

**Pembroke Conservation Commission
Minutes of the Meeting of
October 19, 2015**

*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; Andrew Stevenson; Richard B. Madden; Bob Clarke;
and Scott Glauben
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Room 8, Conservation Commission Office
Opened: 7:40 p.m.

Attending: Martin Walsh, 142 Mountain Avenue (Kiwanis)
Michael Suckow, 162 Mountain Avenue (Kiwanis)
Susan Roche, 67 Lady Slipper Circle
Carolyn Cleary, 260 Valley Street (Valley Street hearings)
Brian Logan, 295 Valley Street (Valley Street hearings)
Dan Sullivan, 260 Valley Street (Valley Street hearings)
Nigel Harling, 261 Valley Street (Valley Street hearings)
Patty Cuozzi, 271 Valley Street (Valley Street hearings)
Stephanie Falvey, 271 Valley Street (Valley Street hearings)

Appointment: Eric Frisbee, Eagle Scout Project Proposal, Troop 105

Mr. Frisbee of Troop 105 is requesting permission to use land under conservation commission jurisdiction for his Eagle Scout Project. He provides a presentation of his Eagle Scout Project which involves the restoration of Peter's Well. [According to the Pembroke Historical Society Website and, as summarized by Mr. Frisbee, Peter's Well is: "*a 40' X 60' site that pre-dates the Revolutionary War, and was donated to the Society in 1964 by Charles J. Coffin. Located off Fairwood Drive, Peter's Well is all that remains of the homesite of Pierre (Peter) Pelerin and his family. They were among the 6,000 French settlers (Acadians) deported from Nova Scotia by the British at the beginning of the French and Indian War in 1755. Peter's modest cabin was located on property known as Wallis Orchard. According to local legend, an earlier Wallis was among a small group of Huguenots who arrived in Pembroke in 1617 and established Sabbaday and Wallis orchards.*"] Mr. Frisbee proposes to clear and widen the trail to the site, install a post and rope enclosure around the well and construct an information kiosk. The commission fully supports the proposed project and thanks Mr. Frisbee for his service.

**** Police detail arrives to check in. They will be on standby if assistance is needed. ****

Cont. Notice of Intent (NOI) – 43 Canoe Club Lane – Ambrose (DEP file no.: SE56-956)

The hearing is opened at 7:45 p.m.

Attending: Michael Count, Merrill Corporation, representing applicant (not present)

The subject proposal involves the construction of a 4' by 69' timber pier over the existing wetlands to the North River. At the river side of the pier, a 3' by 22' foot aluminum gangway ramp extends into the North River to an 8' by 12' timber float. As proposed, the timber pier will have 1" spacing between deck boards and the deck elevation will be a minimum of 4' above the vegetated wetlands measured from the bottom of the stringers and will provide a 1:1 height to width ratio. All timber will consist of pressure treated wood with non-leaching type preservatives. The support pilings for the pier will be installed by driving the pilings from temporary construction staging (jet wash installation will not be allowed). All excavated soils will be placed on tarps and disposed of in an upland area on site. No erosion controls are proposed. The gangway ramp and float are designed for winter time removal. The commission will be requiring that these items be stored upland from the resource areas.

The project is subject to review and approval from several government agencies:

- The North River Commission has completed its review under the Scenic and Recreation Rivers Act and the North River Act and has determined that the project, as proposed, is an allowed use.
- The Natural Heritage and Endangered Species Program has determined that the proposed project must be conditioned in order to prohibit a 'take' of an endangered species in the area. The conditions have been outlined in correspondence to the commission and will be included in any Order of Conditions issued by the commission.
- A Chapter 91 license will be required.
- An Army Corp of Engineers Permit will be required.

Motion to close the hearing: Bob Clarke

Second: Rick Madden

All in favor

Agent Bob Clarke proposes to use the 21 days allowed by regulation to issue an Order of Conditions. He and the administrative agent will write the conditions and bring it back for review and approval by novice commission members.

NOI – portion of 15 Forest Street (Map E7, lot 5) – Canavaro (DEP file no.: SE56-957)

Hearing opened at 7:50 p.m.

Attending: John Cavanaro, Cavanaro Consulting representing brother/applicant (not present)

The subject proposal involves the construction of a single family house with septic system and associated landscaping, grading and utilities on an undeveloped Form A lot which was recently subdivided from 15 Forest Street. Mr. Cavanaro states that the site design was driven by setback requirements of the Zoning Board of Appeals and the Board of Health. The proposed house foundation will be constructed at a distance of 29.6 feet from the edge of the bordering vegetated wetlands (b.v.w.) A rear deck situated on SONA tubes will be located at a distance of 19.6 feet from the b.v.w. Erosion controls consisting of silt sock is proposed to define the limit of work at a distance of 12 feet from the b.v.w.

