

**Pembroke Conservation Commission
Minutes of the Meeting of
March 30, 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 Clarke; Michael Kirby; and Dan Smith
Absent: Scott Glauben; and Al Gigliotti
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.

Interview – Linda McCullum – Open Space Committee (OSC) vacancy

The commission welcomes Ms. McCullum to the OSC, thanks her for her past service, reviews recent OSC work, and the status of the Open Space Plan.

Motion to appoint Ms. Linda McCullum to the Open Space Committee: Carey Day

Second: Michael Kirby

All in favor

The administrative agent was asked to contact OSC chairperson Greg Howell to advise him of the appointment and to set up an initial meeting to bring Ms. McCullum up to speed.

Continued Notice of Intent – 105 Furnace Lane – Shkuratov (DEP file no.: SE56-953)

The applicant has requested a continuance.

Motion to continue the hearing until May 4, 2015 at 7:40 p.m.: Carey Day

Second: Michael Kirby

All in favor.

Discussion: K & T Concession

Chairperson Mark Ames wants to voice his opinion regarding the request by K & T Concession for the use of Herring Run Park. He is pleased that the conservation commission was able to provide a space for Mr. Rearick to launch his business. It has been successful, the food was great and Mr. Rearicks stewardship of the park was exemplary. Unfortunately, he is not sure that it is right for the town to have such a successful business operating on conservation land. He thinks that a request for a single use could be considered, but would rather that the commission not be involved with a change of use of the park. The commission agrees.

Request for Determination (RDA) – 11 Cardinal Circle - Bergamesca

Present: Homeowner Steven Bergamesca

The conservation commission notes that the Tax Collector form is incomplete.

The work area consists of a cleared lawn within a fenced in yard. The subject proposal involves the installation of a 20 foot by 40 foot inground pool and pool deck to be located at a distance greater than 50 feet from the bordering vegetated wetlands. Erosion controls will consist of the following: haybales or siltsock having a diameter of 12 inches or greater will be installed as per plan; and a temporary hose and haybale lined Keraffe mat is proposed for possible de-watering. A cartridge filter system will be installed outside the bufferzone – a sand filter system is also acceptable. All excavated soils are to be removed from the site. The commission notes that a roof drain is located in close proximity to the work and requests that actions be taken to insure that the system not be disturbed.

Motion to close the hearing: Carey Day

Second: Bob Clarke

All in favor

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

- 1.) Subject to completion of the Tax Collector Form;
- 2.) No permanent structures are to be located within the 50 foot bufferzone;
- 3.) Erosion Controls consisting of either haybales or silt sock having a diameter of 12 inches or greater must be installed prior to the commencement of work. The installation of the erosion controls must be inspected and approved by the agent.
- 4.) Excavated soils must be removed from the site.

Second: Michael Kirby

All in favor

Cont. NOI - 230 Valley Street, lot 25 – Delprete (DEP file no.: SE56-947)

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

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

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

Present: Lenore White, wetland scientist of Wetland Strategies

The applicant has requested a continuance. There is no one present.

During the last meeting for these filings, the applicant had requested that the commission solicit additional proposals for the work. Ms. White, at that time, had offered to appear before the board to defend her proposal.

She had prepared four bids to address the six tasks requested by the commission. The original proposal was priced individually and encompassed four site visits and four meetings (one for each lot). Ms. White stated that if the four visits and four meetings were to be combined into one each, she could reassess her proposal to match the competing bid.

Motion to continue the four hearings to April 13, 2015 to 8:00 p.m.: Carey Day

Second: Michael Kirby

All in favor.

Request for Certificate of Compliance (COC) – Harvard Street DPW project (DEP file no.: SE56-940)

On behalf of DPW Director Eugene Fulmine, Jr., Environmental Partners have submitted a Request for COC with accompanying plans and a statement stating that the work has been completed in accordance

with the Order of Conditions issued by the commission on April 1, 2014. Agent Bob Clark has inspected the work and recommends the issuance of a Complete COC for the site.

Motion to issue a Complete COC: Bob Clarke
Second: Michael Kirby
All in favor.

Request for Certificate of Compliance (COC) – Elm Street DPW project (DEP file no.: SE56-941

On behalf of DPW Director Eugene Fulmine, Jr., Environmental Partners have submitted a Request for COC with accompanying plans and a statement stating that the work has been completed in accordance with the Order of Conditions issued by the commission on April 1, 2014. Agent Bob Clark has inspected the work and recommends the issuance of a Complete COC for the site.

Motion to issue a Complete COC: Bob Clarke
Second: Michael Kirby
All in favor.

Appointment: Robert Rearick – K & T Concessions at the Herring Run Park

Present: Owner Robert Rearick

Chairperson Mark Ames explains that the commission has reviewed his request and after consideration had determined that the conservation commission would have issues with his continued operation of a business on town property. Mr. Ames further states that it was easier knowing that Mr. Rearick had received other offers in the area to park the concession stand. Mr. Rearick thanked the commission for the opportunity provided to him last year. In closing, the commission requested updates on his new location as they would like to patronize K & T Concessions.

Request to use Herring Run Park – Grand Ol Fish Fry – Sunday, May 3, 2015

The commission has received a request from the Pembroke Historical Society for the use of the Herring Run Park on Sunday May 3, 2015 from 8:00 a.m. to 5:00 p.m. for the annual Grand Ol Fish Fry.

Motion to allow the above–stated use of Herring Run Park: Carey Day
Second: Michael Kirby
All in favor.

Request to use Herring Run Park – First Church Sunday School Picnic – Sunday, June 14, 2015

The commission has received a request from the First Church of Pembroke for the use of the Herring Run Park on Sunday May 3, 2015 from 10:00 a.m. to 1:00 p.m. for the annual Sunday School Picnic

Motion to allow the above–stated use of Herring Run Park: Carey Day
Second: Michael Kirby
All in favor.

Motion to waive the fee for the use of electricity for these two events at Herring Run Park: Bob Clarke
Second: Dan Smith
All in favor.

Discussion: Route 14 Reconstruction Project

Chairperson Mark Ames signs the contract for the peer review of Route 14 reconstruction project. In anticipation of the filing of the Notice of Intent, the commission starts to consider conditions that they may want to incorporate in the Order of Conditions. Items discussed include: equipment storage; refueling within the bufferzone; special conditions associated with the necessary fueling and boom installation; possible locations for staging areas (there are no areas outside the 100 foot bufferzone between the Hanson town line and the Lucky Dog); the possibility that the Fire Department may need to re-man another station during construction (and steel plate installation for the passage of emergency vehicles); and spill kits for the site.

Discussion: High School Drainage Basin

The commission would like to send a letter requesting an update on the status of the project. The commission is concerned that the spring thaw will cause possible continued migration of soils; that monies to perform corrective actions have not been included in the town meeting warrant; and the encroachment onto private land.

Minutes: March 16, 2015

Motion to accept minutes: Michael Kirby

Second: Dan Smith

Carey Day abstains as he has not reviewed the minutes.

Vote: 4-0-1 (for – against – abstain)

Documents signed:

Determination of Applicability for 190 Barker Street

Stormwater Peer Review Contract for Route 14 Project

COC for Harvard Street (SE56-940)

COC for Elm Street (SE56-941)

Agent payroll

Conflict of Interest Law Acknowledgement

Adjournment

A motion was made by Michael Kirby to adjourn the meeting at 9:20 p.m. Second by Dan Smith. All in favor.