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**Pembroke Conservation Commission  
Minutes of the Meeting of  
September 19, 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 two audio and video recording devices); Greg Walsh; and Bob Clarke  
**Absent:** Scott Glauben; and Sharon Tuells  
**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).

**Appointment with Eoghan Kelley re: Copperwood Estates Haul Road Proposal**

**Present:** Kevin Sealund, representing Eoghan Kelley

Copperwood Estates (DEP file no.: SE56-961) is negotiating with Mathias Bogs to construct a reservoir located north of conservation land on Birch Street. The commission has been asked to consider allowing the trucks to cross conservation property to reduce the disturbance of truck traffic to residential areas on Birch Street and Valley Street. Mr. Sealund provides an informational packet and maps delineating the proposed haul road through conservation commission property to commission members. Mr. Sealund informs the commission that the proposed haul route will follow the existing roadway to the cell tower and run along the edge of the ballfield. Copperwood Estates will need to make minor improvements to the roadway and trim some vegetation along the roadway (Approximately one 15 year old pine tree will need to be removed). Mr. Sealund is unsure whether the roads need improvement for truck travel.

Agent Bob Clarke informs the commission and Mr. Sealund that the Town of Pembroke has leased land to a utility company for a cell tower in this area. There are buried utilities under the roadway. The town needs to review its contract with the cell company to determine whether the proposed activity is allowable. The town also needs to enter an agreement with Copperwood Estates to ensure that any disturbed area is restored. Mr. Clarke also reminds Mr. Sealund that the comprehensive permit issued by the Zoning Board of Appeals for Copperwood Estates requires access to the Birch Street playground be provided. Mr. Clarke suggests the installation of boardwalks over two undevelopable street frontage lots located on Birch Street, as allowed by wetlands regulations.

Mr. Clarke advises the commission hold off on any decision on the request so as to allow interested parties at town hall to work out a proposal. Mr. Clarke states he is in favor of the proposal for safety reasons and to reduce the number of complaints from neighbors. Mr. Clarke also informs the commission that the land clearing at Copperwood Estates is ready to start and a decision needs to be made shortly.

Other items discussed: limiting the number of truck loads/hour; disturbance of school bus routes (Mr. Sealund has already discussed this with the school department); and the fact that Birch Street will be impacted by traffic regardless of any decision by the commission.

The commission's ideas/concerns for the project included: tree replacement; construction of a boardwalk and walkway access to the playground; roadway damage; positive outcomes such as reducing the number of house drivebys (from 114 to about 30) and less impacts to the neighborhood. Overall, the commission expressed an affirmative attitude for the project.

**Request for Determination of Applicability (RDA) – 10 Glenwood Road - Feldman**

Hearing opened at 8:00 p.m.

Present: Warren Green, representing applicant  
Jonathan Feldman, owner and applicant  
William Dean, owner and applicant

The subject proposal involves the construction of a deck on the south side of the site structure and a 10 foot by 10 foot addition on the north side of the site structure. The site structure abuts Little Sandy Bottom pond. Mr. Green states that the project, as currently proposed, will be situated on a SONA tube foundation. He is unsure whether the building inspector will require the installation of a frost wall.

Agent Bob Clarke asks if the deck will extend beyond the property line (no). Mr. Clarke also states that the use of SONA tubes will not require the installation of erosion controls. The applicant will need to install erosion controls if the building inspector requires a frost wall.

Member Rick Madden asks if there is room to stockpile on site (yes).

Motion to close: Bob Clarke  
Second: Rick Madden  
All in favor



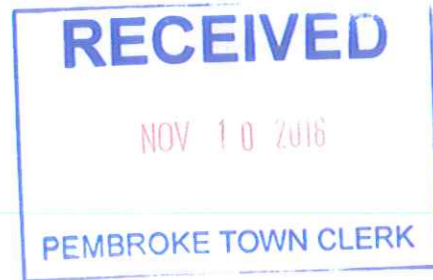


Motion to issue a Negative 3 Determination with the following conditions: Bob Clarke

- If the project requires the construction of a frost wall, erosion controls consisting of double staked haybales or silt sock having a diameter greater than 12 inches must be installed and installation approved by the conservation agent prior to the commencement of work; The use of silt fence is not allowed.

Second: Art Egerton

All in favor



**Cont. NOI – 215 Mattakeesett Street - Ricci (DEP file no.: SE56-970)**

Hearing opened at 8:10 p.m.

Present: Brian and Kathleen Ricci

The commission had continued this hearing to allow Mr. Ricci to provide engineered plans showing the location of the flood line, elevation changes and the precise location of the proposed addition on the property. Mr. Ricci submits plans to the commission. All proposed work is located outside the floodzone area.

Member Rick Madden inquires about stockpiling soils from excavation. Mr. Ricci states that the excavated material will be minimal as the addition will be constructed on a frost wall and slab.

Motion to close: Bob Clarke

Second: Greg Walsh

All in favor

Motion to issue an Order of Conditions with standard special conditions to include the following: Bob Clarke

1. The proposed project shall be built in accordance plan entitled "Plot Plan for Addition" dated September 13, 2016 which bears the seal and signature of Kevin S. Grady, PE.
2. Prior to any work being done on the project site, the applicant shall inform the Conservation Commission in writing of the names, addresses, phone numbers of the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate.
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 addition 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. Erosion controls consisting of double-staked haybales with a bank of woodchips on the upland side or compost filter tubes with biodegradable sleeves/socks having a diameter of twelve (12) inches or greater must be installed prior to the commencement of work. The Agent must inspect and approve the erosion control line prior to beginning any work.
7. 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.
8. There shall be no disturbance of the wetland area past the erosion control line.
9. No lawn or landscaping is allowed in the 50-foot no touch zone.
10. 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.
11. 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.
12. 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.
13. No construction site "bury holes" shall be located within 100-feet of any wetland. If applicable
14. All disturbed areas are to be loamed, seed, and/or hay-mulched as deemed appropriate by the Pembroke Conservation Commission.
15. No spoils of construction, construction materials, or equipment shall be stored, placed or operated in wetland areas.
16. 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.
17. The new homeowners must sign and return to the Commission the attached 'Wetlands Disclosure Statement'.





