

**Pembroke Conservation Commission
Minutes of the Meeting of
June 6, 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 – he also has set up a camera); Richard B. Madden; Bob Clarke; Sharon Tuells; Scott Glauben; and Andrew Stevenson
Absent: Greg Walsh
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Veteran's Hall
Opened: 7:30 p.m.

Attending: Michelle Burt

Discussion: Town Website

Acting Chairperson Art Egerton wants more current information on the webpage. He suggests posting information such as the infestation of wild parsnip on the site. The commission agrees it would be a good idea – but they do not want to alarm people. Other suggestions include: the Herring Run project; information on herring ecosystem; tree removal on the Route 14 right of way; information on the protective boards around the trees; and tree placement/replacement. Acting Chairperson Art Egerton offers to prepare a narrative and documents for posting by the administrative agent.

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

Hearing opened at 7:40 p.m.

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

Applicant Doug Arsham states that the subject proposal is a 48 unit, 54 bed memory unit. He is looking to close the hearing tonight as he wants site mobilization by July.

Representative Sean Foster reviews the project and the suggested changes. The proposed development of the site will result in pulling back from existing conditions impacting the resource areas. Stormwater management systems are located at the sides of the site. He met with conservation member Rick Madden on-site last week and in accordance with Mr. Madden's suggestions, added "Plan L-402 Bufferzone Enhancement Plan" to the planset which includes adding groupings of plantings at different heights, removing invasive species, and the installation of deer fencing to protect the plantings. Mr. Madden requests an updated list of plants and suggests a 10-year monitoring and maintenance plan instead of a 2-3 year plan.

Mr. Foster also reviews comments from peer reviewer Peter Palimeiri of Merrill Corporation. Mr. Foster states: that the groundwater was determined to be 2 feet below grade at the stormwater structures; the underlying material is good; the grading of the basins have been

adjusted; overflow structures have been designed to provide more level spreading and will be constructed to provide 1 foot overboard for the hundred year storm. Stantec has also discussed flow in the site vicinity with the DPW to provide a channel to improve conditions on Cross Street. The stormwater management is a curbless and structureless low impact development (LID) system. All rooftop runoff drops off the roof and does not enter a gutter or drainpipe.

Although the Planning Board has not approved the project, Mr. Foster requests approval. Acting Chairperson Art Egerton agrees that the commission can close the hearing this evening. Several members are not comfortable with closing the hearing and would like to wait for further peer review comments and a determination from the Planning Board. Applicant Doug Arsham wants it wrapped up quickly as he wants to get started on the closing and is worried about an appeal. Agent Bob Clarke informs the applicant and his representatives that, to date, no one has complained about the project. He wants to wait for a final review by the Planning Board. Acting Chairperson Art Egerton wants to move the meeting along.

Motion to continue the hearing until June 13, 2016 at 8:00 p.m.: Andy Stevenson

Second: Sharon Tuells

All in favor

Discussion: Brysan Way Extension

Present: Rick Vayo
Mark Cooperman, Ecoterra, LLC
Brian Taylor, Steinbeck and Taylor,



Mr. Vayo requested to meet with the commission to provide an informal overview of the project. He is the developer for the former Animal Rescue League (ARL) facility (located at 575 Washington Street) which were converted into condos. Mr. Vayo stated that when he purchased the ARL, he had been asked to buy the subject property and declined the sale. Since that time, he discovered that the owner was looking to sell the land to another developer so he purchased the parcel with the intention of donating the lions share to the town (approximately 46.7 acres of which 30 acres are upland with connectivity to the Lage property). His proposal has minimal development of the site. The roadway width/length will be minimal, as allowed by law. The site will be improved with 10 townhouse units to the east and 4 single family houses to the west of the roadway. All work is to be performed outside the riparian zones the the stowmwater management systems are LID. There will be a condo and homeowners association. Mr. ??? informs the commission that the ALR property has a pet memorial wall, 6 trailhead parking spaces with access to the backland on a deeded easement. The design of the project will be handicap accessible.

Agent Bob Clarke thanks Mr. Vayo and states that it looks like they did a good job and it looks like a project that can go forward.

Cont. RDA – 91 Phillips Road - Hoar

Opened hearing at 8:20 p.m. No one present.

Agent Bob Clarke points out that the applicant has never appeared at a meeting and that the conservation commission is still waiting for design plans for the septic repair. Furthermore, the commission has continued this hearing for nearly 9 months without receipt of any information. He would like the commission to send the applicant a letter informing him that the commission is considering denying the application if he cannot appear at the next public hearing.

