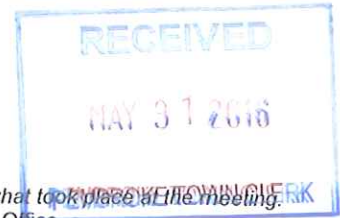


**Pembroke Conservation Commission
Minutes of the Meeting of
January 11, 2016**



*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 (audio recording); Richard B. Madden; Bob Clarke; Andrew Stevenson; and Scott Glauben (arrives at 8:00 p.m.)
Absent: Patti DeVore
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Room 4 (Planning Board Office)
Opened: 7:30 p.m.

Acting chairperson Art Egerton opens meeting and states that “Please note that this meeting is being made available to the public and is being recorded for broadcast at future dates. Comments made in open session will be recorded”.

Interview: Patricia Lynch, candidate for Open Space Committee (OSC)

Present: Patricia Lynch
Linda McCullom, Open Space Committee
Michael McDonough, Open Space Committee

The commission reviewed Ms. Lynch’s application, references and qualifications. Ms. Lynch provided a brief overview of the reasons for seeking the vacancy. She has been a resident of Pembroke since 1999 and enjoys Pembroke’s Open Space. She has raised 2 children in town and now wants to give back to the community.

Motion to appoint Ms. Lynch to the Open Space Committee: Bob Clarke
Second: Andy Stevenson
All in favor

Linda McCullom, OSC and Michael McDonough, OSC are in attendance to welcome Ms. Lynch to the OSC.

Appointment: Linda McCullum, OSC

Ms. McCullum has requested an appointment with the commission to discuss the Senior Citizens Tax Work-Off Abatement Program that is being administered through the Council on Aging (COA). In a collaborative effort between the COA and municipal departments, homeowners over the age of 60 years can exchange work for credit towards their tax bill. Ms. McCullum proposes that the conservation commission/OSC utilize this resource to maintain the trails. The commission agrees that they should pursue the opportunity. Ms. McCullum will prepare a work description for submittal to the COA and coordinate the activities on behalf of the commission.

Representatives of Vetelino’s Landscape (Frank J. Vetelino, David J. Vetelino) are in attendance for the next hearing. Vetelino’s Landscape generously offers to support this effort and provide assistance in the form of time and equipment for heavy work that may be identified by the volunteers.

NOI – 590 Washington Street – McGill (DEP file number: SE56-960)

Hearing opened at 7:45 p.m.

Present: Don McGill, applicant;
Brad McKenzie, McKenzie Engineering, applicant's representative;
Janet Callaghan, 25 Reservoir Road, #D-4, abutter;
Louise Ambrose, 25 Reservoir Road, #D-3, abutter;
Mark Jackson, 44 Juniper Lane, abutter
Daniel Trefethen, 13 Bunny Lane, Marshfield, abutter
Frank J. Vettelino, 45 Canal Street, Marshfield, abutter
David J. Vetelino, 227 West Elm Street, abutter
Thomas J. Callahan, 427 Columbia Road, Hanover, abutter counsel



Mr. McKenzie submits certificates of mailing to abutters and presents an overview of the project to the commission. The subject proposal consists of the redevelopment of an existing industrial property located adjacent to the Dairy Twist ice cream stand into a 9-unit multi-family family development. Mr. McKenzie is requesting permission to raze the existing buildings; construct four townhouse structures (three of which will be located within the bufferzone of a bordering vegetated wetland (bvww)); construct access driveways; install utilities; grade; landscape; install septic systems; and install stormwater management facilities. The wetland resource areas were delineated by Brad Holmes of Environmental Consulting and Restoration. Erosion controls will consist of silt sock having a diameter of 12 inches or greater or double-staked haybales with a bank of wood chips on the upland side. The project will maintain a twenty-five foot undisturbed bufferzone with a vegetated buffer.

