

Pembroke Conservation Commission
Minutes of the Meeting of
January 23, 2017



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; Art Egerton (recording); Scott Glauben;
Rick Madden; Sharon Tuells; Greg Walsh; and Bob Clarke, agent
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.

Discussion: 2016 Annual Report for Conservation Commission

The commission reviews the report and notes that Sharon Tuells name has been omitted from the list of members.

Motion to accept the 2016 Annual Report for the Conservation Commission, with the inclusion of Sharon Tuells name: Bob Clarke

Second: Scott Glauben

All in favor

Discussion 2016 Annual report for Open Space Committee

Motion to accept the 2016 Annual Report for the Open Space Committee, as written:

Bob Clarke

Second: Scott Glauben

All in favor

ANRAD - 70 Old Cart Path Lane – Saia (DEP file no.: SE56-977)

Hearing opened at 7:40 p.m.

Present: Kevin Grady, Grady Consulting, representing applicant (not present)

Don and Sharon Bryant, 155 Mountain Avenue, abutters

Bruce and Anne Nichols, 145 Mountain Avenue, abutters

Tony Trotta, 165 Mountain Avenue, abutter

Luke and Lynne Krzyzewski, 161 Mountain Avenue, abutters

Bill Callahan, 335 Grange Park, Bridgewater

Kevin Grady submits green cards as proof of abutter notice.

RECEIVED

Mr. Grady presents an overview of the site. He states that John Zimmer of South River Environmental delineated the site in November of 2015. Mr. Grady is looking for approval of the edge of the bordering vegetated wetland and top of bank for an intermittent stream. He is only requesting a determination of one bank. Mr. Grady informs the commission that Mr. Zimmer, in his report, stated that it is an intermittent stream based on his review of the USGS map dated 2015. This USGS map did not indicate the presence of a perennial stream on-site; there was no observations of a dry stream; and a Stream Stats analysis of the watershed was not performed. Mr. Grady informs the commission that since the stream hit the first test (not shown on the USGS map), he stopped investigating its status.

Mr. Grady provided a definition of a perennial stream vs. an intermittent stream and the commission provided a brief overview of the regulatory impacts of an intermittent determination.

All of the abutters claim that the stream flows all the time. Bruce Nichols of 145 Mountain Avenue states that he has lived there for 50 years and it has always been flowing. Member Rick Madden agrees that the stream runs all year.

An abutter requests that another person investigate the determination as the people who live next to the stream have a different viewpoint. He asks that if the board thinks that there is a concern, that they should 'kick it up' to another board. Chairperson Andy Stevenson says that the town does not have the authority to make decisions or changes to the USGS map. Mr. Nichols questions whether the town had information on the abutting town property and he requests that the town take the intermittent stream designation off of the plan. Mr. Grady states that he has submitted the request so that his client can make design decisions based on the commission's determination.

Agent Bob Clarke requests a continuance of 30 days to allow all parties to research the data. Mr. Madden and the abutters state that the map may be inaccurate and would like the applicant to come back with more information. Mr. Grady does not think it is in his client's best interest to continue the hearing. Mr. Grady would like a vote of the board.

Agent Bob Clarke says that he is ready to accept the b.v.w as accurate, but not the top of bank.

Motion to close: Scott Glauben
Second: Rick Madden
All in favor

Motion to accept, with regret, the plan based on the 2015 USGS map: Bob Clarke
Second: Scott Glauben
All in favor



Chairperson Andy Stevenson states: "Please note that any person aggrieved by this decision has the right of appeal within 10 business days. Please contact our office or DEP if you need assistance."

NOI - 73 Taylor Street – Bisher (DEP file no.: SE56-978)

Hearing opened at 8:42 p.m.

Present: Chris Sanderson, Merrill Corporation
Bisher Hashem, applicant
Eoghan Kelley, applicant
Fiona Michini, 32 Kallio Path



Green cards were submitted as proof of abutter notice.

The subject proposal consists of a 23 acre parcel which will be developed with a 650 foot cul-de-sac subdivision with 6 house lots and stormwater drainage. The commission approved an Order of Resource Area Delineation on August 30, 2016 for the site and the approved wetland line is shown on the plan. The existing single family house currently located on site will be razed and removed. The site is located in priority habitat and a determination has already been received from the Natural Heritage and Endangered Species Program (NHESP). Silt sock is proposed for erosion control.

All stormwater will be directed to the drainage basin. The system has been sized for 100 year storm. The project will have three rain-gardens for driveway runoff, the maintenance of which will be the responsibility of the homeowner. Drywells will be installed for roof runoff. The maintenance of the retention basin will become the responsibility of the town.

Each lot will file an individual Notice of Intent. All percolation tests have been performed outside the 100 foot bufferzone.

Chairperson Andy Stevenson asks if abutters have questions or comments. They state that they are here to listen.

