

**Pembroke Conservation Commission
Minutes of the Meeting of
April 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 (arrives at 7:40 p.m.); Sharon Tuells; Scott Glauben; and Andrew Stevenson
Absent: Patti DeVore; and Bob Clarke
Staff: 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 PACTV is present. They are recording. He is also recording.

Mr. Mark Ames (in attendance) informs the acting chairperson that he is audio recording the meeting.

Unscheduled Discussion: Mattakeesett Garden Club and proposed Blue Star Memorial for Herring Run Park

Present: Mary Doller
Ching Puskarich
Jeana Homola
Mary Ann Haen

Due to the cancellation of the meeting last week, there was some confusion regarding the rescheduled meeting. Members of the Mattakeesett Garden Club attended a meeting on Wednesday, April 4, 2016, but there was no quorum of the commission present.

The Mattakeesett Garden Club would like to place a Blue Star Memorial Marker on a large rock in Herring Run Park to commemorate and honor the men and women who have served our country in the armed forces. The program originated after World War II to welcome home veterans. The program has been expanded to honor all veterans. The Mattakeesett Garden Club would like to find a location within the Town of Pembroke to remind citizens of our veterans. During their informal discussion last week with the commission, the Mattakeesett Garden Club were informed that, due to the upcoming work and proposed alterations to Herring Run Park, the placement within the park may not be available at this time. The commission suggested the Mattakeesett Club consider Veteran's Commemorative Forest located off of Route 27. Members were provided with trail maps of the park. The Mattakeesett Club informed the commission that their group was meeting tomorrow to consider a new location and that they would return when a decision is made.

Continued Request for Determination (RDA) 91 Phillips Road - Hoar

Hearing opened at 7:40 p.m.

The applicant has requested a continuance to May 23, 2016 at 7:50 p.m.

Motion to continue the hearing to the above-named date: Andy Stevenson
Second: Scott Glauben
All in favor



Discussion: Wild Parsnip

Member Rick Madden states that the plants are ready for 'deadheading' and the area will have to be monitored for three years. Assistant DPW Director and member Scott Glauben informs the commission that the DPW has removed all of the plants within the Route 14 right of way and they have been burned at the Monroe Street DPW lot. Mr. Madden suggests that the area be posted for the Grand Ol' Fish Fry scheduled for May 1st. Mr. Glauben has caution tape for the area.

Discussion: Mattakeesett Street Ballfields

Assistant DPW Director and member Scott Glauben states that the DPW has installed signs.

Discussion: 234 and 242 Valley Street (DEP file nos: SE56-948 and SE56-949)

No activity.

Discussion: Erosion at Little Sandy Pond

Member Rick Madden states that the erosion at Little Sandy Pond is a major problem. The pond is pristine and he wants to keep it beautiful. Assistant DPW Director and member Scott Glauben states that the DPW had a swale that needs to be replaced, but there is no money for repairs until August. The commission discusses temporary solutions such as a silt sock at the toe of slope or permanent solutions such as a leaching basin. Mr. Glauben will inspect the area with the highway foreman.

Discussion: Request to use Herring Run Park on Sunday June 5, 2016 for engagement party and cookout

After discussion, the event was approved with the following conditions:

- 1.) A timeline for use of the park (start and finish) needs to be submitted;
- 2.) Any permit issued for use of the park does not provide exclusive use. The park will remain open to the public without restriction;
- 3.) Use of a cook fire will require approval from the Pembroke Fire Chief;
- 4.) Attendance at the party of 50 – 60 guests may need a police detail for traffic control, parking and safety;
- 5.) There are no restroom facilities at the park. Installation of portable toilets are only allowed adjacent to the parking area; Portable toilets are NOT allowed over the bridge. In addition, portable toilet rental and installation will need approval from the Board of Health;
- 6.) Motorized vehicles within the park are not allowed. Only hand cart transport from the parking lot of materials and catering supplies is allowed;
- 7.) All trash generated on site must be removed by the user;
- 8.) Use of electricity requires a fee of \$25.00 made payable to the Town of Pembroke. The check should be sent to the conservation office so that arrangements may be made to turn on the electricity for the event.

