

**Pembroke Conservation Commission
Minutes of the Meeting of
August 15, 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: Andy Stevenson, chairperson; Rick Madden, vice-chairperson; Art Egerton (using audio recording and camera device); Greg Walsh; Bob Clarke; and Sharon Tuells
Absent: Scott Glauben
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Room 13
Opened: 7:30 p.m.

Chairperson Andy Stevenson opens the meeting at 7:30 p.m.; reads the names of members and staff in attendance; and states that the meeting is being recorded for PACTV for airing at a future date.

Also present: Rob Adams (audio and video recording)
Bill Boulter, selectboard member

Cont. ANRAD – 73 Taylor Street – Cook (DEP file no.: SE56-967)

Hearing opened at 7:30 p.m.

The peer review of the wetland delineation has not been completed. A continuance has been requested.

Motion to continue the hearing until August 29, 2016 at 8:00 p.m.: Bob Clarke

Second: Sharon Tuells

All in favor

Discussion: Request to Use Herring Run Park on August 28, 2016 from 1:00 p.m. to 6:00 p.m. for a Boy Scout Court of Honor

Motion to allow the use of Herring Run Park with electricity fee waived: Bob Clarke

Second: Greg Walsh

All in favor



Discussion: Route 14 Plan Changes (DEP file no.: SE56-955)

The conservation commission has received a request to modify the approved plans due to miscalculations used in the design in the vicinity of the barbershop near Maquan Street. The commission was provided electronic copies of the plan changes prior to the meeting. The subject request involves the installation of a stormceptor to cleanse stormwater before it is released into the brook. Agent Bob Clarke informs the commission that ironically during the initial review of this project, the commission requested the use of stormceptor BMPs in tight areas and were informed, at that time, that these were non-priority items and that, if installed, the cost would have to be covered by the Town of Pembroke. Chairperson Andy Stevenson and member Rick Madden asks about maintenance of the BMP and whether the town had the equipment to perform the work. The stormceptor needs to be cleaned twice a year. Mr. Clarke responded that, at present, the DPW does not have the equipment; however, nearby municipalities (i.e. Duxbury) have already purchased the equipment and, until such time as Pembroke can invest, the DPW will have to lease equipment. Mr. Clarke also states that there is not a lot of options in this area and the installation of the stormceptor is as good as can be expected.

Mr. Clarke further advises that the commission can: accept the changes; or request that the applicant refile. Given the circumstances, Mr. Clarke advises that the commission accept the plan changes.

Chairperson Andy Stevenson asked if the commission reviewed the plans and accompanying e-mail and whether there were any questions.

Motion to accept plan changes: Bob Clarke

Second: Art Egerton

All in favor

RDA – 65 Pine Tree Lane – Durant

Hearing opened at 7:40 p.m.

Present: Joseph Webby, Webby Engineering, representing applicant
Kevin Durant, property owner and applicant

The subject proposal involves replacing two existing cesspools with a 1,500-gallon precast concrete septic tank, a distribution box and a 70 foot by 8 foot leaching trench. Erosion controls consisting of an 18 inch silt sock will be installed along the western and southern portions of the proposed work. During discussion, the applicant requested permission to relocate the existing driveway (currently located at a distance of approximately 100 feet from the resource area) to a distance 5 feet closer to the resource area. The commission indicated that the request was acceptable.

Motion to close the hearing: Bob Clarke

Second: Art Egerton

All in favor



Motion to issue a Negative 3 Determination with the following conditions: Bob Clarke

- Subject to Board of Health approval;
- Erosion controls consisting of double staked haybales or silt sock having a diameter greater than 12 inches must be installed and installation approved by the conservation agent prior to the commencement of work; The use of silt fence is not allowed.

Second: Art Egerton

All in favor

RDA – 34 Pond Street - Nunes

Hearing opened at 7:50 p.m.

