

**Pembroke Conservation Commission
Minutes of the Meeting of
September 26, 2016**

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: Andy Stevenson, chairperson; Rick Madden, vice-chairperson; Art Egerton (using audio and video recording devices); Sharon Tuells; and Bob Clarke
Absent: Scott Glauben; and Greg Walsh
Staff: Bob Clarke, agent; and Mary Guiney, administrative agent
Location: Town Hall, Veteran's Hall
Opened: 7:30 p.m.

Chairperson Andy Stevenson opens the meeting at 7:30 p.m.; reads the names of members and staff in attendance; and states that the meeting is being recorded for PACTV for airing at a future date (PACTV is not present).

Discussion: Copperwood Estates Haul Road Proposal

Agent Bob Clarke would like to pass over this discussion until later in the evening

Discussion: Herbicide Use

Agent Bob Clarke would like to pass over this discussion until next meeting.

Discussion: Request to Use Herring Run Park to hang banner on Kiwanis Building and hold signs in opposition to same sex marriage

Agent Bob Clarke recommends that this request be sent to Town Counsel for an advisory opinion. Member Rick Madden and member Sharon Tuells note their objection to the request. Member Art Egerton states that the commission should control their own property, but will defer to the opinion of town counsel. Chairperson Andy Stevenson agrees.

Motion to request advisory opinion from Town Counsel on the use of Herring Run Park in opposition to same sex marriage: Rick Madden

Second: Art Egerton

All in favor



Discussion: Wild Parsnip

Agent Bob Clarke informs the commission that the issue of Wild Parsnip was discussed during this month's Department Head Meeting. The town has agreed that the best solution is to dig out the Wild Parsnip and treat off-site. The town was going to see if P.A. Landers, the Route 14 contractor, would do it (and P.A. Landers may have to do it anyways). The commission voted to approve a two-foot deep 'dig out' at Barker Street.

Agent Bob Clarke also inquires whether Jason Lindquist from Global Green Lawn Care had submitted a bid or had contacted member Rick Madden. He has not. Mr. Madden was requested to contact him and apprise him of the current status of the Wild Parsnip removal.

Discussion: Mattakeesett Ball Fields

No discussion.

Discussion: Mail Folder

300 Center Street site plan: The commission has received a copy of the site plan that was submitted to the Planning Board on this date. Agent Bob Clarke informs the commission that a Notice of Intent is required for the proposed work and that he has been in contact with various departments as well as the owner/contractors. Mr. Clarke also informs the commission about a street drainage easement that exists along the site boundary. Member Art Egerton is concerned with endangered species located on-site; member Rick Madden notes that there has been removal of vegetation; and the commission discusses the health of the adjacent Hobomock Pond.

ANRAD – Off High Street and Forest Street - Brainfrank (DEP file no.: SE56-971)

Hearing opened at 7:40 p.m.

Present: Cameron Larson, Environmental Consulting and Restoration, LLC
(representing applicant – not present)
Joan Shaw, abutter
John Fiumara, abutter
Lynn and Joe DeAndrade, abutters
Kelly Goff, abutter

Proof of mailing was submitted for abutter notification.

Cameron Larson presents an overview of the application. The site consists of approximately 57 acres of land located on the Pembroke Duxbury border. According to Mr. Lawson, the applicant is not concerned with resource areas located on the west site of the site. The wetland delineation was performed in 2013 and the submitted plan depicts two bordering vegetated wetland (bvww) lines; and two isolated vegetated wetland areas (ivww).



The commission noted that the submitted plan does not depict the entire site and that the flagging does not extend to the property lines. Agent Bob Clarke would like the delineation to extend to the property lines, especially in the area of the ivwa. Mr. Larson claims that the subject application is only seeking to confirm the flags as shown on the plan.

The abutters present have questions regarding the plan: amount of upland present on site and street access to the site (not part of the application); the existence of historical delineations (not known); and the effect of this summer's weather on the wetland delineation (delineation was performed in 2013).

The commission informs Mr. Larson that a peer review scientist will need to be retained to verify the delineation at the applicants expense.

Motion to continue the hearing until October 17, 2016 at 7:50 p.m. to allow an independent wetland scientist to review the wetland line: Rick Madden

Second: Sharon Tuells

All in favor

ANRAD – 17 Marlymac Way – Beausoleil (DEP file no.: SE56-

Hearing opened at 8:00 p.m.

Present: Scott Rogers, JK Holmgren, representing applicant (not present)

Green Cards were submitted for abutter notification.

Mr. Rogers explains that the subject property is the last remaining lot in the Marlymac Way subdivision. The applicant has: recently received a ZBA variance to develop the site; and a determination from NHESP that the development of the site will not result in a 'take'. Mr. Rogers would like an affirmation of the delineation performed by Brad Holmes of ECR, LLC so that the applicant can perform soils testing. Mr. Rogers informs the commission, that the development of the site will require the filing of a Notice of Intent.

The commission informs Mr. Rogers that a peer review scientist will need to be retained to verify the delineation at the applicants expense.

Motion to continue the hearing until October 17, 2016 at 7:40 p.m. to allow an independent wetland scientist to review the wetland line: Bob Clarke

Second: Rick Madden

All in favor

Agent Report: 49 Cross Street (DEP file no.: SE56-963)

Agent Bob Clarke informs the commission that the work on-site has commenced and he likes the work performed to date.

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Discussion: Copperwood Estates Haul Road Proposal

Agent Bob Clarke informs the commission that the use of the Birch Street conservation commission property was discussed after the Department Head Meeting held last week. Overall, no one has voiced any objection to allowing Copperwood to cross the land. The main focus of the meeting involved restitution. Ideas included: money to continue construction of ball fields; performing basic work to expand the existing soccer fields. Also since the existing road holds buried utilities, it was suggested that Copperwood construct a new road separate from the cell tower accessway. Mr. Clarke states that the Recreation Department did a great job in the construction of the playground. The commission agrees that allowing the use of the haul road is in the best interest of the Town of Pembroke. The commission also discusses the pros and cons of inviting representatives of Copperwood Estates to the meeting vs. allowing Agent Bob Clarke to negotiate the settlement. Chairperson Andy Stevenson asks the commission if there are any concerns or questions. None were voiced.

Motion to give Agent Bob Clarke authority to negotiate a settlement in the matter of the Copperwood Estates Haul Road over conservation commission property: Rick Madden
Second: Sharon Tuells

Vote: 4-0-1 (For-Against-Abstain) Agent Bob Clarke abstains from the vote.

Discussion: October 3, 2016 Meeting

The Copperwood Estates Haul Road route is the only item on the agenda. Pending the outcome of Agent Bob Clarkes negotiations, the commission would like to cancel the meeting.

Motion to cancel next meeting, if not necessary: Art Egerton

Second: Sharon Tuells

All in favor

Documents signed:

- Determination of Applicability (DOA) for 10 Glenwood Road
- DOA for 87 Bluejay Way
- Order of Conditions for 216 Matteeksett Street (DEP file no.: SE56-970)
- Voucher re: extra hours for administrative agent

Adjournment

A motion was made by Art Egerton to adjourn the meeting at 8:30 p.m. Second by Sharon Tuells. All in favor