Motion to allow the event with the above-named conditions: Rick Madden
Second: Scott Glauben
All in favor

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PEMBROKE TOWN CLERK

Discussion: Request to Extend the Order of Conditions for 19 Canoe Club Lane (DEP file Number: SE56-927)

Motion to extend the OOC for 19 Canoe Club Lane: Andy Stevenson

Second: Scott Glauben

All in favor

RDA – 119 Furnace Colony Drive - Winters

Open at 7:50 p.m.

Present: Cynthia Winters, applicant and owner
Scott Brittnal, applicant and owner

The subject proposal involves the construction of an addition to an existing one bedroom home located within the bufferzone of Furnace Pond. Mr. Brittnal and his wife (Cynthia Winters) appeared before the commission in November of 2014 prior to the purchase of this property to discuss whether the proposed addition would receive a favorable decision from the conservation commission. Mr. Brittnal reviews the plans and construction procedures with the commission. The proposed addition will 'square off' the house with an existing deck and will not be any closer than the existing deck to Furnace Pond. The foundation will consist of SONA tubes and silt sock will be used for erosion control. At the time of construction, agent Bob Clarke will assist Mr. Brittnal with the placement of the erosion controls and will determine whether a reduction in the required 12 inch diameter silt sock is warranted.

Motion to close: Andy Stevenson

Second: Rick Madden

All in favor

Motion to issue a Negative 3 Determination with the following conditions: Andy Stevenson

- 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; and
- No stockpiling of soil is allowed.

Second: Rick Madden

All in favor

Request to Amend Order of Conditions – Water Wheel at Herring Run Park – Boulter (DEP file number: SE56-928)

Hearing opened at 8:00 p.m.

Member Scott Glauben recuses himself as he is employed by the Town of Pembroke.

Present: The applicant is not present.
Mark Ames
Michael Kirby
Libby Bates, Historical Commission

Mr. Mark Ames informs the acting chairperson that he is audio recording the meeting.

Ms. Bates inquires whether a conservation commission member is an abutter and whether that person is going to participate in the meeting. Ms. Bates was informed that member and abutter Patti DeVore is not in attendance. Ms. Bates requests that the public notice to be read. Acting Chairperson Art Egerton reads the public notice and states that although it is not contained in the public hearing notice the requested amendment refers to the temporary wheel and not the permanent wheel.

Mr. Ames requests information on what materials and information for this project have been received by the conservation commission during the past 2 ½ to 3 years. Acting Chairperson Egerton directs Mr. Ames to request that information from applicant Bill Boulter. Member Andy Stevenson informs Mr. Ames that the MassDEP would like the involved parties (conservation commission and selectboard) to work together and submit a package for their review. Mr. Ames asks questions whether the appeal to MassDEP has been withdrawn. Mr. Stevenson states that the appeal does not have to be withdrawn for the conservation commission to act. Mr. Ames also asks what will be the conservation commission's procedure after this evening. Acting Chairperson Art Egerton informs Mr. Ames that the commission will extend the OOC and vote on the revision. Mr. Ames asks if the commission have already made a decision? Member Rick Madden says that he thinks that the order has already been extended. Mr. Ames then asks for clarification. Acting Chairperson Art Egerton refuses to provide any additional information and states that the purpose of a hearing is to 'hear you'.

Ms. Libby Bates, Chairperson of the Pembroke Historical Commission, asks if the abutters were notified. The administrative agent affirms that the conservation commission has not received any evidence that the abutters were notified. Acting Chairperson Art Egerton informs Ms. Bates that they do not have to be notified. He further states that the subject proposal is not really a conservation commission issue as the Herring Run Park is under the control and responsibility of the Herring Fisheries Commission. Ms. Bates disagrees and informs Mr. Egerton and members of the commission of their legal responsibilities under the law. Furthermore, Ms. Bates informs the commission that the current meeting is illegal. The commission needs to adjourn, re-advertise and notify abutters. Acting Chairperson states that the comments are not valid.

