

Pembroke Conservation Commission
Minutes of the Meeting of
January 9, 2016

RECEIVED

FEB 15 2017

PEMBROKE TOWN CLERK

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; Scott Glauben (arrives at 7:40 p.m.); Rick Madden; Bob Clarke, agent; Sharon Tuells; and Greg Walsh
Absent: Art Egerton
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Veteran's Hall
Opened: 7:30 p.m.

Chairperson Andy Stevenson opens the meeting at 7:30 p.m.; and reads the names of members and staff in attendance

Appointment: Kathy Cincotta, Request to Use Conservation Property for Rosary

Present: Kathy and John Cincotta, 44 Hillcrest Avenue
Mary Dalessio, 26 Fairwood Drive
Gail Keene, 12D Meetinghouse Lane, Hanson

Ms. Cincotta opens with the statement that her group is NOT opposed to same-sex marriage and she would like chairperson Andy Stevenson to read her request. She does not feel that it is the same thing. Her group is not opposed to same-sex marriage, they are FOR traditional marriage. She would like an explanation on the wording and a retraction from the commission. She feels that her group is not being heard. Her group would like approval for the use of Herring Run Park every Saturday from May 1st to November 1st. She says that a yoga group meets there every week and that the Kiwanis Club has a tree sale there every year from Thanksgiving to Christmas.

Agent Bob Clarke states that objection by the commission has not changed since the last meeting. No one gets continuous use of the park. The commission may consider a single use permit, but definitely not a blanket permit.

Chairperson Andy Stevenson reminds the group that the park is used by everyone and that the commission had strongly suggested that they find another location. Mr. Clarke also questions why their group must meet at Herring Run Park. Ms. Cincotta states that the only location that they want to hold their signs is at Herring Run Park. Ms. Cincotta further states that everyone else has signed off on their use of the park. They went through the proper channels and received an email from Sabrina Chilcott stating it was okay for them to use the park. They have been using the park since June of 2016 until someone complained in October.

The commission informs Ms. Cincotta that they may consider a request for single use of the park provided permission is granted by the Selectboard. Ms. Cincotta was also informed that they may need permission from the Building Inspector to hold signs. The commission also asks how many people are at the park each weekend. Ms. Cincotta states that they usually have a crowd of 8-10 people.

Ms. Cincotta was requested to resubmit her request in April for a weekend in May.

RDA - 160 Birch Street - Clarke

Hearing opened at 8:02 p.m.

Motion to passover to after 7:50 p.m. hearing: Bob Clarke

Second: Sharon Tuells

All in favor

NOI - Brisson Way Ext. – Vayo (DEP file no.: SE56-975)

Open at 8:02 p.m.



Present: Brian Taylor, Stenbeck and Taylor, representing applicant
Gustavo Raposa, PE, representing applicant
Brooke Monroe, Pinebrook consulting, representing applicant
Rick Vayo, applicant
James Ditzel, owner

Green Cards were submitted as proof of abutter notice.

A determination letter from Natural Heritage and Endangered Species Program (NHESP) was submitted.

Agent Bob Clarke states that the wetland line has not been verified. Current snow conditions do not make that possible. He asks if wetland scientist Brooke Monroe is confident that the wetland line is accurate within a couple of feet. Ms. Monroe avers that she is confident that her line is accurate. She also has performed a comparison of her line against a historic line. Mr. Taylor provides a plan depicting a comparison of the two delineations. Agent Bob Clarke reminds the board that Ms. Monroe has years of experience and would like the commission to think about accepting the wetland line for the subdivision only. All work for the subdivision, excepting the area near the cul-de-sac is outside the 50 foot bufferzone. Perhaps the commission can condition the Order to allow the subdivision to proceed and verify the wetland resource line with the individual house permits.

Applicant Rick Vayo informs the commission that the project has changed since the commission reviewed an informal presentation in June of 2016. He is still looking to keep it simple and will give the open space to the town. Mr. Vayo and representative Brian Taylor discuss the trails systems on site.

Mr. Brian Taylor provides an overview of the project and reviews the submitted plans. The project uses low impact development (LID) design principals and has been accepted by the Planning Board. A review of the Stormwater Management Plan by the Planning Board peer review engineers has determined that it complies with MassDEP regulations. The road is sloped to one side and is graded to drain towards the stormwater basin. There are two parking spaces at the trailhead on the street. The drainage basin will be located on the donated town property. There is a greenbelt around each house. He wants the commission to require the homeowners association to maintain natural space.

The old deed for the former Animal Rescue League property says that there must be a 20 foot right of way. In addition to the two parking spaces on the street, there will be additional parking at the former Animal Rescue League (ARL) hospital site with a 5 foot wide right of way easement to Brisan Way Ext. The pathways will be deeded. A 20 foot wide roadway was not determined to be not necessary as a motor vehicle can traverse Old Washington Street from the former ARL parking area to the trailhead. The open space access is 20 feet wide, although only 10 feet will be developed for vehicle travel. There will be room at the trailhead to accommodate a horse trailer.