Present: Frank Nunes, homeowner and applicant
James Nunes, applicant's son

The subject proposal involves the construction of an in-law apartment addition to an existing single family house within 75 feet of a bordering vegetated wetland (b.v.w.). The b.v.w. was delineated by Brook Monroe of Pinebrook Consulting. The proposed addition required alterations to the septic system resulting in the installation of a new 1,500 gallon septic tank at a distance of 60 feet from the b.v.w. The project has already received Board of Health approval. Agent Bob Clarke informed the applicant that prior to the commencement of work, erosion controls consisting of double-staked haybales or silt sock having a diameter of 12 inches or greater must be installed along the limit of work.

Motion to close the hearing: Bob Clarke

Second: Sharon Tuells

All in favor

Motion to issue a Negative 3 Determination with the following conditions: Bob Clarke

- Subject to Board of Health approval;
- Erosion controls consisting of double staked haybales or silt sock having a diameter greater than 12 inches must be installed and installation approved by the conservation agent prior to the commencement of work; The use of silt fence is not allowed.

Second: Sharon Tuells

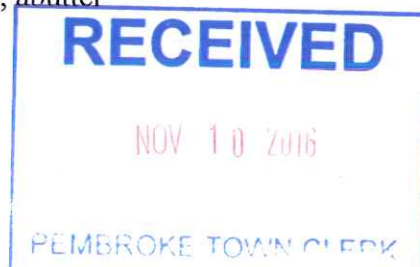
All in favor

NOI – 70 Toole Trail – Leaman (DEP file no.: SE56-968)

Hearing opened at 8:00 p.m.

Present: Darren Grady, Grady Engineering, representing applicant
Stephen Leaman, property owner and applicant
Bob Donavan, 74 Toole Trail, abutter
Donna Smith, 68 Toole Trail, abutter

Mr. Grady submitted the green cards.



Chairperson Andy Stevenson informs the applicant and representative that the conservation commission had received notice from the Treasurer/Collector's office that monies were owed and, as a result, the conservation commission would not issue any permit until the account was settled. Chairperson Stevenson also stated that the commission would open the hearing for discussion and review. Mr. Leaman informs the commission that his bill has been paid in full.

The subject proposal involves the removal and replacement of an existing house in the same location within the bufferzone of Little Sandy Pond. The proposed structure will have a walk out basement and a second floor deck. A new septic system will be installed as part of the project (it will be designed for H-20 loading to allow parking).

Items discussed: there is no room to stockpile any material on-site – the demolished structure and any excavated material must be loaded onto dump trucks and removed; timeline for project; additional permits needed (Board of Health and Zoning Board of Appeals); tree removal; erosion controls – the agent advises the commission that there is a steep slope at the site and recommends a series of erosion controls to protect the resource area; the need to stockpile additional erosion controls; and abutter's questions

Motion to close the hearing: Bob Clarke

Second: Rick Madden

All in favor

Motion to issue a Standard Order of Conditions with the following special conditions pending confirmation of tax payment from the Treasurer/Collector's office: Bob Clarke

Second: Rick Madden

All in favor

1. The proposed project shall be built in accordance plan entitled "Site Plan" dated July 29, 2016 which bears the seals and signatures of Darren M. Grady, PE and Peter E. Tuttle, PLS.
2. This Order will not allow the stockpiling of soils or excavated materials on site. All excavated materials and soils must be transferred to trucks.
3. Subject to approval by the Board of Health.
4. Subject to approval by the Zoning Board of Appeals.
5. Any damage caused as a direct result of the project to any wetland resource areas shall be the responsibility of the applicant 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 Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
6. Any 'backwash' associated with the construction of the house or septic system cannot be released to the wetland resource area without a treatment plan approved by the Conservation Commission.
7. A concrete washout area is to be located in the front center of the lot.



