



**Pembroke Conservation Commission  
Minutes of the Meeting of  
April 23, 2018  
Pembroke Town Hall, Room 3**

*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 Pembroke Conservation Commission office.

*Open Meeting Law, G.L c. 30A § 22.*

**Members present:** Robert Clarke, Member and Agent; Arthur Egerton, Member; Scott Glaubien, Vice Chairman; Richard Madden, Member; Sandra Simon, Member; Mark Sotir, Member  
**Members absent:** Sharon McNamara, Chairman;  
**Staff present:** Rachel Keller, Administrative Agent

At 7:05PM, Mr. Mark Sotir, Member, opened the meeting and asked the members to introduce themselves, and then stated that the proceedings would be made available to the public through video or audio broadcast on the PACTV Government Access Channel for broadcast at future dates and that all comments made in open session would be recorded.

**ADMINISTRATIVE BUSINESS**

**Discussions**

The agent stated that it would be necessary for Mr. Egerton and Mr. Madden to submit an after-the-fact request for determination of applicability (RDA) for the tree planting at Bog 12.

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue an after-the-fact RDA for the planting of 500 trees at Bog 12 on April 28 and 29, 2018. All in favor. Motion passed unanimously.

Mr. Egerton informed the members that he and Mr. Madden ordered an outhouse for their tree planting event to be used by the volunteers. He asked if the members would agree to use the commission's funds for payment of the invoice. The agent mentioned that this request should

*Materials or other exhibits used by the public body in an open meeting are available to the public, within 10 days, upon request.*

have been brought before the commission with a formal plan for the event and asked that it be done that way in the future.

A motion was made by Mr. Sotir and seconded by Mr. Madden to allow the administrative agent to pay the invoice that will be submitted by Mr. Egerton and Mr. Madden for an outhouse that will be used at the tree planting event. All in favor. Motion passed unanimously.

#### **Meeting minutes**

The administrative agent informed the members that minutes of the April 9, 2018 meeting were not completed in time for this meeting. The members agreed to review the minutes at the next scheduled meeting.

#### **PUBLIC HEARINGS**

##### **Request for Determination of Applicability (RDA) – Route 53 – MA DOT**

##### **Attendees: Michael Clements, Massachusetts Department of Applicability**

Mr. Clements informed the members that MA DOT has plans to resurface Route 53 from Hanover to Duxbury. The application also includes construction and reconstruction of sidewalks, handicap ramps and driveway aprons along the route; cleaning of drainage structures and pipes; replacing catch basin grates and frames with special new hook locks; placing loam or mill mulch along the shoulders, as needed; and adding new roadway markings. Some of the sidewalk work take place within the buffer zone, but siltation barrier will be installed. The agent asked for a preconstruction meeting with the engineers.

A motion was made by Mr. Clarke and seconded Ms. Simon to close the hearing. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Mr. Egerton to issue a negative 3 determination and to build according to plan with all of the standard conditions. All in favor. Motion passed unanimously.

##### **Notice of Intent (NOI) – 45 Taylor Street, Libby's Lane – K & G Development**

##### **Attendees: Richard Grady, Grady Consulting, L.L.C.; Michael Tyler, abutter; Scott Radwin, abutter**

Mr. Grady informed the members that the application is for the construction of the roadway only of a subdivision called Libby's Lane which has been approved by the Pembroke Planning Board. The subdivision consists of five (5) residential lots. There are several wetland resource areas around the property including – riverfront at Pudding Brook, bordering vegetated wetland and an intermittent stream. For the purposes of the application, the commission is tasked only with reviewing a portion of the drainage infiltration basin and the outlet structure. The individual lots will be presented one at a time and at a future date. Erosion control is illustrated on the plan. The agent mentioned that it is customary to have a separate wetland scientist review the wetland line as submitted. He asked Mr. Grady whether he would prefer the wetland line be checked for the entire project or lot by lot. Mr. Grady confirmed that he would like the wetland line checked for the entire project.

Mr. Michael Tyler of 31 Taylor Street was concerned about run off. Mr. Grady stated that the run off would not be directed to the abutter's property, but rather to the drainage on the new roadway in the subdivision. There was general discussion about runoff and how storm data help determine the size of a retention basin.

*Materials or other exhibits used by the public body in an open meeting are available to the public, within 10 days, upon request.*

Mr. Scott Radwin of 279-281 Elm Street asked if there would be a lot of fill added at the roadway entrance. Mr. Grady stated that there would be very little fill added. There was a question about endangered species being on the site. Mr. Grady confirmed that the Natural Heritage maps showed no endangered species in the project area.

A motion was made by Ms. Simon and seconded by Mr. Madden to continue the hearing to Monday, June 4, 2018 at 7:10PM. All in favor. Motion passed unanimously.

**Request for Determination of Applicability (RDA) – 35 Gardner Lane – McMillan**

**Attendees: Maria McMillan, applicant; O'Neal Pemberton, applicant's fiancé**

Ms. McMillan explained that she would like to remove four trees from her property and add a new bathroom and bedroom to her home on an already existing deck. There is also an 8-foot bump out on the left side of the home. It was agreed the stumps would be ground and a siltation barrier will be installed on the pond side of the trees.

A motion was made by Mr. Clarke and seconded by Mr. Madden to close the hearing. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a negative 3 determination with the all of the normal conditions and the use of silt sock on the pond side of the trees. All in favor. Motion passed unanimously.

**Request for Determination of Applicability (RDA) – 105 Furnace Lane – Smith**

**Attendees: Warren Smith, applicant**

Ms. Simon explained that she lives on Furnace Lane, but far enough away from the proposed project location to be able to participate in the discussion and vote related to the application. Mr. Smith stated he would like to construct an unheated 25' X 33' garage in the 100' buffer zone (but not beyond 50') of Furnace Pond. The agent explained that erosion control must consist of hay bales or silt sock, not silt fence.

A motion was made by Mr. Clarke and seconded by Mr. Madden to close the hearing. All in favor. Motion passed unanimously.

A motion was made by Mr. Clarke and seconded by Ms. Simon to issue a negative 3 determination with all of the standard conditions. All in favor. Motion passed unanimously.

A motion was made by Ms. Simon and seconded by Mr. Egerton to close the meeting at 8:07PM. All in favor.

**Materials and Exhibits**

Request for Determination of Applicability and accompanying documentation Route 53

Notice of Intent and accompanying documentation for Libby's Lane, 45 Taylor Street

Request for Determination of Applicability and accompanying documentation for 35 Gardner Lane

Request for Determination of Applicability and accompanying documentation for 105 Furnace Lane

*Materials or other exhibits used by the public body in an open meeting are available to the public, within 10 days, upon request.*