Applicant Rick Vayo would like the commission to consider a modified wetland line. He is proposing that the commission to accept the most conservative of both lines so that he can bypass the peer review. Each individual lot will then be reviewed with a Notice of Intent.

There are no abutters present.

Motion to close: Bob Clark

Second: Scott Glauben

Motion to issue an Order of Conditions allow the road to be built with standard special conditions and with the submittal of new plans showing the modified unconfirmed wetland line and confirmation that the proposal meets the stormwater management regulations: Bob Clarke

Second: Scott Glauben

All in favor

NOI - 17 Marlymac Way – Beausoleil (DEP file no.: SE56-976)

Hearing opened at 8:40 p.m.

Present: Scott Rogers, J.K. Holmgren representing applicant (not present)

Mr. Rogers submits green cards as proof of abutter notice.

RECEIVED

FEB 15 2017

PEMBROKE TOWN CLERK

Mr. Rogers submits revised plans that indicate the following changes to the proposal: a deck was added to the rear of the house; wetland posts; and a 'wildlife enhancement' area for mitigation for work within the 50 foot bufferzone. The project has a Zoning Board of Appeals variance and NHESP approval. The wetland line was approved with an ORAD (DEP file no.: SE56-972) on December 6, 2016.

Agent Bob Clarke recommends a vegetate barrier at the edge of work as it makes it harder for the homeowner to dump into the wetland; the homeowner has the choice of shrubs; wetlands noted on the deed; and any further work not shown on the plan needs approval from the conservation commission.

Motion to close: Bob Clarke
Second: Greg Walsh
All in favor

Motion to issue an Order of Conditions with standard special conditions and conditions discussed: Bob Clarke
Second: Greg Walsh
All in favor

Cont. RDA - 160 Birch Street - Clarke

Hearing opened at 8:55 p.m.

Agent Bob Clarke presents. The subject proposal involves the creation of a haul road from Mathias Bog on Valley Street across conservation land located on Birch Street, a portion of which will be in the bufferzone. The paperwork for the agreement is still being prepared/reviewed by town counsel although the work is nearly 1/3 complete using town roads to haul the fill.

Motion to close: Rick Madden
Second: Greg Walsh
Vote: 5-0-1 For-Against-Abstain (Agent Bob Clarke abstains)

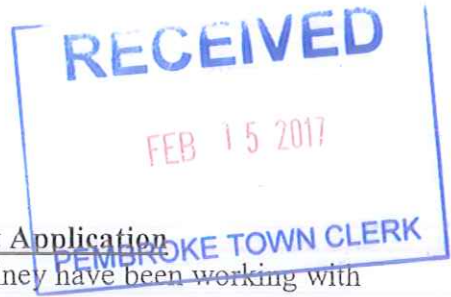
Motion to issue a Negative 3 Determination with erosion controls as determined to be necessary: Rick Madden
Second: Greg Walsh
Vote: 5-0-1 For-Against-Abstain (Agent Bob Clarke abstains)



Request for Certificate of Compliance (COC) 42 Blueberry Lane (DEP file no.: SE56-964)

Agent Bob Clarke has inspected the site and recommends the issuance of a complete COC.

Motion to issue COC: Bob Clarke
Second: Greg Walsh
All in favor



Discussion: Indian Head Trail Improvement Grant Application

Agent Bob Clarke and Administrative Agent Mary Guiney have been working with representatives of Wildlands Trust and the towns of Hanson and Hanover to submit an application to the Recreational Trail Grant Program. The 4-mile loop trail includes work at Luddam's Ford in Pembroke and Hanover, Tucker Preserve, and open space trails in Hanson.

Agent Bob Clarke explains that as the grant program is a reimbursement program, the Town of Pembroke has offered to 'front' the money which will be reimbursed by the grant program. A release of \$35,000.00 from the open space account is requested.

Motion to release up to \$35,000.00 for grants: Bob Clarke
Second: Scott Glauben
All in favor

Discussion: Falmouth Land Decision

Agent Bob Clarke wanted to highlight an instance where a commission did not carefully review the facts and acted inappropriately.

Minutes of the Meeting: December 12, 2016

Motion to accept the minutes: Scott Glauben
Second: Sharon Tuells
All in favor

Documents signed:

- Certificate of Compliance for 42 Blueberry Lane (DEP file no.: SE56-964)
- Agent Payroll
- Gatehouse Media
- Thank you letter re: Landscape by Runey's (Andy only)
- Voucher for Administrative Agent hours
- Voucher for refreshments for Conway School of Design and OSC meeting
- Determination of Applicability for 160 Birch Street

Adjournment

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