8. Erosion controls consisting of double stake haybales or silt sock having a diameter of 12 inches or greater must be installed prior to the commencement of work. The use of silt fence is prohibited by this order.
9. Erosion control requirements are as follows:
 - a.) Erosion controls must be placed and staked prior to any work being started on this site.
 - b.) Erosion controls must be installed per the erosion control line on the plan referenced on the Order of Conditions.
 - c.) The location of any erosion controls will not be altered without the prior written consent of the Pembroke Conservation Commission.
 - d.) 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.
 - e.) No part of any erosion control shall be covered by any adjacent soils.
 - f.) No heavy equipment, nor any other work, is to be done beyond the erosion control line.
10. There shall be no disturbance of the wetland area past the erosion control line.
11. Fertilizers used for landscaping and lawn care in the buffer zone shall be slow release, low-nitrogen types and shall not be used within 50-feet of the bordering vegetated wetland. Pesticides and herbicides shall not be used on any lawn area within the buffer zone.
12. No additional new construction or disturbance of the wetland, as defined by vegetation, not covered by the plan referenced on the Order of Conditions shall be permitted on this site until the Pembroke Conservation Commission has made a determination.
13. No construction site "bury holes" shall be located within 100-feet of any wetland. If applicable
14. All disturbed areas are to be loamed, seed, and/or hay-mulched as deemed appropriate by the Pembroke Conservation Commission.
15. No spoils of construction, construction materials, or equipment shall be stored, placed or operated in wetland areas.
16. The Pembroke Conservation Commission shall be notified, in writing, at the time of all transfer of title on this property prior to the issuance of the Certificate of Compliance.
17. The new homeowners must sign and return to the Commission the attached 'Wetlands Disclosure Statement'.
18. Accompanying the applicant's request for a Certificate of Compliance shall be:
 - 1.) A written statement by a registered professional engineer, 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 way constructed pursuant to the Order
 - b. Elevations of all filled, altered, or constructed resource area;



- c. Distance to all structures and alterations within 10-feet of any wetland resource areas;
- d. Any other elevations or distances the Pembroke Conservation Commission may specify to ensure compliance with this Order.

Appointment: James Gallagher, candidate for Open Space Committee

Present: James Gallagher

Agent Bob Clarke welcomes Mr. Gallagher and says that he has reviewed his impressive qualifications. A few of his accomplishments include owning and operating a dairy farm in New York and serving as a selectboard member in Cohasset. Mr. Clarke says that Mr. Gallagher is overqualified for the board, but would appreciate his help.

Mr. Gallagher informs the commission that he has walked several of the commission's open space parcels and is very impressed.

Motion to appoint James Gallagher to the Open Space Committee: Bob Clarke

Second: Rick Madden

All in favor

Unscheduled Discussion: Vetelino's Landscape at 190 Barker Street

Agent Bob Clarke reminds the commission that during a prior hearing attended by Vetelino's Landscape, Mr. Dave Vetelino offered to assist the conservation commission in trail maintenance. Mr. Clarke informs the commission that during the past week, Vetelino's Landscape rough mowed the trails on this newly acquired property and opened up the front area. Mr. Clarke is greatly appreciative of the work performed – especially as the trails had become quite overgrown.

Mr. Clarke also informs the commission that he has had discussions on the use of this property with Town Administrator Ed Thorne.

Discussion: Invoice for Herbicides

Member Art Egerton asks about the bill submitted for the purchase of herbicides. He would like the item placed on the next agenda for discussion. Mr. Egerton does not think that the conservation commission should use herbicides.

The administrative agent requests that the bill be paid regardless of the outcome of the discussion. The commission agrees that the invoice should be paid and the commission will discuss the uses at the next meeting.



Unscheduled Discussion: Herring Run Dam on Cranberry Road

Member Art Egerton is concerned that the water is low at the herring run dam located on Cranberry Road. He is measuring the water: the level in July was 9 inches and it is now at 3 inches. Member Rick Madden agrees. He has been monitoring the area as well. The fish ladder is dry and it needs water all the time. Both members are concerned with the migration of fish. They feel that Big Sandy Bottom Pond is pulling water and Mr. Madden would like to install a series of wells into Furnace Pond to pump water over the fish ladder. Mr. Egerton would like to remove the weeds blocking the area.

