

Middleborough Conservation Commission
January 5, 2023

Unless specified everyone was present in the Select Board Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Nancy Ockers, 1st Co-Vice Chair; Melissa Guimont, 2nd Co-Vice Chair; Adam Guaraldi, via Zoom (7: 28PM), Jacqueline Jones, via Zoom (7:27PM), and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Clerk.

Meeting started at 6:55 PM. Diane Stewart chaired.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and Governor Baker's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Middleborough Conservation Commission was conducted via remote participation to the greatest extent possible.

Senior Clerk

Town and State Guidance Updates

Stewart said there is a Chapter 60 Section 57A update regarding checks and electronic transfers.

There was an e-mail from DEP regarding the cumulative impact analysis in comprehensive plan application air permits 310 CMR 7.02.

There was an e-mail from MassDEP stating that the comment period has been extended through January 30, 2023, for the Title 5 State Environmental Code and Watershed Permit Regulations. There will also be additional hearing held throughout 2023, if anyone has any comments.

Accounting

A motion was made by Nancy Ockers, to pay Ecosystem Solutions Inc. in the amount of \$7,192.50, for the peer review for 0 Harding Street DEP#SE220-1560, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to pay Lincoln Property Company, in the amount of \$367.50, for 0 Harding Street DEP#SE220-1560, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to pay Middleborough Gas & Electric, in the amount of \$1.25, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to pay Stephen Chmiel, in the amount of \$1,200.00, for the peer review at 0 Cedar Street DEP#SE220-1529, 2nd by Nancy Ockers. Unanimously voted.

MACC dues for FY2024, which is July 1, 2023 through June 30, 2024, is \$863.00. It is \$533.00 for dues, \$180.00 for office staff, and \$150.00 for the e-handbooks. Cassady said when she did the budget she put in for \$900.00 for MACC.

Minutes

A motion was made by Nancy Ockers, to approve the meeting minutes from December 1, 2022, as presented, 2nd by Edward Medeiros. Unanimously voted.

Office Forms and Procedures

Phyllis Barbato drafted the 2023 policy and sent it to the Commission. Stewart asked if anyone on the Commission had any comments or changes, the Commission did not, and approved of it. Barbato made a few changes including the newspaper that will be used for the legal ads and where the tax collectors' forms will need to go.

A motion was made by Edward Medeiros, to accept the 2023 Conservation Commission Policy as presented, 2nd by Melissa Guimont. Unanimously voted.

Stewart said there is an opening on the Commission and read the posting. The new posting was posted on the website. Cassady said she reached out to 2 people that were interested, John Young and John Neely. Cassady said she reached out to John Neely, and he stated that he was going to submit a letter of interest. Cassady said she has not received a letter of interest yet. Stewart asked Cassady to keep the Commission updated with any letters of interest that are submitted. Stewart told the public that if anyone is interested, to please send the letters of interest to Cassady.

Stewart said the Town received the contract for the legal ad publications from Nemasket Weekly. Stewart said Conservation will now be using Nemasket Weekly instead of the Brockton Enterprise.

A motion was made by Melissa Guimont, to approve using the Nemasket Weekly for publishing legal ads in accordance with the Town contract, 2nd by Edward Medeiros. Unanimously voted.

Discussion with Brian Grady, GAF Engineering, regarding 685 & 687 Wareham Street

A motion was made by Edward Medeiros, to put the discussion with Brian Grady, regarding 685 & 687 Wareham Street, on the January 19, 2023, agenda, 2nd by Nancy Ockers. Unanimously voted.

Conservation Lands
Pratt Farm

Memorial Bench - Cassady said there was a gentleman, Mitchell White, that used Pratt Farm quite often and recently passed away. Cassady said she received an e-mail from the family asking if they could put up a memorial bench at Pratt Farm. Cassady suggested that everyone go out to the property and find the best spot for the bench. She said there is a broken picnic table out there that is near the pond and needs to be replaced. She would like to show the family the spot to see if they like the location. The Commission likes the idea of a memorial bench. Present was Haley White and Natalie White, both via Zoom. Haley White said she did e-mail Cassady details of the bench. Natalie White said she is hoping to have this done by the spring and have a small

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memorial service for him. Cassidy said they would need to fill out a Request for Group Use Form, so the Commission can meet their needs (water, electricity, more parking, etc.).

