

**Pembroke Conservation Commission  
Minutes of the Meeting of  
May 16, 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 (audio and video recording); Bob Clarke (arrives at 7:55 p.m.); Scott Glauben; and Andrew Stevenson  
**Absent:** Patti DeVore; and Sharon Tuells  
**Staff:** Mary Guiney, administrative agent  
**Location:** Town Hall, Veteran's Hall  
**Opened:** 7:40 p.m.

Acting chairperson Art Egerton opens the hearing at 7:30 p.m. and states that there is video recording by a member of the audience and members.

**Attending:** Ryan McDonnell  
Michelle Burt  
Rob Adams (video recording)

**Request for Determination of Applicability (RDA) Elmer Avenue, lot 2953 - Cain**

Hearing opened at 7:40 p.m.

**Present:** Edward Cain, landowner and applicant

The subject proposal is an 'after the fact' filing for the removal of understory brush from an unimproved lot located within the bufferzone of Stetson Pond. Agent Bob Clarke has inspected the site. Mr. Cain explained that he still needs to grub out old roots, level the lot and plant grass. The work will not involve any tree removal or the placement of loam near the resource area. The existing topography of the site has a slope up from the edge of the water of approximately 15 feet to the edge of the vegetation. Member Rick Madden requests a no-mow buffer at the edge of the beach/vegetation. A five-foot wide buffer is proposed that is allowed to be mowed two times per year. Mr. Madden also suggests the use of low-nitrogen, slow release fertilizers for use within the bufferzone.

**Motion to close the hearing:** Andy Stevenson  
**Second:** Scott Glauben  
**All in favor**

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

- Owner must maintain a 5-foot strip of undisturbed lawn at top of slope from Stetson Pond.
- This lawn area is allowed to be mowed twice per year; once in June and once in October.

**Second:** Scott Glauben  
**All in favor**

**RDA 187 Wampanoag Street (Town Landing Beach) - Glauben**

Hearing opened at 7:55 p.m.

Member and Assistant DPW Director Scott Glauben filed the application on behalf of the DPW and will be recusing himself so that he can provide a presentation of the proposed work.

The subject proposal involves the removal of two cement panels and the replacement of three cement panels at the existing boat ramp located at Town Landing Beach. Scituate Concrete Pipe Company will be manufacturing the parts and will also be performing the work with a crane. Agent Bob Clarke wants a 'spill kit' on site, as well as booms to be placed in the water in the case of an accidental release.

Motion to close: Bob Clarke

Second: Andy Stevenson

Vote: 4-0-1 (for-against-abstain) Scott Glauben is not voting.

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

- Emergency spill kit and collection booms must be on-site during removal/installation of ramp.

Second: Andy Stevenson

Vote: 4-0-1 (for-against-abstain) Scott Glauben is not voting.

**Discussion: Wild Parsnip**

Member Rick Madden informs the commission that he will be taking a canoe expedition up stream to investigate whether there is any further infestation of Wild Parsnip in the area. He also states that he inspected the site today and thinks that the remaining plants need to be grubbed out.

Agent Bob Clarke reminds the commission that they are not exempt from the Wetlands Protection Act (WPA) and that they need to follow proper procedures to work within the resource area. The commission discusses the need for an emergency certification or whether the work can wait for a RDA filing. Mr. Madden will file a RDA this week.

**RDA – 44 Elliott Avenue - Hanson**

Hearing opened at 8:05 p.m.

Present: Mark and Mary Hanson, homeowners and applicants

The subject proposal involves the installation of a 24 round above-ground swimming pool to be located at a distance of greater than 50 feet from a bordering vegetated wetland (bvwt). The project will involve minimal excavation and the system will utilize a Diatomaceous Earth (DE) filter. The commission states that a direct discharge towards the resource area is not allowed and a drywell must be installed for any discharge.

Motion to close: Bob Clarke

Second: Andy Stevenson

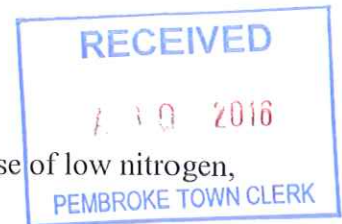
All in favor

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

- Backwash from pool must be discharged into dry well.
- No direct discharge towards the resource area is allowed.



Second: Andy Stevenson  
All in favor



In parting, member Rick Madden requested that the applicants consider the use of low nitrogen, slow release fertilizers on their lawn areas.

**Request for Certificate of Compliance (COC) – 42 Equestrian Way (DEP file no.: SE56-939)**

A request for COC was submitted by Eoghan Kelley for the Order of Conditions (OOC) that was issued on March 18, 2014 for the construction of a single family house. The commission reviewed and issued a partial COC on November 3, 2015 with the condition that the vegetation on-site needed to be stabilized. Agent Bob Clarke has inspected the site and recommends the issuance of a full COC.