Agent Bob Clarke reminds the commission that permits are necessary to perform the work. Mr. Madden would like to get started to get the permits in place.

Selectboard member Bill Boulter states that he is on the fisheries commission and is working with the Division of Marine Fisheries (DMF). He has asked the watershed to look into it. Agent Bob Clarke agrees – DMF has the necessary expertise to prepare the application.

Agent Bob Clarke reminds the commission that the area, although part of Furnace Pond, has historically been known as Gorham Mill Pond, and as a result, is not included in any permits acquired for work in Furnace Pond.

Agent Bob Clarke questions Mr. Boulter on a water discussion held with Brockton Water about 3-4 years ago. He never heard any outcome from the meeting. Mr. Boulter informs the commission that the herring Fisheries Commission saves the water and that Brockton takes more.

Rob Adams (videotaping) interrupts the meeting to interview Mr. Boulter: He would like to know if water levels are measured, recorded and monitored. Mr. Boulter responds that only by word of mouth.

Chairperson Andy Stevenson would like to follow up with this and asks for ideas. Agent Bob Clarke recounts that George Andruk used to take water from Indian Head for use at the Andruk Bogs [located at the intersection of Maquan and Mattakeesett Streets] that then discharged into Furnace Pond. Currently, the Town of Pembroke owns this property, and as a result, this no longer happens.

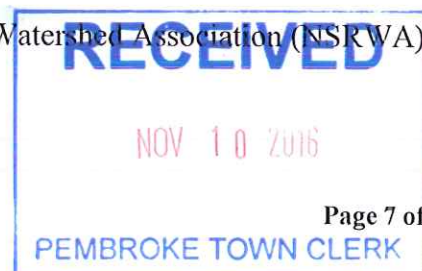
Mr. Stevenson would like the issue placed on the agenda for further discussion.

Appointment: Michael Shackleton re: Wild Parsnip Removal Plan

Mr. Shackleton is unable to make the appointment.

Discussion: Rope Swing at Brick Kiln Lane

Present: Rick Wall, Pembroke Chief of Police
Samantha Woods, North South River Watershed Association (NSRWA)
Kevin Beggs, 150 Brick Kiln Lane
Geraldine Finn, 126 Brick Kiln Lane



Mary Lou and Jeffrey Ripley, 116 Brick Kiln Lane
Judy and David Parks, 69 Brick Kiln Lane
Dale P Southworth, 126 Brick Kiln Lane
Joseph Detells, 150 Brick Kiln Lane
Joseph Chinzi, 54 Brick Kiln Lane
Caleb Estabrooks, 67 Washington Street, Hanover

[The conservation commission owns approximately 50 acres of land located along the North River. Access to the site is from Brick Kiln Lane. An unauthorized rope swing and platform are installed at the edge of the river, which over time has developed into a nuisance situation for the police and the abutters.]

Neighborhood representative Kevin Beggs has requested this evening's meeting to discuss possible solutions to mitigate the problem. This year has been especially bad. He is advocating for the removal of the tree. Mr. Beggs informs the commission that due to the rope swing, he and his neighbors have had to endure non-stop trouble, disrespect and inconvenience from unruly teenagers traveling through the neighborhood. Mr. Beggs informs the commission that the swing users: do not obey traffic limits; parking limits; leave litter and trash on the roadway, trails and waterfront; engage in the use of alcohol and campfires; and deters the use of the park from respectful users.

Two unidentified abutters from Hanover recount a recent visit to the rope swing. They found the area dirty and unsafe (trash, broken glass, etc.). There were no signs on-site against littering and/or fines. The issuance of fines, removal of illegally parked cars and the arrest of violators would be a good deterrent. They think that the removal of one tree may not be the answer – the commission may need to clear cut a large area. They also state that the problem will go away in September when school starts.

Other abutter comments:

Liability: The failure of the town to take any action against a known unsafe situation is inexcusable.