Agent Bob Clarke states that because of the limited lawn area on-site, the commission typically finds that the new homeowners want to clear the lot and expand the yard. The commission will be requiring a vegetated barrier at the erosion control line, conservation posts and deed restrictions.

Motion to close the hearing: Bob Clarke

Second: Andrew Stevenson

All in favor

Agent Bob Clarke proposes to use the 21 days allowed by regulation to issue an Order of Conditions. He and the administrative agent will write the conditions and bring it back for review and approval by novice commission members.

Cont. NOI – 256 Valley Street, lot 29 – Brainfrank (DEP file no.: SE56-950)

Hearing is opened at 8:05 p.m.

Attending: Steve Kotowski, Webby Engineering, representing applicant (not present)
See list of abutters above

Mr. Kotowski submits green cards and a certified abutters list for Pembroke abutters only and states that the applicant is the abutter in Duxbury (no documentation was submitted to support this claim). Mr. Kotowski also submits a revised plan dated October 1, 2015.

Mr. Kotowski, in his presentation, recounts that this application was submitted to the commission about one year ago. His client (Ed Koplovsky) subdivided the lots in 1970. The property at 260 Valley Street was never part of the subdivision. The current use of a portion of Map F5, lot 13 (F5-13) was devised after a survey of 256 Valley Street was performed and it was determined that there was no usable land for building at the site. The original proposal involved a limited crossing along the eastern site boundary to access upland on F5-13. In its review of the proposal, the conservation commission indicated that an upland access was available on F5-13 and advised the applicant to revise his design to use the upland access owned by Mr. Koplovsky. Mr. Kotowski revised the proposal to include an access easement between 266 and 272 Valley Street with a 25-foot setback from the site structure to the b.v.w. The commission questioned the need for a 25-foot setback when there was land available for the project to be designed with a 50 foot setback from the b.v.w. The current proposal involves the installation of erosion controls and limit of work at 50 feet from the b.v.w. Conservation posts and a vegetated barrier will also be located at the 50 foot bufferzone. A septic system and concrete washout area is proposed in an area to the east of the proposed house outside the 100 foot bufferzone. Mr. Kotowski claims that the wetlands were reviewed by the conservation commission's peer review wetland scientist Lenore White. Mr. Kotowski submits a letter stating same from Brad Holmes of Ecological Consulting and Restoration. The site will be access by a gravel driveway to reduce costs.

Agent Bob Clarke notes the big improvement in the design of the site. He has other items that need polish, but the big question is the actual existence of the lot. During the meeting of August 10, 2015, Mr. Kotowski was advised to get Planning Board approval for the revised lot line and access easement across F5-13. Mr. Kotowski states that he would like the commission to condition the Planning Board approval in the Order of Conditions (OOC). Mr. Clarke counters that he does not recall the conservation commission ever issuing an OOC for lots that do not exist. In addition, he does not want to give the impression that that the commission endorses the formation of the lot. He wants Planning Board approval before the commission will consider an OOC.

Abutters, Dan and Carolyn Cleary have questions regarding the formation of a non-conforming lot (Mr. Kotowski says that the lot is grandfathered and the new lot will not be a problem); the availability of land for building outside the 100 foot bufferzone (Mr. Clarke says that the 100 foot bufferzone triggers jurisdiction, the commission will make their decision/determination on possible adverse impacts that the project will have to the resource area. It is a tough call for the commission as there is additional land available outside the bufferzone); and location of wells on abutting properties.

Mr. Kotowski states that if the Planning Board does not allow the easement, the alternative is to make the wetland crossing. Mr. Clarke reminds him that the limited crossing regulations allow for wetland crossings if an upland access is not available. The commission has already determined that Mr. Koplovsky has an upland access.

Motion to continue hearing to November 16, 2015 at 7:40 p.m.: Scott Glauben
Second: Andrew Stevenson
All in favor

Cont. NOI – 234 Valley Street, lot 26 – Delprete (DEP file no.: SE56-948)

Hearing opened at 7:45 p.m.

Motion to continue hearing to November 16, 2015 at 7:40 p.m.: Scott Glauben

Second: Andrew Stevenson

All in favor

Cont. NOI – 242 Valley Street, lot 27 – Delprete (DEP file no.: SE56-949)

Motion to continue hearing to November 16, 2015 at 7:40 p.m.: Scott Glauben

Second: Andrew Stevenson

All in favor

Discussion – Kiwanis Building at Herring Run Park

Attending: Martin (Zepp) Walsh, Kiwanis
Michael Suckow, Kiwanis

Mr. Walsh and Mr. Suckow are present to discuss future plans for the Gas Company/Kiwanis building at Herring Run Park. The Kiwanis had recently entered into a lease of the building with the Selectboard and unbeknownst to them did not realize that the Selectboard did not have the authority to execute the lease. It is owned and controlled by the conservation commission.