18. 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.

Second: Rick Madden  
All in favor

Chairperson Andy Stevenson states "Please note that any person aggrieved by this decision has the right of appeal within 10 business days. Please contact our office or DEP if you need assistance."

**Request for Determination of Applicability (RDA) – 87 Bluejay Way - Pento**

Hearing opened at 8:21 p.m.

Present: Katelyn and Corey Pento, homeowners and applicants

Agent Bob Clarke informs the commission and applicants of a notice received from MassDEP regarding identified wetland changes on the site. A review of the wetland change map identifies an area used for roadway crossing during the development of the subdivision and a replication area located at 87 Bluejay Way. As the subject proposal is located outside both of these areas, the commission decides to handle the wetland change request as a separate issue. The administrative agent will investigate and respond to MassDEP.

The subject proposal involves the installation of an inground swimming pool, fencing and associated landscaping within the bufferzone of an isolated vegetated wetland. No stockpiling of soils will occur during construction. Swim Sports, a local company has been contracted to perform the work.

Agent Bob Clarke informs the applicants that the project will require the installation of erosion controls around the disturbed area.

Motion to close the hearing: Bob Clarke  
Second: Greg Walsh  
All in favor

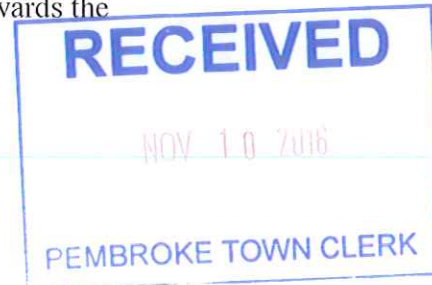


Motion to issue a Negative 3 Determination with the following conditions: Bob Clarke

- Erosion controls consisting of double staked haybales or silt sock having a diameter greater than 12 inches must be installed and installation approved by the conservation agent prior to the commencement of work; The use of silt fence is not allowed.
- This Determination does not allow the discharge of pool water towards the resource area.

Second: Art Egerton

All in favor



**Discussion: Wild Parsnip**

Present: Jason Lindquist, co-owner of Global Green Lawn Care

Mr. Lindquist was invited to this evening's meeting by member Rick Madden to discuss removal of Wild Parsnip at Herring Run Park.

Mr. Lindquist informs the commission that he has over 20 years experience in landscaping and lawn care and has managed to avoid working in wetlands throughout his career. He has researched the issue of Wild Parsnip control and removal and has serious safety concerns for himself and his employees. He states that non-selective herbicide use within a wetland resource area will need approval from the state – and he doubts approval would be given. He informs the commission that the Wild Parsnip may need to be removed by hand.

He will need time to craft a proposal for the commission and requests that the commission provide parameters and guidelines. Agent Bob Clarke thinks that the commission should look at the removal in two phases. Of primary importance is the infestation along the Route 14 right-of-way. That needs to be addressed immediately prior to tackling the growth at Herring Run Park.

Mr. Lindquist states that his proposal will be a two year plan for removal. The work can be performed by: mechanical means – clear cutting the area; herbicides (unlikely to gain approval); and a modified mechanical method. He may have to dig out 6 to 12 inches of soil, replant the area and treat the removed soils off-site.

Chairperson Andy Stevenson requests that Mr. Lindquist prepare a 2 phase proposal (for Route 14; and Herring Run Park). Work can be performed under the Order of Conditions for Route 14 and the Determination of Applicability issued for Herring Run Park Wild Parsnip control. Mr. Lindquist will present his proposal at the next meeting scheduled for September 26, 2016.

Agent Bob Clarke lauds member Rick Madden for his early identification of the infestation and his efforts to remove and control the Wild Parsnip.



**Agent Update**

Agent Bob Clarke apprises the commission on recent activities that involve the conservation commission: Dredging Furnace Pond; High School Drainage Basin is near completion; the assisted living facility on Cross Street (DEP file no.: SE56-963) has started construction; and tree cutting/land clearing at Copperwood Estates (DEP file no.: SE56-961) is starting.

**Discussion: Request to Use Oldham Pond on Sunday, October 16, 2016 from 6:00 a.m. to 3:00 p.m. by MassBassBusters for a catch and release fishing tournament**

Agent Bob Clarke informs the commission that this approval for this event was previously allowed; however, the event needed a date change.

Motion to allow the request, with the same conditions: Bob Clarke

Second: Rick Madden

All in favor

**Discussion: Herbicides**

Agent Bob Clarke informs the commission that the herbicide purchase of concern to member Art Egerton have not been used.

**Discussion: Mail Folder – Conway School of Design**

The commission is reminded that the fee for the Open Space Plan is due by January. Agent Bob Clarke has discussed fee payment with the town accountant and it was recommended that the commission use the local fees account.

**Unscheduled Discussion: Town Landing Ramp**

Member Rick Madden informs the commission that the bracket on the Jersey Barrier does not line up with the dock and needs to be repaired.

**Documents signed:**

- Gatehouse Media Bill

**Adjournment**

A motion was made by Art Egerton to adjourn the meeting at 9:00 p.m. Second by Bob Clarke. All in favor