Member Andy Stevenson makes a motion to close the hearing

Second: Rick Madden

Vote: 4-0-1 (for-against-abstain) Member Scott Glauben abstains.

In closing, Ms. Bates informs the commission that there is a systemic error in a deed restriction placed on the property that needs to be corrected. She offers to assist the commission in preparing a confirmatory deed to correct the error. Ms. Bates also informs the commission that the Herring Run Park is a historical and archeological site. The Historical Commission has the oversight to work with the community and the commission.

Acting Chairperson informs Ms. Bates that he is pushing the amendment as the appeal has been going on too long. Ms. Bates tells Mr. Egerton that is not an excuse and that he needs to know and understand his position. Mr. Egerton informs Ms. Bates that the conversation is irrelevant.

Selectboard members Bill Boulter and Michelle Burt arrive. They are informed that the hearing has been closed as the abutters were not notified.

Acting Chairperson Art Egerton takes a break and leaves the room with all attendees.





Continued NOI – Copperwood Estates – Kelley (DEP file number: SE56-961)

Hearing opened at 8:15 p.m.

Present: Eoghan Kelley, applicant
Tom Pozerski, P.E., Merrill Associates, representing applicant
Paul Broгна, P.E., Seacoast Engineering, peer review engineer

Mr. Pozerski informs the commission that, as requested by the commission, Merrill has made changes to the plans and asks if the commission has any questions. Member Rick Madden asks about the updated plant list. Mr. Pozerski states that the final list was left flexible to allow for changes between the commission, the applicant and the developer. He notes that the updated plant lists includes lot by lot mitigation.

Peer review engineer Paul Broгна provides a summary of his review previously provided in two letters to the commission.

- The project meets MassDEP stormwater standards for new development.
- As required by MassDEP General Permit, a Stormwater Pollution Prevention Plan (SWPPP) will be submitted prior to construction. Mr. Broгна notes that a draft SWPPP has been submitted by Merrill Associates.
- Snow removal plan is acceptable.
- A National Pollution Discharge Elimination Permit ((NPDES) will be required.
- The bufferzone mitigation plan and replication plan needs more detail and specificity. These items can be a work in progress between the parties during the development of the site.
- The Public Safety and the Traffic Management Plan to be submitted to the Zoning Board of Appeals and to supplement the SWPPP needs more detail to ensure compliance with all applicable environmental regulations and guidelines.

The commission requested information on the protection and preservation of the remaining land on site. A Conservation Restriction was discussed for inclusion in the Order of Conditions. Other items discussed included the WQC, removal of trees and a preconstruction meeting.

Motion to close: Andy Stevenson

Second: Rick Madden

All in favor

Motion to approve with conditions to be determined at the next meeting: Andy Stevenson

Second: Rick Madden

All in favor

RDA – 254 Church Street - Miers

Hearing opened at 8:40 p.m.

Present: Steven Miers, owner and applicant

The subject proposal involves the installation of a 1,000 gallon grease trap into an existing septic system. The project has already received Board of Health approval. Mr. Miers reviews the plans with the commission. The commission discusses erosion control requirements.

Motion to close: Andy Stevenson

Second: Scott Glauben

All in favor

Motion to issue a Negative 3 Determination with the following conditions: Andy Stevenson

- 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

Documents signed:

- Ext. OOC – 19 Canoe Club Lane (DEP file no.: SE56-926)
- DPW bill re: insect repellent for trail maintenance volunteers
- Determination of Applicability – 254 Church Street
- My Green Mind bill re: dog waste bags
- Agent payroll
- Reimburse B. Clarke re: keys and locks for Herring Run Superintendents Shack
- Seacoast Engineering re: peer review
- DPW bill re: reflective vests for trail maintenance volunteers

Adjournment

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

