

Pembroke Conservation Commission
Minutes of the Meeting of
November 2, 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: Art Egerton, acting chairperson; Richard B. Madden; Bob Clarke; and Scott Glauben
Absent: Andrew Stevenson
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Veteran’s Hall B
Opened: 7:30 p.m.

Acting chairperson Art Egerton opens meeting and states “Please note that this meeting is being made available to the public through a video and audio broadcast on Comcast Government Access channel 15 and is being recorded for broadcast at future dates. Comments made in open session will be recorded.”

Discussion: Request to Use Luddum’s Ford on December 5, 2015 by Boy Scout Troop 43

Member Scott Glauben, on behalf of Boy Scout Troop 43 requests permission to camp at Luddum’s Ford on December 5, 2015. The troop will need a campfire for cooking and marshmallows; they will be requesting permission for same from the Fire Department. While on site, the troop will perform trail maintenance and site cleanup.

Motion to allow the use of Luddum’s Ford by Boy Scout Troop 43 on December 5, 2015: Bob Clarke
Second: Rick Madden
All in favor

Discussion: Request to Use Tubbs’ Meadow on November 21, 2015 by Boy Scout Troop 105

Boy Scout Troop 105 requests permission to camp at Tubbs’ Meadow on November 21, 2015. The troop will need a campfire.

Motion to allow the use of Tubbs’ Meadow by Boy Scout Troop 105 on November 21, 2015: Bob Clarke
Second: Rick Madden
All in favor

Request for “Partial” Certificate of Compliance (COC) – 42 Equestrian Way (DEP file no.: SE56-939

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 stabilizing 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: Rick Madden
All in favor.

Request for “Partial” Certificate of Compliance (COC) – 34 Equestrian Way (DEP file no.: SE56-938

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 stabilizing 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: Rick Madden
All in favor.

Request for Certificate of Compliance (COC) – 26 Equestrian Way (DEP file no.: SE56-937

A Request for COC was filed by Eoghan Kelley stating that the work has been completed in accordance with the Order of Conditions issued by the commission on March 18, 2014. Agent Bob Clark has inspected the work and recommends the issuance of a complete COC for the site.

Motion to issue a COC: Bob Clarke
Second: Rick Madden
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 stating that the work has been completed in accordance with the Order of Conditions issued by the commission on March 18, 2014. Agent Bob Clark has inspected the work and recommends the issuance of a complete COC for the site.

Motion to issue a COC: Bob Clarke
Second: Rick Madden
All in favor.

Discussion: Holiday Schedule for December 2015

The commission discusses the elimination of the scheduled December 28th meeting as it falls during the winter holiday week. The commission will meet on December 21st only if it is necessary to meet hearing restrictions.

Motion to modify meeting schedule as outlined above: Bob Clarke
Second: Rick Madden
All in favor.

Cont. Request for Determination of Applicability (RDA) – 91 Phillips Road – Hoar

Hearing opened at 7:45 p.m. The applicant has requested a continuance.

Motion to continue hearing to December 7, 2015 at 7:40 p.m.: Bob Clarke
Second: Rick Madden
All in favor

Discussion and review of Order of Conditions (OOC) – 43 Canoe Club Lane (DEP file no.: SE56-956

The commission discusses the OOC to be issued for this application (the hearing was closed last week). The following conditions are proposed to be included in the Special Conditions portion of the Order:

1. The proposed project must be built in accordance with the plans entitled ‘Site Plan’, dated August 10, 2015 which bears the seal and signature of Dana M. Altobello, P.E.
2. Prior to the commencement of any construction activities, the Applicant shall obtain all necessary permits, approvals, licenses as required by federal, state or local laws, regulations and by-laws including but not limited to a Chapter 91 license and approval from the Army Corp. of Engineers.

Copies of said permits must be submitted to the Pembroke Conservation Commission within 30 days of receipt.