Tyler Nims, PE will be performing the subdivision review for the Planning Board. The commission will request that Mr. Nims review the stormwater system for compliance with MassDEP regulations.

Motion to continue to Monday, February 13, 2017 at 7:40 p.m.: Bob Clarke

Second: Rick Madden

All in favor

Motion to have Planning Board consultant do stormwater review: Bob Clarke

Second: Scott Glauben

All in favor

EXECUTIVE SESSION

Chairperson Andy Stevenson moves to close the regular Conservation Commission meeting at 8:59 p.m. so that the Commission can enter into Executive Session for Reason 7 of the Open Meeting Laws (M.G.L.c. 30A, s.21): *To comply with, or act under the authority of, or any general or special law or federal grant-in-aid requirements* for the purpose of reviewing and approving Executive Session Minutes. Second: Art Egerton

Chairperson Andy Stevenson states that the commission will reconvene in open session at the end of the executive session.

Roll Call Vote to close the regular meeting:

Andy Stevenson: yes
Bob Clarke: yes
Scott Glauben: yes
Art Egerton: yes
Sharon Tuells: yes
Greg Hanley: yes
Rick Madden: yes

Chairperson Andy Stevenson moves the Commission enter into Executive Session at 8:59 p.m. for the purpose of reviewing and approving Executive Session Minutes as allowed under Purpose 7 of the Open Meeting Law. Second: Art Egerton

Roll Call Vote to enter Executive Session:

Andy Stevenson: yes
Bob Clarke: yes
Scott Glauben: yes
Art Egerton: yes
Sharon Tuells: yes
Greg Hanley: yes
Rick Madden: yes



Meeting reopens at 9:10 p.m.

Discussion: Community Meeting for Conway Graduate School of Design scheduled for Thursday, January 26, 2017 at 7:30 p.m. at Pembroke Public Library

Agent Bob Clarke reminds the commission that the Conway School has requested all parties that have a stake in the Open Space Plan to attend the community meeting on Thursday. Mr. Clarke requests that members contact the Herring Fisheries Committee. Member Art Egerton offers to relay the message.

Discussion: Request to cancel conservation commission meeting of January 30, 2017

Motion to cancel meeting scheduled for January 30, 2017: Greg Walsh

Second: Scott Glauben

All in favor

The administrative agent will post the meeting so that members can attend and partake in the discussion for the proposed 40B project on Water Street.

Discussion: Catch and Release Bass Fishing Tournament on Oldham Pond, September 16, 2017 6:00 a.m. to 3:00 p.m.

Motion to allow the use, with standard conditions: Scott Glauben

Second: Greg Walsh.

All in favor

Discussion: Wild Parsnip and Herring Run Park

Member Rick Madden reports that lots of soil has been dug up.

Agent Bob Clarke states that with the Route 14 project underway, there needs to be a crosswalk to connect the Herring Run Park with the Lage Preserve. The Administrative Agent will prepare a letter of request to MassDOT District d5

Discussion: Mattakeesett Ball Fields

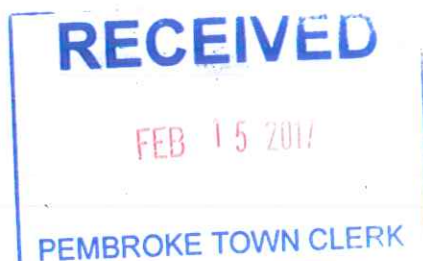
Agent Bob Clarke states that planting season is coming and asks if the commission has made any progress. Member Rick Madden says that he is working on a proposal. He has ideas on where and how and he needs volunteers. He would like to put a motion forward to replace trees and asks what do we need to leverage. Agent Bob Clarke says that he needs at least a rough plan and that the Recreation Department needs time. Mr. Madden wants a smaller start up to prove that the work can be done. Mr. Clarke agrees that with a smaller amount, he can use the commission's money and then get reimbursement from the Recreation Department. Mr. Clarke also recommends larger hardier trees in lieu of many smaller trees. Mr. Madden would also like to 'pot' trees and have them when we need them.

Minutes of February 29, 2016

Motion to accept minutes of February 29, 2016 with the correction of a typo on page 3 (change plans to plants under Discussion: Herring Run Park and Wild Parsnip): Scott Glauben

Second: Rick Madden

Vote: 6-0-1 For-Against-Abstain (Member Greg Walsh abstains as he was not in attendance)



Documents Signed

- Ext. OOC for Water Wheel (DEP file number: SE56-928)
- OOC for 17 Marlymac Way (DEP file number: SE56-976)
- OOC for Brisan Way Ext. (DEP file number: SE56-975)
- Payment voucher for meeting with Conway School
- Thank you letter to Entergy for donation to Pembroke Watershed Alliance (Andy only)

Adjournment

A motion was made by Rick Madden to adjourn the meeting at 9:35 p.m. Second by Scott Glauben. All in favor

