



**Pembroke Conservation Commission
Minutes of the Meeting of
June 1, 2023
Veterans Memorial Hall, Pembroke Town Hall**

Disclosure: These minutes are not verbatim – they are the administrative agent’s interpretation of what took place at the meeting.

Open Meeting Law, G.L.c. 30A § 22.

All materials presented during this meeting are available in the Pembroke Conservation Commission office.

Members present: Arthur Egerton, Chair; Gino Fellini, member; James Campbell, member;
Richard Madden, member; Teresa Harling, vice chair;
Not present: Robert Clarke, Sr., member

At 7:00PM, Mr. Egerton, chair, opened the meeting and asked the members to introduce themselves, then stated that the proceedings would be made available to the public at future dates and that all comments made in the open session would be recorded.

ADMINISTRATIVE BUSINESS

Minutes – May 4, 2023 – A motion to accept the minutes as written was made by Ms. Harling and seconded by Mr. Fellini. Motion passed unanimously.

Request for Certificate of Compliance – SE56-175 – 56 Country Club Circle – Motion made by Mr. Fellini to issue Certificate of Compliance, seconded by Mr. Madden. Motion passed unanimously.

Request for Certificate of Compliance – SE56-225 – 56 Country Club Circle - Motion made by Mr. Fellini to issue Certificate of Compliance, seconded by Mr. Madden. Motion passed unanimously.

LIASON REPORTS

Open Space – No Report.

Agents Report – No Report.

Herring Fisheries – Mr. Madden reported that there were record numbers of fish this year during the herring run. Numbers in excess of 500,000 fish were reported. Ms. Harling noted that Herring Fisheries is always looking for volunteers and would welcome students needing to fulfill community service hours.

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

Tree Planting – Mr. Campbell asked about the status of the tree planting. Mr. Egerton gave a brief review of the tree planting plans for the next year.

Hearings:

Enforcement Order – 98 Barker St. & 409 Washington St.

Attorney Adam Brodsky introduced himself and informed the board that he has been retained by Mr. Spath to represent him and 98 Barker St. Realty Trust relating to the Enforcement Order. Mr. Brodsky updated the board on the status of the site and the order. Brad Holmes from ECR has been retained as the wetland scientist who is preparing the wetlands delineation and flagging of the site and Webby Engineering will be preparing a survey of the property. Mr. Brodsky stated that he expected the reports to be available in a matter of weeks and would make them available for peer review by John Zimmer of South River Environmental. Mr. Brodsky was informed that the peer review wetland scientist has not been retained yet by the Conservation Commission, but that Mr. Zimmer would be given the opportunity to quote on the review along with several other wetland scientists the Commission has retained in the past.

Mr. Fellini asked if Mr. Spath would be issuing a Notice of Intent. Mr. Brodsky pointed out that no NOI is needed as Mr. Spath intends to comply with the wetland's restoration under the Enforcement Order. He added that if there is a plan to retain a portion of the road already built, then the necessary Notice of Intent will be issued.

Motion was made by Mr. Fellini, seconded by Mr. Madden to continue the public hearing until July 6, 2023, at 7:10 PM. Motion passed unanimously.

A motion was made by Mr. Fellini, seconded by Mr. Madden, to retain the services of a wetland scientist to peer review the plans submitted by Mr. Spath. Motion passed unanimously.

As the next applicant and representatives had not arrived it was motioned by Mr. Madden, seconded by Ms. Harling to go into a 10-minute recess. Motion passed unanimously.

The board reconvened at 7:30PM.

Abbreviated Notice of Resource Area Delineation – (ANRAD) – 51 & 55 Chapel Street

As the applicant and his engineer were not present, a motion to continue the public hearing until July 6 was made by Mr. Fellini and seconded by Mr. Madden. Motion passed unanimously.

Request for Determination of Applicability –(RDA)- 11 Deveau Lane

Ms. Laslie representing the owner of 11 Deveau Lane, Genowefa Sarnicka explained to the board that they would like to repair and replace an existing retaining wall bordering Oldham Pond. Ms. Laslie mentioned that erosion controls would be used during the construction and that the contractor would be using natural materials to reconstruct the wall consisting of Yankee stones. Mr. Fellini pointed out that a silt fence would be necessary for erosion control. Mr. Madden asked if there were any photos of the existing conditions and that a site visit would be helpful. After reviewing the plan presented and discussing a site visit, Mr. Fellini made a motion to close the public hearing seconded by Mr. Madden. Motion passed unanimously. Mr. Fellini then made a motion to approve a negative 3 determination. with conditions pending the site visit. Mr. Madden seconded, and the motion passed unanimously.

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Notice of Intent – (NOI – SE056-1094) – Oldham Pond

Dominick Meringolo from Solitude Lake Management addressed the board concerning the ongoing treatment of Oldham Pond. The program centers around improving water quality in the pond specifically reducing nuisance cyanobacteria or blue/green algae. Toxins from the cyanobacteria can negatively affect wildlife and fish in the pond and can become a health concern for pets and humans. Oldham Pond has had a history of cyanobacteria blooms and in 2009 began treatments. The treatment consists of aluminum sulfate which attaches itself to phosphorus, the nutrient needed for cyanobacteria to profligate. The alum and phosphorus sink to the bottom of the pond reducing the amount of phosphorus left in the water robbing the cyanobacteria of the nutrients it requires to bloom. The Pembroke Watershed Association has monitored the water quality in the pond over the course of the treatments. The pond continues to improve every year. The treatments are applied annually in a one part per million dose of aluminum to the water enough to reduce the algae blooms for the year. The Notice of Intent is required to monitor progress and provide oversight for the Conservation Commission.

There was discussion about the effects of the treatments on the endangered mussels in the pond. Mr. Meringolo reviewed the other treatments tested but they were not as successful as the alum treatments. Mr. Meringolo also pointed out that the current treatments are not toxic to wildlife including the mussels. He also pointed out that the Division of Fisheries and Wildlife has been monitoring the program. Surveys and monitoring of the mussel populations have been performed and the survey results have shown no change in the populations. The Natural Heritage & Endangered Species Program have observed similar results. Mr. Madden asked what research has been done to monitor the effects of the treatments specifically on the herring. Mr. Meringolo responded that there has not been any specific research tied to the herring, but he is awaiting information from Marine Fisheries who will comment on the NOI. DEP will provide the permit for the application.

Mr. Fellini motioned to close the public hearing for NOI SE-056-1094, Oldham Pond, seconded by Mr. Madden, the motion passed unanimously.

Motion made by Mr. Fellini to issue an Order of Conditions with special conditions added, Mr. Madden seconded, motion passed unanimously.

Ongoing Business:

A motion to end the meeting was made by Mr. Fellini at 8:25pm, seconded by Mr. Madden. Motion passed unanimously.

Materials and Exhibits

Certificate of Compliance (2) – 56 Country Club Circle
Abbreviated Notice of Resource Area Delineation and accompanying documents – 51 & 55 Chapel Street
Enforcement Order – 98 Barker Street & 409 Washington Street
Request for Determination of Applicability – 11 Deveau Lane
Notice of Intent and accompanying documents – Oldham Pond

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