Quality of life in the neighborhood: Miserable, but the bigger picture is the uncontrolled illegal activity taking place within the area. Many of the abutter agree that the obnoxious behavior has only come with the rope swing.

Tree: Many do not believe in unnecessary tree removal, but in this instance, it has to go.

Police Chief Rick Wall: Police Chief Wall voices his frustration regarding the presence of the rope swing and the amount of resources his department has spent policing the area. Chief Wall and his department have spent countless hours, have made numerous visits to this area and have answered countless calls for unauthorized activities. In order for his staff to monitor the area, they must get out of their vehicles and walk quite a distance to the swing. He feels that it will be easier to monitor the area once the rope swing is gone. He would like the platforms gone as well and the police will step up enforcement of the area.

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Chief Wall also states that the police department has tried to regulate the area with signs (that disappear), and ticketing of vehicles. Chief Wall states that the majority of ticketed cars are not registered to a Pembroke address leading him to think that it is not Pembroke kids that are causing the majority of the problem. Chief Wall does not think that arresting kids is the answer. He does not feel that signs are the answer. People know what is right and what is wrong. He feels that they should respect our open spaces – they are not amusement parks.

Bill Boulter: He is a representative of the North River Commission, but is not here this evening to represent them. He states that there is no permit in place for the rope swing or the fire pit. Everything is totally illegal. He feels that people pay a lot of money to live on the North River and they deserve peace and quiet. He states that he will bring the issue to the next meeting of the North River Commission.

Samantha Woods, NSRWA

Ms. Woods states that the NSRWA always answers to people who want to remove trees that they provide immeasurable value in terms of shade, habitat, nutrition, etc. In this instance, the NSRWA can justify the removal of one tree as a public safety concern and the damage to the area outweighs the need to protect it. She informs the commission and abutters that the next meeting of the NSRWA is scheduled for the 18th. She recommends that the abutters attend the meeting and make their concerns known to the NSRWA.

Commission Discussion:

Motion to allow the removal of the platforms and rope swing: Bob Clarke

Second: Greg Walsh

All in favor

The commission needs to retain a tree climber to perform the work. Mr. Kevin Beggs has a tree climber scheduled to perform work at his property this week.

Motion to advance funds up to \$500.00 for Mr. Beggs' tree climber to remove the platforms and rope swing: Bob Clarke

Second: Sharon Tuells

All in favor

The commission respectfully requests that Mr. Beggs arrange for the tree climber to assess and remove the tree swing and platforms on conservation property.

The removal of the tree will require a formal filing and hearing. In any event, the commission will not take any action that is not sanctioned by the NSRWA.

Motion to notify NSRWA of the commission's support to remove the rope swing tree:

Bob Clarke

Second: Sharon Tuells

All in favor



The commission will send a letter to NSRWA notifying them that they support the removal of the rope swing tree.

Mail Folder: Tree Removal at Town Barn

Agent Bob Clarke informs the commission that the trees at the Town Barn have been removed. He feels that Letourneau Landscaping did a great job. He also informs the commission that there are additional trees that need to be removed. It appears that these trees were all planted at the same time and have come to the end of their life span.

Meeting Minutes

May 23, 2016

Motion to accept: Rick Madden
Second: Sharon Tuells
All in favor

June 13, 2016

Motion to accept: Rick Madden
Second: Sharon Tuells
All in favor

July 11, 2016

Motion to accept: Rick Madden
Second: Sharon Tuells
All in favor

July 25, 2016

Motion to pass over until next meeting: Rick Madden
Second: Sharon Tuells
All in favor

Documents signed:

- Invoice for Lowes – DPW account
- Invoice for Site One Landscape Supply
- Corr. to Plymouth County Water District Commission (Andy Stevenson only)
- Determination of Applicability (DOA) for 65 Pine Tree Lane and 34 Pond Street
- Gatehouse Media Bill
- Agent Payroll
- Invoice re: Tree removal at Town Barn

Adjournment

A motion was made by Bob Clarke to adjourn the meeting at 10:15 p.m. Second by Sharon Tuells. All in favor