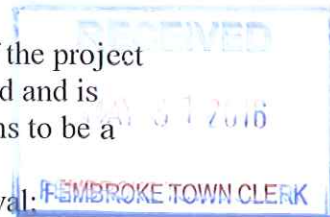
Although the project qualifies for MassDEP Standard 7 for redevelopment projects, the stormwater management system has been designed to fully comply with current standards for new development including Standard 2 (Peak Rate Attenuation - calculations have been provided to show that post-development rates do not exceed predevelopment rates for the 2-year, 10-year 24-hour storms.) and Standard 4 (Water Quality). Sheet flow from impervious areas will be directed into swales or filter strips to two (2) bioretention cells located on northeast and southeast corners of the upland portion of the site. The bioretention cells have been designed to allow stormwater to seep into the ground; however there is an overflow emergency spillway for each bioretention cell.

The commission asks about a hazardous waste spill. Mr. McKenzie states that the bioretention basin is designed to contain any release. A remediation plan will be submitted with the Stormwater Pollution Prevention Plan (SWPPP). In the event of a release, the responsible party will be the homeowners.

Agent Bob Clarke discusses the wetland line with respect to previous disturbances on-site. The edge of resource has been determined to be the top of bank. The current proposal does not allow for any expansion into the bufferzone by future homeowners. Acting chairperson Art Egerton wants insurance that there will be no further encroachment into the bufferzone. Mr. Clarke states that any further work within the bufferzone will require an additional filing. Rick Madden states that condominium owners are less likely expand their yards than traditional homeowners. Mr. Clarke and Mr. McKenzie discuss the installation of a vegetated barrier to demarcate the edge of work.

Mr. Clarke also requests a status on other permits:

- 1.) Natural Heritage and Endangered Species Program (NHESP): A portion of the project falls under the jurisdiction of NHESP. Mr. McKenzie states that he has filed and is awaiting a determination. He does not anticipate any problem as there seems to be a discrepancies in the maps;
- 2.) Planning Board: The planning board has requested changes pending approval;
- 3.) Peer Review of Stormwater Calculations: The conservation commission will coordinate its review with the planning board consultant (Merrill Associates) for compliance with MassDEP wetland standards;
- 4.) Wetland delineation: The conservation commission will accept the line as depicted on the submitted plans. The commission will not seek an outside consultant.



An abutter questions the possible overflow from the bioretention cells into the wetland resource areas and whether the basin will fill with water. Mr. McKenzie states that the proposed stormwater system will reduce runoff into the resource areas and that the spillway is for emergency only. The bioretention cells are designed to drain within 72 hours of a storm event. He further states that the redevelopment of the site will result in reducing the impervious area on site as well as increasing the amount of grass and vegetation. An abutter also asked whether the project involved any filling or altering of the resource area (no).

Attorney Thomas Callahan, (representing the southerly adjacent abutters) states that currently his client's property is at a higher elevation than the proposed project and that a swale exists along the boundary line. He wants to know how the proposed project will protect his client's property from an increase in stormwater runoff. He also states that the project will result in moving the impervious surface closer to the resource area. Mr. McKenzie replies that the proposal includes an emergency turnaround for emergency vehicles in the vicinity of the property boundary, but water will be directed to the northeast towards the stormwater system. There will be a very moderate grade change throughout the site which will match the existing conditions. With respect to increasing the impervious area in the bufferzone, he states that all downspouts are directed towards the rear of the structures and will not result in any increased flow to the southern boundary.

Motion to continue the hearing to February 8, 2016 at 7:40 p.m. to allow the applicant to acquire the additional permits and coordinate the stormwater review with the planning board consultant:
Rick Madden

Second: Andy Stevenson

All in favor

Request for Determination of Applicability – 80 Learning Lane – Fulmine

Hearing opened at 8:45 p.m.

Agent Bob Clarke removes himself from the commission and presents the filing on behalf of the applicant's engineer who is on vacation. The subject proposal involves the repair and replacement of the existing stormwater basin located at Pembroke High School. The current stormwater basin has failed and the stormwater overflow impacts the Herring Run. The project is outside the conservation commission jurisdiction, but based on violations observed during the past year, a filing was determined to be needed. He would like the commission to issue a Negative 4 Determination.