Motion to continue the hearing until June 13, 2016 at 8:10 p.m.: Bob Clarke

Second: Andy Stevenson

All in favor

Presentation by members Sharon Tuells, Rick Madden and Art Egerton re: Restoration of Herring Run Park

Member Rick Madden reads a prepared statement that says: *"Way back in the 1700's our colonial fathers left us a rich heritage of bountiful water, land, water and wild life. This is one of Pembroke's best resource areas of fresh water title meadows in the state.*

We want to further enhance and enrich the environment, but there's more to a forest than just trees. The other plants, soils, air and water that are part of the community make up an ecological system that supports wildlife, a clean environment and a healthy home for humans.

Our objective is to design along with an engineer strategically placed wading pools allowing easy passage and viewing at resting pools for herring. Furthermore we will design multiple walkways, staging areas for handicap with lofty views of activities and events. Through a seamless accessible network of gardens of multiple plants, trees of many species creating enriched experience for all.

Dedicated to be 1700 American heritage indigenous species only

1. *Upland forest*
2. *Under story plants*
3. *Ground covering plants*
4. *Aquatic plants*
5. *North atlantic white cedar grove*

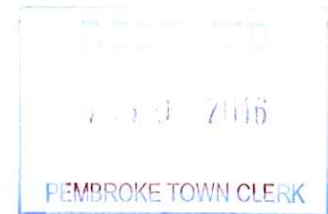
No concrete . . . just stone walls

No electricity . . . historically accurate

All organic . . . no chemicals

Apply for grants and matching funds

Most of all to have a solid plan"



Member Sharon Tuells has created a notebook with photographs to enable members and interested parties to visualize her ideas. She would like the park to be a place where people can get back to nature. Ms. Tuells grew up in Pembroke and has fond memories of the park. Her father was a former Herring Superintendent and the park was formerly known as Bud Tuells Park. Some of her ideas/discussion items include the following:

- Rework the sign with a lime wash (member and Assistant DPW Director Scott Glauben says he is in contact with the person who most recently recut the letters and put the lime wash on the sign);
- Replacement of the existing wooden walkway bridges;
- Alterations to the stream bed (with stepping stones); installation of duck boxes and osprey nests;
- Adirondack shelter/pavilion. Ms. Tuells stresses that she is not an advocate for electricity on-site. She recounts the food that used to be available at an old hot dog concession;
- River restoration with ferns, water flow and herring viewing (maintenance free); and
- Creating a policy so that dead trees remain on-site for wildlife habitat.

Agent Bob Clarke praises Ms. Tuells for her work and long range planning for the park. The commission enthusiastically supports her ideas and the subsequent discussion focused on the implementation, funding, engineering and permitting for the project.

The commission would like to place this on the agenda at the end of summer for an update and further discussion.

Other items discussed:

Name Change: Agent Bob Clarke thinks that the commission should consider properly naming the park. It was initially named after Bud Tuells and the name was changed to Thomas Reading. He thinks that as the plan progresses the park should be renamed in honor of both former herring superintendents (i.e. Bud Tuells/T. Reading Park).

Use of Stone Bridge: Agent Bob Clarke talks about vehicular use of the stone bridge. He feels that nothing should be travelling over the bridge (except emergency or maintenance vehicles). The commission agrees and suggests a vote to close the bridge to traffic. The commission will need to research the feasibility of the closure prior to a formal vote.

Request for Determination of Applicability (RDA) Barker Street (Herring Run Park) - Madden

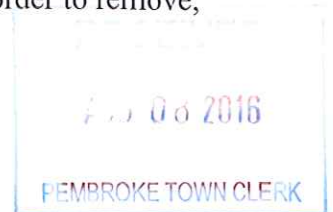
Hearing opened at 9:00 p.m.

Member Rick Madden has filed this application on behalf of the commission in order to remove, monitor and control the infestation of Wild Parsnip at Herring Run Park.

Motion to close: Scott Glauben

Second: Andy Stevenson

Vote: 5-0-1 (for-against-abstain) Rick Madden is the applicant.



Motion to issue a Negative 3 Determination with the following conditions: Scott Glauben

- No stockpiling of soils on roadway; and
- Herbicides must be applied by a licensed applicator.

Second: Andy Stevenson

Vote: 5-0-1 (for-against-abstain) Rick Madden is the applicant.

Discussion: Order of Conditions for 42 Blueberry Lane (DEP file no.: SE56-964)

The commission reviews the proposed OOC and recommends minor changes.

