



**Pembroke Conservation Commission
Minutes of the Meeting of
August 14, 2017
Pembroke Town Hall, Veterans' Hall**

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 Pembroke Conservation Commission office.

Open Meeting Law, G.L.c. 30A § 22.

Members present: Richard Madden, Vice Chairman; Robert Clarke, Agent and Member; Arthur Egerton, Member; Scott Glauben, Member; Sharon McNamara, Member
Members absent: Andrew Stevenson, Chairman
Staff present: Rachel Keller, Administrative Agent

At 7:30PM, Mr. Richard Madden, Vice Chairman, opened the meeting, and asked all members and staff in attendance to state their names, and then stated that the proceedings would be made available to the public through video or audio broadcast on the PACTV Government Access Channel for broadcast at future dates and that all comments made in open session would be recorded.

ADMINISTRATIVE BUSINESS

Reorganization of the commission

A motion was made by Mr. Clarke and seconded by Mr. Glauben to recommend Ms. McNamara for appointment to the chairman vacancy.

The vice-chairman asked for discussion. Mr. Egerton stated that he believed he would like to have all of the vacancies on the commission filled prior to a vote for a new chairman. Mr. Clarke stated that could take a long time. The vice chairman then asked for a vote. Voice vote was 3-1. Motion passed.

A motion was made by Mr. Clarke and seconded by Ms. McNamara to recommend Mr. Glauben for appointment as vice chairman. Voice vote was 4-0. Motion passed unanimously.

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Meeting minutes

A motion was made by Mr. Clarke and seconded by Mr. Egerton to accept and approve the meeting minutes of the July 10, 2017 meeting. Ms. McNamara abstained from voting. All other members in favor. Motion passed.

A motion was made by Mr. Clarke and seconded by Mr. Glauben to accept and approve the meeting minutes of the July 17, 2017 meeting. Ms. McNamara abstained from voting. All other members in favor. Motion passed.

Mail

The chairman instructed the administrative agent to discontinue listing each piece of mail on the agenda and to include a mail sign off sheet every week for members to sign indicating they have read that week's mail.

A motion was made by Mr. Madden and seconded by Mr. Clarke to direct the administrative agent to forward to the members via email all mail that is lengthy by the Friday before every meeting. A hardcopy shall be made available to Mr. Madden by the Friday before every meeting. All in favor. Motion passed unanimously.

PUBLIC HEARINGS

(cont.) Abbreviated Notice of Resource Area Delineation (ANRAD) – Water Street, Map E15, lots 17 & 17A – River Marsh, L.L.C. (DEP File # SE056-991)

Attendees: *Brad Holmes, Environmental Consulting & Restoration, Inc.; Bradley McKenzie, McKenzie Engineering Group, Inc.; Lenore White, Wetland Strategies, Inc.; and Water Street abutters*

Mr. Holmes informed the members that he and Ms. White had visited the site together on August 9 view areas in question together. He informed the audience members that the purpose of the ANRAD was to confirm the location of wetland resource areas that include bordering vegetated wetlands and isolated vegetated wetlands. After Ms. White's initial review of the ANRAD, she recommended the inclusion of a wetland flag, which was added. There was also a review of a stream that is shown on the USGS maps as being perennial. Following the review, it was determined that the stream within the bordering vegetated wetlands is intermittent and it is not within the North River protective corridor. During the review, it was also determine that the isolated vegetated wetland was not jurisdictional and therefore, it was removed from the site plan. The coastal storm flowage area was determined and defined on the site plan.

Ms. White informed the members that her review focused on the edge of the bordering vegetated wetland, which is now accurately depicted on the plan. The other resource area that was identified in the ANRAD was the isolated vegetated wetland, which was a small area isolated away from the other areas. Under the state act, the area is too small to be considered an isolated land subject to flooding; however, the area may be jurisdictional under Pembroke's bylaws as a vernal pool since the area to be considered a vernal pool is 200' and the area measured was some 800' (based on Mr. Holmes's calculations). Also, to be considered a vernal pool, the area must contain some evidence of breeding. At this time, the area is dry; however, Ms. White went on to say that it

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would likely not be dry in the spring months when vernal pool activity is at a high. Regarding the North River Commission, if the stream does fall within the jurisdiction of the act, it is exempt.

Mr. Holmes stated that according to Pembroke's bylaws, in order to be considered a vernal pool, the area would need to be within a vegetated wetland – which he states is a vegetated area not a vegetated wetland - so the area in question cannot be considered a vernal pool. Ms. White stated that nothing within the definition indicates that the area must be within a resource area. Mr. Holmes stated that a continuance would not be acceptable to the applicant; however, the members wanted additional information from Mr. Holmes.

A motion was made by Mr. Clarke and seconded by Mr. Egerton to close the hearing. All in favor. Motion passed unanimously.

A motion was made by Mr. Egerton and seconded by Mr. Madden to deny the ANRAD for lack of information. All in favor. Motion passed.

DISCUSSIONS

Keys to locks on conservation properties

Mr. Madden discussed the history of his request for keys to the locks on conservation properties. The chairman reviewed the key policy distributed by the town administrator. The members agreed that future requests for access to keys to town properties will be brought to the town administrator.

Road base used as landscaping

Mr. Madden stated that road base was used for landscaping purposes to grade a hill over a brook at the new rotary on Mattakeesett Street. He informed the members that the road base was removed and replaced with rock and landscape fabric.

Mr. Jurgen Keller's application for commission vacancy

Mr. Madden stated that Mr. Keller submitted three separate applications – one in February, one in June and one in July – for appointment to the commission. He suggested that the applications were lost and that Mr. Keller was treated like a “second-class citizen.” The chairman informed the members that applications for appointment to boards and committees are processed through the board of selectmen's office and that it is at the board's discretion to consider a particular application. She further informed the members that not all applicants are appointed to the board or committee they wish to be appointed to. All future applicants should be directed to the board of selectmen's office.

Chemical pits on the Pembroke side of West Elm Street bridge

Mr. Madden gave a brief history of the conditions at the area associated with the old rubber mill at the above mentioned location. He would like to investigate what materials still remain there in the ground – solvents and burned rubber, etc...The agent suggested the matter be brought to the board of health. The chairman directed the administrative agent to provide information at the next meeting regarding the functions of the commission.

A motion was made by Mr. Egerton and seconded by Mr. Madden to close the meeting at 9:39PM. All in favor. Motion passed unanimously.

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Materials and Exhibits

Abbreviated Notice of Resource Area Delineation (ANRAD) – Water Street, Map E15, lot 17 & 17A – River Marsh, L.L.C. (DEP File # SE056-991)

Draft minutes of the July 10, 2017 and July 17, 2017 meetings

Payment voucher for WB Mason – office supplies

Payment voucher for Gatehouse Media ads

Order of conditions for 73 Taylor Street (DEP File # SE056-978)

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