



**Pembroke Conservation Commission
Minutes of the Meeting of
October 15, 2020
Virtual**

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: Gino Fellini, Chair; Robert Clarke, Sr., Member; Ronald Boidi, Member; Mark Sotir, member; Arthur Egerton, Vice Chair; Richard Madden, Member

Members Not Present: Sandy Gremlich, Member

Staff present: Melissa Joyce, Administrative Agent

At 6:02PM, Mr. Gino Fellini, Chairman, opened the meeting and stated pursuant to Governor Baker’s March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Conservation Commission is being conducted via remote participation. No in-person attendance will be permitted, but the public can view this meeting while in progress. PACTV is providing this service on Comcast Government Access channel 15, and for those without cable, on their PRIME streaming channel by visiting www.pactv.org/live. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by emailing or calling the provided contact information. All votes during this meeting will be made via roll call.

ADMINISTRATIVE BUSINESS

Forms for Vote and Signature:

Certificate of Compliance – (DEP # SE056-963) 49 Cross Street - A motion to issue a Certificate of Compliance was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Agent's Report: none at this time

Open Space Report:

Open Space is holding a clean-up event at Lage Preserve. The committee is looking to get high school volunteers. Mr. McDonough, chair, is applying for grants for the property. The committee is looking into the proper processes so that the community garden and the other parts of the master plan can be finalized. The committee is also working with Wildland's Trust to establish Conservation Restrictions for both Lage and Tubb's Meadow.

Hearings:

Notice of Intent (NOI) - DEP # SE056-1056) – 44 Copperwood Road

In attendance: Tom Pozerski, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

Single family home, septic, driveway in the Copperwood development. Most of the work is outside the 50-foot buffer zone. Mr. Clarke reminded the representative that at the last hearing for Copperwood an additional condition was added to state the wetland line must be delineated with signs, boulders, and vegetated barrier to identify the wetland and discourage encroachment into the resource area post construction.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions and build according to the plan with standard conditions was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP # SE056-1057) – 64 Copperwood Road

In attendance: Christopher Sanderson, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

Single family home, septic, and driveway. This lot is mostly outside of the buffer zone, with only the utility connections inside the BZ.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions and build according to the plan with standard conditions was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP # SE056-1055) – 32 Copperwood Road

In attendance: Christopher Sanderson, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

Single family home, deck, driveway. Similar to all other Copperwood lots.

A motion to close the hearing was made by Mr. Boidi and seconded by Mr. Clarke. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions and build according to the plan with standard conditions was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP # SE056-1054) – 37 Deerfield Lane

In attendance: Jana Bartoloni; Ian McFarlane, Grady Consulting

This project is for the construction of an inground pool. A retaining wall on the wetlands side will be constructed to level the area. A small shed will be placed at the rear of the property. The system must be a filter system per the agent.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue an Order of Conditions and build according to the plan with standard conditions was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Request for Determination of Applicability (RDA) – 175 Wampatuck street

In attendance: Shayne McGlone

This project is for an upgraded septic system less than 50 feet from the resource area. The proposed tank will be 80 feet from Oldham Pond, leeching field is 95 feet away. A variance has been granted to construct the system 5 feet from the front property line. Existing structures will be pumped, caved in, and filled with clean sand.

A motion to close the hearing was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to issue a -3 determination and build according to the plans was made by Mr. Clarke and seconded by Mr. Boidi. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP n/a) – 40 Copperwood Road

In attendance: Christopher Sanderson, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

The representative has requested that the discussions continue for the remaining Copperwood properties without DEP #s and then can be closed out at the next meeting.

Single family home, septic, and driveway. The proposed home is inside the buffer zone, between the 50-100-foot marker. The closest point is 15 feet to the deck on the rear of the home.

A motion to continue the hearing was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to include in the Special Conditions the addition of a boulder line was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP n/a) – 68 Copperwood Road

In attendance: Christopher Sanderson, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

Single family home, septic, and driveway. The proposed home is partially inside the buffer zone. The closest point is 65 feet to the home.