Mr. Walsh and Mr. Suckow provide an overview of the Kiwanis Club which was established in 1945 to enhance the lives of children worldwide and more specifically, their contributions to the community including, but not limited to: annual sale of Christmas Trees at Herring Run Park; scholarships to local students; sponsors of high school Key Club; teacher grants (administered by the Key Club); service opportunities to children; educational opportunities; and their philosophy that getting kids involved in the stewardship of community resources provides protection from vandalism as it gives the kids a form of 'ownership' of our properties. The Kiwanis Club's latest venture is a partnering with Bridgewater State College to provide college credit to Pembroke High School students. Mr. Walsh and Mr. Suckow explained that the college level course has created to start the first year of high school and involves fish monitoring at the Herring Run Park. The Gas Company/Kiwanis building is being rehabbed for use as a field laboratory. The Kiwanis will be re-roofing the building (historic-like materials), residing and renovating the interior. All equipment contained therein will be electric and the structure will be fully handicap accessible. There is no potable water and there are no bathroom facilities available at the building.

Agent Bob Clarke applauds what the Kiwanis Club is doing, but as the conservation commission is the owner of the building and park, it would like to be kept informed. Member and DPW Assistant Director Scott Glauben informs Mr. Walsh and Mr. Suckow that the DPW has the original gas company plaque from the side of the building and to let him know then they have completed the renovations so that it can be remounted on the building.

Meeting attendee Susan Roche informs Mr. Walsh and Mr. Suckow that the Pembroke Watershed Association has equipment that they can borrow.

The commission thanks Mr. Walsh and Mr. Suckow for their presentation and vows to work with them on any proposal that they have before the board.

Discussion: Conversion of land in Chapter 61A to residential

Agent Bob Clarke explains that Chapter 61 is a tax relief program for land in agricultural use and that the town usually has the right of first refusal when an owner sells the property. In the instant case, the owner is looking to pay the back taxes and remove the property from the Chapter 61 program. The commission reviews the proposed residential subdivision plan that accompanied the Notice of Intent. Agent Bob Clarke notes that the creation of the proposed subdivision will require conservation review and approval due to the presence of wetland resource areas on-site.

Unscheduled Discussion: Removal of Wild Parsnip

Member Rick Madden requests an update on his report that Wild Parsnip was observed at the Herring Run Park. Member and Assistant DPW Director Scott Glauben reports that, he has talked with Ted Knight regarding this issue, and will be consulting with the Pesticide Board for guidance.

Unscheduled Discussion: Tree replacement from land clearing at the Ball Park

Member Rick Madden inquires about the status of the tree replacement that was promised to the town for land clearing of the ball park on Mattakeeset Street. Greg Hanley was to supply the trees to replant and member and Assistant DPW Director discusses the clearing project.

Discussion: Mail Folder - Selectboard investigation of Open Meeting Law violation

Agent Bob Clarke informs the commission that the Selectboard is investigating allegations that the meeting of August 4, 2015 was videotaped in violation of Open Meeting Law. The commission needs to be aware of policies and procedures to follow for recordings.

Approval of Minutes

Agent Bob Clarke says that minutes, mostly from the Route 14 project may be voted on by current commission members. Selectboard Assistant Sabrina Chilcott has also checked with town counsel and affirms that the current members' votes are valid.

Minutes: June 8, 2015

Motion to accept minutes: Scott Glauben

Second: Andrew Stevenson

All in favor.

Minutes: June 15, 2015

Motion to accept minutes: Scott Glauben

Second: Rick Madden

All in favor.

Minutes: June 29, 2015

Motion to accept minutes: Bob Clarke

Second: Scott Glauben

All in favor.

Minutes: July 27, 2015

Motion to accept minutes: Bob Clarke

Second: Scott Glauben

All in favor.

Minutes: August 4, 2015

Motion to accept minutes: Scott Glauben

Second: Rick Madden

All in favor.

Minutes: August 10, 2015

Motion to accept minutes: Scott Glauben

Second: Andrew Stevenson

All in favor.

Minutes: September 21, 2015

Motion to accept minutes: Rick Madden

Second: Scott Glauben

All in favor.

Documents Signed

- Agent payroll
- MACC annual dues
- MACC conference fees (2)
- Mileage reimbursement (2)
- Gatehouse media bill
- NSRWA annual dues

Adjournment

A motion was made by Andrew Stevenson to adjourn the meeting at 9:45 p.m. Second by Rick Madden.
All in favor.