

Pembroke Conservation Commission Minutes of the Meeting of April 6, 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: Mark Ames, chairperson; Carey Day, vice-chairperson; Robert Clark; Michael Kirby; Al Gigliotti; and Dan Smith

Absent: Scott Glauben

Staff: Bob Clarke, agent; and Mary Guiney, administrative agent

Location: Town Hall Selectboard Office, Second Floor, Room 10

Opened: 7:30 p.m.

“Ask the Commission” session – Member Michael Kirby is available at 7:00-7:30 p.m.

No one present.

Appointment for Tuesday, April 7, 2015 at 67 Lady Slipper Circle at 3:00 p.m. re: request for Superceding Order of Conditions (DEP file number SE56-951)

Agent Bob Clarke and member Carey Day to attend. Agent Bob Clarke states that he would like to present a defense of the Order of Conditions issued by the commission.

Discussion: Route 14 Reconstruction Project

The commission reviews the Certificate issued by the Secretary of the Environment and Energy for the Environmental Notification Form (ENF) filed on this project. In the remaining four months that are left until the project has to go out for bid, CHA, the design engineering firm, needs to procure the following permits: an Order of Conditions from the conservation commission; a determination from the Natural Heritage and Endangered Species program; an Individual 401 Water Quality Certificate from MassDEP; a Section 404 Programmatic General Permit from the Army Corp of Engineers; a National Pollutant Discharge Permit; a Categorical Exclusion Determination under the Nation Environmental Policy Act from the US EPA; and a Determination of Effect in accordance with Section 106 of the National Historic Preservation Act from the Massachusetts Historical Commission. WOW! As the conservation commission has said that they will keep the selectboard updated on the status of this project, they would like a copy of the ENF Certificate to go to the selectboard with relevant portions highlighted.

Request for Determination – 225 Old Washington Street – O’Hara

Attending: Jeffrey and Jane O’Hara, applicants and homeowners

Mr. O’Hara provides photographs of the site presents his proposal to the commission. The O’Hara’s are requesting permission to remove nine (9) trees from their backyard, primarily for sunlight and recreational purposes. The O’Hara’s are requesting the removal of the stumps from the site. Agent Bob Clarke has inspected the site and has determined that their removal is not related to safety, and because of their proximity to a wetland resource area, he recommended the filing of the subject application. He is

also recommending the installation of erosion controls for stump removal. If, in the event, the O'Hara's do not want to remove the stumps, no erosion controls would be needed. The commission recommends that the trees be replace along the edge of the wetland (on the right side of the house).

Motion to close the hearing: Bob Clarke

Second: Al Gigliotti

All in favor

Motion to issue a Negative 3 Determination with the following conditions: Carey Day

1.) Erosion control consisting of double-staked haybales or silt sock having a diameter of 12 inches or greater must be installed and the installation must be approved by the agent prior to the commencement of work; and

2.) Eight white pine (or equal) replacement trees having a minimum height of 5 feet must be planted along the edge of the wetland on the right side of the house

Second: Michael Kirby

All in favor.

Request for Certificate of Compliance (COC) – 18 Equestrian Way (DEP file no.: SE56-936

A Request for COC was filed by Eoghan Kelley along with accompanying plans and a statement from Outback Engineering stating that the work has been completed in accordance with the Order of Conditions issued by the commission on March 18, 2014 except for hydroseeding the lawn. Agent Bob Clark has inspected the work and since the lawn has not been mowed a minimum of two times he recommends the issuance of a "Partial" COC for the site.

Motion to issue a "Partial" COC: Bob Clarke

Second: Dan Smith

All in favor.

Discussion: Selection of Peer Review Consultant for Valley Street lots (DEP filing nos: SE55-947 to 950

Lenore White of Wetland Strategies has revised her estimate of the work to be performed.

Motion to authorize the work upon receipt of the retainer by the applicant: Bob Clarke

Second: Michael Kirby

All in favor

Discussion: High School Drainage Basin

In response to a letter requesting information on the status of the violations at the site, agent Bob Clarke reports that he has been contacted by Environmental Partners Group who stated that they have been unable to work due to the snow and the stockpiles of snow.

Review of Mail Folder – Tom Weinreich – Herring Run Improvement Project

A packet of information which included black and white copies of photos, a program agenda and plans for proposed work at property under the care and protection of the conservation commission was submitted by Tom Weinreich. Mr. Weinreich had been invited to make a presentation, but declined stating that he just wanted the commission to have the materials. It was the first time that the commission had seen the information and stated that the extent of work shown in the proposal needs communication with the commission, permission from the commission, and permits to perform the work.

Unscheduled Discussion: Purchase of 9 Owl Bog

A Purchase and Sales agreement has been prepared for the purchase of this property at town meeting.

Unscheduled Discussion: Open Space Committee

The commission would like to schedule a meeting with the Open Space Committee to discuss the status of signs for open space properties.

Unscheduled Discussion: Unauthorized Use of Herring Run Park

A commission member observed a vehicle parked in the lot and advertized FOR SALE. The commission discusses possible protocol for handling such events.

Unscheduled Discussion: Report of Fish Kill at Tubbs Meadow

Agent Bob Clarke reported that, as a result of complaints of dead fish at the park, he investigated with Board of Health Agent Lisa Cullity. There were an extensive number of dead fish on the site and it was determined that the fish kill was the result of natural causes. Due to the long cold winter and excess snow cover, the fish who winter in the shallow waters under the ice suffered a depletion of oxygen. The subsequent thaw has washed the fish onto the shore. Mr. Clarke said that Ms. Cullity and the Board of Health office was handling the investigation and responding to complaints.

Documents signed:

“Partial” Certificate of Compliance for 18 Equestrian Way (SE56-936)
Determination of Applicability for 225 Old Washington Street
Determination of Applicability for 11 Cardinal Circle
Gatehouse Media Bill
Conflict of Law receipt

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Adjournment

A motion was made by Al Gigliotti to adjourn the meeting at 8:50 p.m. Second by Michael Kirby. All in favor.