A motion to continue the hearing and issue the standard Copperwood Order of Conditions at the next meeting was made by Mr. Clarke and seconded by Mr. Sotir. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP n/a) – 60 Copperwood Road

In attendance: Christopher Sanderson, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

Single family home, septic, and driveway. The majority of the proposed home is inside the buffer zone. The closest point is 52 feet to the home.

A motion to continue the hearing and issue the standard Copperwood Order of Conditions at the next meeting was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP n/a) – 28 Copperwood Road

In attendance: Christopher Sanderson, Merrill Engineering; Eoghan Kelley. Copperwood Circle Builders

Single family home, septic, and driveway. The proposed home is inside the buffer zone. The closest point is 2 feet to the home.

A motion to continue the hearing and issue the standard Copperwood Order of Conditions at the next meeting was made by Mr. Clarke and seconded by Mr. Egerton. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

A motion to continue the four Copperwood hearings without DEP numbers was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Notice of Intent (NOI) - DEP # SE056-1058) – 16 Park Street

In attendance: Peter Stamper; Darren Grady, Grady Consulting; George Pongratz

This is for a proposed water line to go under the existing culvert on Park Street.

Mr. Clarke notes that there is no mention of a fish run in the NOI, and DMF was not notified. A letter from Brad Chase at DMF notes that the culvert needs to be replaced and a site visit must be done by DMF along with a review of the NOI before they approve any work in the fish run area.

Mr. Clarke noted that Mr. Fellini crawled into the culvert this past week and has confirmed the bottom of the culvert is compromised and will fail if any work is done underneath.

Mr. Pongratz, Hanover Excavation, stated that the residents have been pressured by the Water Department to replace this water line. His proposal is to use a pneumatic drilling device to go under the existing culvert. He would dig down on either side of the culvert and push through the soil underneath the culvert from both sides. Doing this work when the water is at the low point would be ideal. Mr. Fellini stated that the proposed work will be under the water table, and must go through the proper channels including DMF, and requires a plan for replacing the culvert. Mr. Pongratz mentioned that another home on the street, #10 would like access to this as well. This is not included in the plans currently submitted. Mr. Clarke stated the NOI needs to be revised to show this, and that the DPW would probably not want the road dug up again soon after the initial work. Mr. Madden stated that the combination of wet soil and vibration digging could lead to problems for the town with a collapsing culvert. Regardless of time of year, it will be in the water table. Mr. Egerton stated that grants are often offered for projects like this through the state and believes it could be in the best interest of the homeowners to look into this. Mr. Boidi asked if there was any reason other than pressure from the town to do this project. Mr. Stamper stated they have water, but there is a leak out beyond the meter in the driveway. Mr. Sotir stated that he believes the commission needs more information from DPW in order to move forward. Mr. Fellini agreed and will reach out to Mr. Chase at DMF for further information as well. Mr. Clarke agreed and stated that a secondary plan needs to be in place before anything begins. If the culvert fails during construction, then it is an emergency situation. Mr. Boidi suggested a meeting between departments to come up with a better solution rather than dropping it on the homeowner. Mr. Fellini suggested continuing the hearing until further information is available. Mr. Clarke volunteered to act as a go-between until a workable solution can be reached.

A motion to continue the hearing was made by Mr. Clarke and seconded by Mr. Madden. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Boidi, yes, Mr. Fellini, yes. Motion passed unanimously.

Ongoing Business:

Mr. Madden has asked that the reclamation planting at Copperwood be updated to include sassafras, witch hazel, North Atlantic Cedar, red cedar, birch, bayberry, creeping blackberry, blueberry, huckleberry, among others. The list will be sent over to Eoghan Kelley. Mr. Clarke requested a new plan of reclamation be submitted with the new list.

Mr. Madden mentioned that he noticed some large trees have fallen across the Bicentennial Trail. He will go in and do some work to remove these to keep the trail clear for emergency access. The board is interested in working with the fire/police to have access to quads to make the work easier.

A motion was made by Mr. Clark and seconded by Mr. Sotir to adjourn the meeting at 8:01pm. Vote by roll call, Mr. Clarke, yes, Mr. Egerton, yes, Mr. Madden, yes, Mr. Sotir, yes, Mr. Fellini, yes. Motion passed unanimously.