



**Pembroke Conservation Commission  
Minutes of the Meeting of  
October 5, 2023**

*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.

**At 7:00PM Chairman Art Egerton opened the meeting and stated, “Please note that this meeting is being made available to the public through a video and audio broadcast on Comcast Government Access channel for broadcast at future dates. Comments made in open session will be recorded.”**

**Members present:** Arthur Egerton, Chair; Gino Fellini, member, Rick Madden, member; Nicole Pelletier, member; Robert Clarke, Sr., member, and Agent.

**Members not present:** Teresa Harling, vice chair; James Campbell, member.

**Also present:** Administrative Agent, Andrew Wandell

**ADMINISTRATIVE BUSINESS**

**Agents Report:** Agent Bob Clarke reported on the work at the Herring Run Culvert. Discussion about removal of existing materials centered around protecting the herring and utilizing vegetation and rocks native to the site. It was reported that the engineering firm doing the work wanted guidance on an obstruction to be removed and what natural materials be used to fill in as needed.

Mr. Clarke made a motion to advise the engineering firm doing the work that the root ball be removed and replaced with rocks with a smooth surface. The motion was seconded by Mr. Fellini, and it was passed unanimously.

Mr. Fellini made a motion to accept the minutes of the meeting on September 7. The motion was seconded by Mr. Madden. Motion passed unanimously.

Mr. Fellini made a motion to accept the minutes of the meeting of September 19. The motion was seconded by Mr. Madden. Motion passed unanimously.

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

### **Extension of Orders of Conditions – MA-DOT Routes 3, 53/14, 53 & 139 SE56-925**

Mr. Clarke made a motion to issue an extension of the Order of Conditions for DEP file # SE056-925 for an additional 3 years until November 2026. Seconded by Mr. Fellini. Motion passed unanimously.

### **Hearings:**

#### **Enforcement Order – 98 Barker St. & 409 Washington St., (continued from September 19, 2023).**

Chair, Art Egerton opened the public hearing at 7:15PM. Andrew Spath and Attorney Brodsky, were in attendance. Attorney Brodsky explained that he was present to give an update on the status of the restoration plan. He explained that he had spoken to Brad Holmes who was working toward having the plan ready for submission by the deadline date of October 19<sup>th</sup>.

Mr. Clarke made a motion to continue the public hearing until November 2 at 7:15PM. The motion was seconded by Mr. Madden. Motion passed unanimously.

#### **Notice of Intent – 119 Furnace Lane – DEP SE056-1097**

Rick Grady from Grady Consulting reviewed the project for an addition and garage at the subject property. The wetland delineation was performed by wetland scientist John Zimmer. The scope of the work and the required erosion control measures were reviewed. The property is on Furnace Pond. Mr. Clarke asked that the erosion control measures be inspected before any work begins as part of the Orders of Conditions.

Mr. Fellini made a motion to close the public hearing. The motion was seconded by Mr. Madden. Motion passed unanimously.

Mr. Fellini made a motion to issue an Order of Conditions for SE056-1097. Seconded by Mr. Clarke. Motion passed unanimously.

#### **Request for Determination of Applicability – 56 Cranberry Road**

The engineer for the project Don Bracken of Bracken Engineering reviewed the project. He explained that it is an upgrade of a septic system with the installation of a new tank and related systems. He reviewed the project and its proximity to the wetlands and buffer zones. Mr. Clarke pointed out that the Town does not recommend the use of silt fences and requests that silk socks be used for erosion control.

Mr. Clarke made a motion to close the public hearing, seconded by Mr. Fellini. The motion passed unanimously.

Mr. Fellini made a motion to issue a negative 3 determination with conditions, seconded by Mr. Madden. The motion passed unanimously.

#### **Abbreviated Notice of Resource Area Delineation – (ANRAD) – 51 & 55 Chapel Street (continued from September 7, 2023).**

Wetland scientist, John Zimmer, representing the applicant reviewed the original ANRAD and wetland flagging. Brad Holmes performed the peer review. A site visit uncovered a disturbance of the wetlands by the property owner. A restoration plan has been submitted to restore the previously disturbed areas on the site. The restoration plan has been peer reviewed by Mr. Holmes. Work on the restoration plan will begin this fall and continue in the spring. Mr. Clarke asked what the purpose of the ANRAD was and if any

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work was being proposed for the site. Mr. Zimmer was unsure of what the property owner wants to do on the site but explained that any work would take the wetlands into consideration and that a two-year monitoring of the restoration is required. He also explained that all fill that has been brought in will be removed as well as the wood chips spread on top of the fill. All non-native materials will be removed. A wetland scientist will monitor and review the restoration plan.

Mr. Clarke moved that the Commission approve the restoration plan with conditions, seconded by Mr. Fellini. The motion passed unanimously.

Mr. Clarke made a motion to close the public hearing seconded by Mr. Madden. The motion passed unanimously.

Mr. Clarke made a motion to issue an Order of Resource Area Delineation, (ORAD), for 51 & 55 Chapel Street based on the wetland's delineation presented at this meeting. The motion was seconded by Mr. Fellini. The motion passed unanimously.

#### **Notice of Intent – 22 Cardinal Circle – DEP SE056-1098**

Brendan Sullivan from Merrill Engineering representing the applicant reviewed the plans to add an 18' by 44' pool with a patio and putting green. He reviewed the project's proximity to the wetlands and buffer zones. Mr. Sullivan answered questions about materials handling and access to the work area. There was also discussion about plantings and erosion control.

Mr. Fellini made a motion to close the public hearing seconded by Mr. Madden. The motion passed unanimously.

Mr. Fellini made a motion to issue an order of conditions for 22 Cardinal Circle DEP SE056-1098 seconded by Mr. Madden. The motion passed unanimously.

#### **ONGOING BUSINESS**

##### **Edgewood Bogs Restoration Plan – 101 Elmer Street**

The Administrative Agent explained that the homeowner at 101 Elmer Street had trees cut down on a portion of the Edgewood Bogs to improve the view of the pond. The homeowner, Mrs. Lucinda Browne has hired Brad Holmes to prepare a restoration plan to replace the trees and has been in full cooperation with the Commission once she was made aware of the violation. The restoration plan will be available for review at the next scheduled Conservation Commission meeting on November 2.

At 8:27PM Mr. Clarke made a motion to adjourn seconded by Mr. Madden. The motion passed unanimously.

#### Materials and Exhibits

Extension of Orders of Conditions – MA-DOT Routes 3, 53/14, 53 & 139 SE056-925

Notice of Intent – 119 Furnace Lane

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

Restoration Plan – 51 & 55 Chapel Street

Notice of Intent – 22 Cardinal Circle

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