3. Dredging is neither proposed nor permitted by this Order.
4. Future maintenance of the approved structure, in strict compliance with the plan of record and the conditions, is permissible.
5. Construction may be accomplished from a barge or boat operating in at least 2 feet of water. The barge or boat shall not be permitted to groundout at low tide.
6. Construction of the pier may also be accomplished by working out from completed sections of the pier. No heavy construction equipment, vehicles or barges are permitted on the bordering vegetated wetland or tidal flat during construction.
7. The proposed float shall be equipped with either float stops or collar ties which elevate the structure at least 18-inches off the ground at low tides to all adequate water circulation.
8. The use of chromated copper arsenate (CCA) treated wood and creosote treated timber is prohibited. Any wood preservative must be dry before the treated wood is used in construction.
9. Any area that is disturbed during construction shall be re-vegetated immediately, or as soon as the growing season commences, with local indigenous vegetation.
10. The seasonal gangway and float shall be stored in an upland location when not in use.
11. No work shall occur from March 15 through June 15 in any one year to prevent adverse impacts to diadromous fish species.
12. To avoid a prohibited "take" of Estuary Beggar-ticks, the following conditions must be met:
 - a.) No work shall occur within 10-feet of the Estuary Beggar-ticks;
 - b.) Prior to the installation of dock, the location of the Estuary Beggar-ticks shall be visibly delineated with flagging, safety fencing or other such material;
 - c.) The visible flagging shall be removed within 30 days of the completion of work; and
 - d.) If the project is not completed by September 1, 2016, then the Applicant shall arrange for a qualified botanist to re-survey the property for Estuary Beggar-ticks, consistent with Division of Marine Fisheries & Wildlife letter dated September 10, 2015 to ensure no Work will occur within 10-feet of state-listed species.
13. Any revised plans must be submitted to the Conservation Commission.
14. A copy of this Order of Conditions must be attached to the plans submitted to all contractors or other persons doing the work.
15. The Pembroke Conservation Commission reserves the right to amend this Order of Conditions should any conditions develop during construction that are different than presented to the Commission or were unforeseen when the Notice of Intent was filed.
16. Any proposed or executed changes in the plans approved under this Order of Conditions shall require the applicant to file a new Notice of Intent or to inquire of the Pembroke Conservation Commission in writing whether the change or changes are substantial enough to require a new filing. Any error in the plan or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
17. By the time this permit is due to expire, the applicant or his representative must submit a written statement that all requirements set forth by the Pembroke Conservation Commission has been met.
18. This Order of Conditions will expire on November 2, 2018. Any application for extension must be filed by October 2, 2018.

Motion to issue the OOC: Bob Clarke

Second: Rick Madden

All in favor

Discussion and review of OOC for a portion of 15 Forest Street (Map E7, lot 5) (DEP file no.: SE56-957)

The commission discusses the OOC to be issued for this application (the hearing was closed last week). The following conditions are proposed to be included in the Special Conditions portion of the Order:

1. The proposed project shall be built in accordance plan entitled "Site Plan to Accompany NOI Application" dated September 24, 2015 which bears the seal and signature of Brendan P. Sullivan, PLS.
2. A Board of Health permit for the septic system design must be submitted to the Pembroke Conservation Commission prior to any construction activity within 100-feet of any wetlands on this site or on any adjoining property.
3. Any damage caused as a direct result of the project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
4. Any 'backwash' associated with the construction of the house or septic system cannot be released to the wetland resource area without a treatment plan approved by the Conservation Commission.
5. A concrete washout area is to be located in the front center of the lot.
6. The limit of work for the project will be 12 feet from the bordering vegetated wetland.
7. Erosion controls consisting of silt sock having a diameter of 12 inches or greater must be installed prior to the commencement of work. The use of silt fence is prohibited by this order.
8. Erosion control requirements are as follows:
 - a.) Erosion controls must be placed and staked prior to any work being started on this site.
 - b.) Erosion controls must be installed per the erosion control line on the plan referenced on the Order of Conditions.
 - c.) The location of any erosion controls will not be altered without the prior written consent of the Pembroke Conservation Commission.
 - d.) Erosion controls are to be properly maintained (repaired and/or replaced as needed) throughout the entire construction project until the Commission issues the Certificate of Compliance.
 - e.) No part of any erosion control shall be covered by any adjacent soils.
 - f.) No heavy equipment, nor any other work, is to be done beyond the erosion control line.
9. There shall be no disturbance of the wetland area past the erosion control line.
10. A vegetated barrier consisting of plantings approved by the conservation commission must be installed in front of the erosion controls at the 12 foot bufferzone.
11. Prior to the commencement of work, permanent property line to property line markers must be installed in front of the erosion controls at the 12-foot buffer zone line at a distance no greater than 50-feet. These fence posts must be a minimum of 4 inches in diameter and extend 2-feet above grade. Signs visible at a distance of 12-feet must be placed on every marker stating, "The area beyond this point must not be altered. Per order of the Conservation Commission". This condition shall extend beyond the Certificate of Compliance unless specified otherwise by the Commission.
12. No lawn or landscaping is allowed in the 50-foot no touch zone.
13. Fertilizers used for landscaping and lawn care in the buffer zone shall be slow release, low-nitrogen types and shall not be used within 50-feet of the bordering vegetated wetland. Pesticides and herbicides shall not be used on any lawn area within the buffer zone.
14. No additional new construction or disturbance of the wetland, as defined by vegetation, not covered by the plan referenced on the Order of Conditions shall be permitted on this site until the Pembroke Conservation Commission has made a determination.
15. No fill shall be stored within 100-feet of the wetland without adequate erosion control measures in place and acceptable to the Pembroke Conservation Commission.
16. No construction site "bury holes" shall be located within 100-feet of any wetland. If applicable
17. All disturbed areas are to be loamed, seed, and/or hay-mulched as deemed appropriate by the Pembroke Conservation Commission.
18. No spoils of construction, construction materials, or equipment shall be stored, placed or operated in wetland areas.
19. The Pembroke Conservation Commission shall be notified, in writing, at the time of all transfer of title on this property prior to the issuance of the Certificate of Compliance.