Motion to issue the OOC with the following special conditions: Rick Madden

1. The proposed project shall be built in accordance plans entitled "Existing Conditions" and "New Construction" dated May 4, 2016 which bear the seals and signatures of William P. Self, PLS.
2. This Order will allow the repair of a portion of the retaining wall located on the southeast corner of the site. The repair must be performed from the upland side of the wall, unless such work is performed by hand. No equipment or material storage will be allowed in the resource area.
3. This Order will allow the removal of two trees located on the easterly side of the site structure.
4. All material from the demolition of the existing site structure and an existing shed are not allowed to be stockpiled on site. All demolition debris must be loaded onto trucks and removed off-site.
5. This Order will not allow any excavated materials to be stockpiled on site, except for backfilling.
6. Any 'backwash' associated with the construction of the house 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. Notice to the Conservation Commission office or the Conservation Agent is to be given 48 hours prior to the commencement of work on site.
9. Erosion controls consisting of double staked haybales or silt sock having a diameter of 12 inches or greater with wood chips on the upland side must be installed prior to the commencement of work. The use of silt fence is prohibited by this order.
10. Erosion control requirements are as follows:

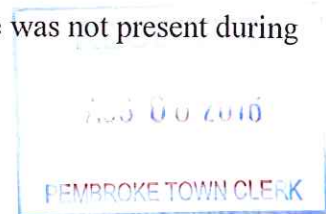
- a.) Erosion controls must be placed and staked prior to any work being started on this site.
 - b.) Erosion controls must be installed per the erosion control line on the plan referenced on the Order of Conditions.
 - c.) The location of any erosion controls will not be altered without the prior written 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.
11. There shall be no disturbance of the wetland area past the erosion control line.
 12. 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.
 13. 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.
 14. No fill shall be stored within 100-feet of the wetland without adequate erosion control measures in place and acceptable to the Pembroke Conservation Commission.
 15. No construction site "bury holes" shall be located within 100-feet of any wetland. If applicable
 16. All disturbed areas are to be loamed, seed, and/or hay-mulched as deemed appropriate by the Pembroke Conservation Commission.
 17. No spoils of construction, construction materials, or equipment shall be stored, placed or operated in wetland areas.
 18. 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.
 19. The new homeowners must sign and return to the Commission the attached 'Wetlands Disclosure Statement'.
 20. 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 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.

Second: Sharon Tuells

Vote: 5-0-1 (for-against-abstain) Agent Bob Clarke is not voting as he was not present during the public hearing.

Discussion: Summer Schedule

The commission reviewed and approved the proposed schedule.



Discussion: Water Wheel Amended OOC

Acting Chairperson has had the selectboard prepare an amended OOC. Some members have already signed the document and he would like the remaining members to have the opportunity to sign the document as well. Member Andy Stevenson states for the record that he did not sign the document outside of the public hearing.

Agent Bob Clarke voices his concerns about violations to Open Meeting Law and signing a document that was not discussed by the commission. Acting Chairperson responds that the commission has already voted on it.

Member Scott Glauben directs the commission's attention to the letter in the mail folder from the Army Corp of Engineers informing Selectboard member Bill Boulter that the project requires a water quality certification. Members Rick Madden and Andy Stevenson assure the commission that it is all set.

Motion to issue the amended OOC: Andy Stevenson

Second: Rick Madden

Vote: 4-0-2 (for-against-abstain) Members Bob Clarke and Scott Glauben do not vote.

Mail Folder: Northern Woodlands Article re: Wild Parsnip

Agent Bob Clarke informs the commission that the latest Northern Woodlands publication has an article on Wild Parsnip. Copies will be provided to all members.

Meeting Minutes

Passover until next meeting.

Discussion: Art Egerton's title

Acting Chairperson Art Egerton wants to know if he is the chairperson of the commission. He is currently the acting chairperson as he was appointed by the selectboard to fill the vacancy of former chairperson Mark Ames and was never formally voted into the position, therefore he is the 'acting' chairperson. He would like the commission to take a vote this evening naming him as chairperson.

The commission will post the reorganization of the board at a future meeting.

Request to Use Herring Run Park by Cub Scout Pack 43 for Graduation Ceremony on June 17th or June 24th from 6:30 p.m. to 8:30 p.m.

Motion to allow the requested use of Herring Run Park with standard conditions: Scott Glauben

Second: Andy Stevenson

All in favor

Request to Use Herring Run Park by Kathy Cincotta for a Public Square Assembly on June 25, 2016 from 11:30 a.m. to 1:00 p.m.

Motion to allow the requested use of Herring Run Park with standard conditions: Scott Glauben

Second: Andy Stevenson

All in favor

Documents signed:

- Agent payroll
- OOC for 42 Blueberry Lane (DEP file no: SE56-964)
- Reimbursement for S.Tuells re: copies
- Payment vouchers administrative agent hours
- Gatehouse Media Bill
- Amended OOC for Water Wheel [document removed from folder by A.Egerton]



Adjournment

A motion was made by Andy Stevenson to adjourn the meeting at 9:20 p.m. Second by Sharon Tuells. All in favor.