Motion to close: Rick Madden

Second: Andy Stevenson

Vote: 4-0-2 (for-against-abstain) Agent Bob Clarke has abstained as he presented the filing; and member Scott Glauben is the Assistant DPW Director

Motion to issue a Negative 4 Determination (The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent unless and until said work alters an Area subject to protection under the Act): Rick Madden

Second: Andy Stevenson

Vote: 5-0-1 (for-against-abstain) Agent Bob Clarke has abstained as he presented the filing.

Discussion: Wild Parsnip

The conservation commission office has set a letter to all parties informing them of the presence of Wild Parsnip at the Herring Run Park and inviting them to a meeting to weigh in on the issue. The commission feels that everyone with any significant interests with the preservation of Herring Run Park should be aware of the problem. Assistant DPW Director Scott Glauben states that he did not like the cease and desist wording in the letter – it was a little harsh. Agent Bob Clarke stated that any cease and desist order would only apply to the infested area. He also states that the conservation commission has not received any comments or feedback on the letter and that failure to communicate with the conservation commission is an issue. It was recommended that reminder e-mails be sent prior to the next meeting.

Assistant DPW Director Scott Glauben states that the DPW has already posted and flagged the area. Half of the contaminated area is located within the Route 14 project right of way. He recommends that the commission post educational information to the town's website.

Member Rick Madden is afraid that the upcoming roadwork is going to spread the infestation of Wild Parsnip to other parts of town. The adjacent meadow is pristine and he wants it protected.

Unscheduled Discussion: Shepherd's Forest

The commission has received notice from the Recreation Department that the roadway through the site (especially from Camp Heritage) is being used for full size off-road vehicles. The commission needs to block access. The commission discussed gates and vandalism.

Request for Certificate of Compliance (COC) – 49 Cross Street (DEP file no.: SE56-862)

A Request for COC was submitted by Carl Catani for his property located at 49 Cross Street. Agent Bob Clarke has reviewed the file and inspected the property. The issuance full COC is recommended.

Motion to issue a COC for DEP file number SE56-862: Rick Madden

Second: Scott Glauben

All in favor

Discussion: Request to use Oldham by Massachusetts Kayak Bassin on May 28, 2016 from 5:00 a.m. to 2:00 p.m. for a catch and release Kayak Bass Tournament

Member Rick Madden is concerned with the failure to include a recommendation in the permit by the selectboard for the use of barbless hooks. He states that the Herring Fisheries Commission (HFC) wants to introduce this trend and wants to bring pamphlets to the event.

Motion to allow the event with the following conditions: Rick Madden

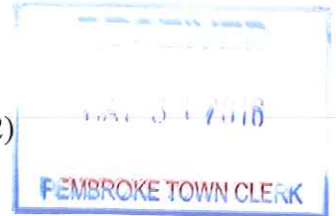
- 1.) The docks installed at Town Landing are not to be altered or moved;
- 2.) All equipment entering Oldham Pond MUST be washed down and cleaned off site prior to entry into Oldham Pond. This includes boats and any additional equipment that will enter the water stream. The applicant is to provide a qualified inspector to inspect all equipment to ensure that this event does not contribute to the spread of invasive species into our resource areas. Please remind the applicant that the Town of Pembroke does not have any washing facilities available for use;
- 3.) The use of 'barbless hooks' is recommended to minimize damage to the fish; and
- 4.) Approval from the Town Harbormaster is requested.

Second: Andy Stevenson

All in favor

Documents Signed

- Certificate of Compliance for 49 Cross Street (DEP file number SE56-862)
- Thank you letter to Landscape by Runeys (Art Egerton only)
- Agent Payroll
- Determination of Applicability for 80 Learning Lane



Adjournment

A motion was made by Andy Stevenson to adjourn the meeting at 9:00 p.m. Second by Rick Madden. All in favor.