20. The new homeowners must sign and return to the Commission the attached 'Wetlands Disclosure Statement'.
21. Accompanying the applicant's request for a Certificate of Compliance shall be:
 - 1.) A written statement by a registered professional engineer, architect, landscape architect, and/or land surveyor, as appropriate, certifying compliance with the approved plans referenced on the Order of Conditions and setting forth what deviations, if any exist.
 - 2.) Two sets of "As built plans" for Wetland Protection: stamped by a registered professional engineer and/or registered land surveyor showing, as appropriate:
 - a. Elevations of all drainage way constructed pursuant to the Order
 - b. Elevations of all filled, altered, or constructed resource area;
 - c. Distance to all structures and alterations within 10-feet of any wetland resource areas;
 - d. Any other elevations or distances the Pembroke Conservation Commission may specify to ensure compliance with this Order.

Motion to issue the OOC: Bob Clarke

Second: Rick Madden

All in favor

Unscheduled Discussion: Erosion Controls

Agent Bob Clarke has recently discovered that the cost of a 12 inch silt sock is nearly twice the cost of a 10 inch sock. As a result, he would like the commission to consider modifying their silt sock policy to allow the smaller, less expensive sock to be used on relatively level sites. The commission agrees.

Notice of Intent (NOI) 63 Adams Avenue (DEP file no.: SE56-958)

Hearing is opened at 7:50 p.m.

Attending: Joe Webby, Webby Engineering, representing applicant
Julia Manna, owner and applicant

Mr. Webby submits green cards and a certified abutters list. The subject proposal involves a septic upgrade and the construction of a 20 foot by 30 foot addition with a slab foundation to an existing house located at approximately 30 feet from Oldham Pond. A concrete retaining wall defines the top of bank and silt sock will be used for erosion controls. The addition will be constructed on an existing lawn and all excavated materials will not be allowed to be stockpiled on site. Agent Bob Clarke advises that the commission will allow the erosion controls to be moved back 10 feet so that equipment and construction can access the site. Mr. Clarke also notes that since the site is flat, he is recommending that the commission allow the installation of a 10 inch silt sock to be used on site.

Motion to close the hearing: Bob Clarke

Second: Rick Madden

All in favor

Motion to issue an OOC with the following added conditions: Bob Clarke

- This Order will allow the location of the erosion controls to be moved 10 feet closer to the southern and western site boundaries to allow equipment to maneuver on the site.
- This Order will not allow any excavated materials to be stockpiled on site, except for backfilling.
- Erosion Controls must consist of either Silt Sock, with a diameter of 10 inches or greater or Haybales. Haybales must be installed and sealed with 3 inches of wood chips on the upland side. The use of a silt fence is not allowed.
- Fertilizers utilized for landscaping and lawn care in the buffer zone shall be slow release low-nitrogen types and shall not be used within 25 feet of a wetland resource area. Pesticides and herbicides shall not be used on any lawn area within the buffer zone.

Second: Rick Madden

All in favor

Discussion: Route 14 Reconstruction Project

Member and Assistant DPW Director Scott Glauben apprises the commission that the project went out to bid. Town Meeting approved all items needed to complete the project. Member Rick Madden advises that the Wild Parsnip observed at the Herring Run Park needs to be brought under control prior to the commencement of work. Mr. Glauben states that he was out there last week, and, if in the event, that the situation is not brought under control, the area will be marked off.

Discussion: High School Drainage Basin

Member and Assistant DPW Director Scott Glauben apprises the commission that DPW consultants, Environmental Partners Group, has put the project out to bid and expects that the violations observed on site will be fixed next year. Agent Bob Clarke is concerned about the parcel in the middle of the site that is not owned by the town. The conservation commission has done their best to notify various departments in town.

Minutes: September 21, 2015

Commission revisits various issues discussed during last meeting.

Motion to accept minutes: Bob Clarke

Second: Rick Madden

All in favor.

Documents Signed

- Order of Conditions – 43 Canoe Club Lane - Ambrose (DEP file no.: SE56-956)
- Order of Conditions – Forest Street, E7-5 – Canavaro (DEP file no.: SE56-957)
- Request for Certificate of Compliance (COC) – 18 Equestrian Way (DEP file no.: SE56-936)
- Request for COC – 26 Equestrian Way (DEP file no.: SE56-9367)
- Request for “Partial” COC – 34 Equestrian Way (DEP file no.: SE56-938)
- Request for “Partial” COC – 42 Equestrian Way (DEP file no.: SE56-939)
- Agent Payroll

Adjournment

A motion was made by Bob Clarke to adjourn the meeting at 8:35 p.m. Second by Rick Madden. All in favor.