Motion to issue a COC: Bob Clarke  
Second: Andy Stevenson  
All in favor

**Notice of Intent (NOI) 41-49 Cross Street – Arsham (DEP file no.: SE56-963)**

Hearing opened at 8:10 p.m.

Present: Doug Arsham, applicant  
Sean Foster, Stantec Planning and Landscape Architecture P.C. representing applicant  
Brian Madden, LEC Environmental, senior wildlife scientist

Sean Foster submits green cards verifying abutter notification. Acting chairperson Art Egerton informs the applicant and his representatives that due to a typographical error in the legal ad the hearing cannot be officially heard. The commission will re-advertise the public hearing for June 6, 2013. Mr. Egerton invites the applicant and his representatives to provide a presentation of the proposal to the commission.

The subject proposal involves the construction of a new one-story 48 unit, 54 bed assisted living facility building and associated parking areas, drive aisles, walkways, landscaped areas, stormwater management features, utilities, and a subsurface sewage disposal system (SSDS). Prior use of the site involved agricultural exemptions under the WPA. Proposed improvements to the site include restoration of previously disturbed bvww, enhancements to the bank and planting of existing unstabilized portions of the bufferzone. There will be no new disturbances to the resource areas.

Brian Madden, LEC, provided an overview of the resource areas on-site. He summarized a wetland site assessment that he performed last summer which included the following: review of a wetland restoration project previously performed on-site; a man-made farm pond which he does not believe meets the WPA definition of a pond; and the condition of the farm pond (turbid with poor water quality) which was used to wet down the former horse paddocks. He also performed a wildlife habitat evaluation and determined that the site did not provide any wildlife habitat. Mr. Madden described the impacts and proposed improvements to the site including 50 feet of temporary construction impacts to the bank caused by the demolition of an existing structure and installation of 25 feet of retaining wall. Fencing and invasive species will be removed from the westerly side of the site. The overall effect will improve water quality.

Agent Bob Clarke advises the applicant that projects of this size are usually reviewed by a peer review engineer to verify compliance with MassDEP stormwater regulations. The commission will request that the peer review engineer selected by the Planning Board perform the review. The commission will also request that the wetland delineation be verified by an independent consultant retained by the commission. Mr. Madden explained that the wetland line was affirmed by an Order of Resource Area Determination (ORAD) (DEP file no.: SE56-856) issued on July 6, 2009. [Under the Permit Extension Act which was created by Section 173 of Chapter 240 of the Acts of 2010 and extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012, any permit in effect during the tolling periods of August 15, 2008 and August 15, 2012 is automatically extended for four years.] As the ORAD is still valid, the commission will forego the review by the wetland scientist.

Other items discussed: Restoration Plan (shown on sheet L-401); member Rick Madden will meet Mr. Madden on-site and discuss/create a planting plan; the removal of invasive species from the bank; fire access (the applicant has met with the fire chief already); an overview of the proposed stormwater system (shown on sheet L-300); and request by MassDEP to show the 100 foot bank buffer on the plans.

Motion to continue to June 6, 2016 at 7:40 p.m.: Rick Madden  
Second: Andy Stevenson  
All in favor

#### **Review of Mail Folder**

Acting Chairperson Art Egerton reviews the mail folder especially with respect to the financial report, expenditures and monies available for use by the commission.

#### **EXECUTIVE SESSION**

Acting Chairperson Art Egerton makes a motion at 8:45 p.m. to close the regular conservation commission meeting so that the board can enter into executive session for the following reason: *Reason 1 of the Open Meeting Laws (M.G.L.c. 30A, s.21): To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.*

The commission will reconvene in open session at the end of the executive session.

#### **ROLL CALL TO ENTER EXECUTIVE SESSION:**

Art Egerton: yes  
Rick Madden: abstain  
Andy Stevenson: yes  
Scott Glauben: yes  
Bob Clarke: yes

All attendees leave the meeting room.

**Meeting reopens at 9:05 p.m.**

#### **Minutes of Meeting: March 21, 2016**

Motion to accept minutes: Andy Stevenson





Second: Scott Glauben  
All in favor

**Minutes of Meeting: April 25, 2016**

Motion to accept minutes: Andy Stevenson  
Second: Scott Glauben  
All in favor

**Minutes of Meeting: May 2, 2016**

Motion to accept minutes: Andy Stevenson  
Second: Scott Glauben  
All in favor

**Minutes of Meeting: January 11, 2016**

Pass over until next meeting.

**Minutes of Meeting: January 25, 2016**

Pass over until next meeting.

**Documents signed:**

- Determination of Applicability for 33 Adams Avenue
- Determination of Applicability for Town Landing Beach
- Determination of Applicability for 44 Elliott Avenue
- Determination of Applicability for Elmer Avenue
- Certificate of Compliance for 42 Equestrian Way (DEP file no.: SE56-939)
- Invoice re: Seacoast Engineering (peer review consultant)
- W.B. Mason bill

**Adjournment**

A motion was made by Andy Stevenson to adjourn the meeting at 9:15 p.m. Second by Sharon Tuells. All in favor.