Middleborough High School Plant Signs – Cassidy received a response back from Valerie Rufo stating that they have completed the templates and the plan is to install the signs in the spring.

Large Dam - Cassidy said she met with PARE Corp. on site on December 22, 2022, regarding the design that they are doing for the large dam. Cassidy said they are going to do the inspection that is required by DCR and look at the Floodplain Maps. Cassidy said they are going to suggest the removal of trees, 10' beyond the dam, remove the sand bags that are in there, design an emergency spillway, raising the dam a foot on the existing wall, rip rap along the dam, extend wall on both sides, extend the wing wall, and wetland impact will require replication. Cassidy said they will need to decide on where the replication will be or they can do a restoration after the work is done. Cassidy said it will take them about 1.5 years to do the design and permitting. Cassidy said they will be able to ask for money through the Dam & Seawall Grant in the winter of 2024 for construction and the Town would need to come up with a 25% match. Cassidy said there are still sticks in the dam and she will need help to remove them. Ockers asked if they discussed how to prevent sticks from building up in the dam. Cassidy said they did discuss putting mesh there, but that it could also cause more harm than good, and it is just a maintenance thing. Cassidy said they had suggested putting another board in to stop the water flow while the sticks are being removed.

Picnic Table - Cassidy said she was not able to reach out to MassCOR yet about the picnic table. Cassidy said she needs to measure the table. Ockers said she will go out and measure the table for Cassidy and e-mail her the dimensions.

Mass Trails Grant – Cassidy said she is working on this. Cassidy said she went out to Pratt Farm today with Mel Jenks, Grant Writer, and they measured off with the extension of what the trail would be. Cassidy said it would be about 260' of proposed boardwalk and it will need to be 4' wide in order to meet ADA requirements. Cassidy said it will be about 1,040sq.ft., which means the wetland impact will be under 5,000sq.ft., so there will not be additional permitting besides the Notice of Intent. Cassidy said Jenks is going to apply for the culvert replacement as well because it is being looked at as a regional project. Cassidy said this can be looked at regionally since there is an environmental justice population and there are not many ADA trails in the surrounding towns. Jenks will need a letter of support from the Conservation Commission.

A motion was made by Edward Medeiros, to have Cassidy draft a letter of support from the Conservation Commission, for the ADA Trail Grant, 2nd by Nancy Ockers. Unanimously voted.

Stewart said she spoke with Jenks today as well. Stewart said she e-mailed Carolyn Gravlin so that they can have the Disability Commission meeting. Stewart said Jenks thought it would be best to have the 2 Commissions as co-applicants on the permitting.

Norway Maple – Cassidy said she still needs help cutting the dead limbs. Cassidy said she will get in touch with Paul and ask for his help. Ockers suggested asking DPW for help. Cassidy said Conservation really needs a staff person to these kinds of things because it is getting too difficult.

Barn & Shed – Cassidy said she contacted Bristol-Plymouth Vocational High School because the barn doors are rotting. Brian Kates, Carpentry teacher at BP, said this would be a perfect project for the students. Kates told Cassidy that he would go out and take measurements for the project.

Trail Map Amendment – Cassidy said she reached out to Joe Osbourne about the amendment and she is waiting to hear back from him.

Oliver Estate

Cassidy said the intern Cail Lee is almost done with the story map. Cassidy asked the Commission to review the story map and if there are any things that need to be edited to let her know. She said they will eventually have it put on the Town’s website.

Request for Determination of Applicability for 194 South Main Street (M 58, L 5778), Edward Medeiros, (Zenith Consulting Eng.)

Edward Medeiros recused himself.

Stewart read the legal ad into the record.

Present was Edward Medeiros, citizen. Medeiros said Bob Gray did the line and he is looking for the Conservation Commission to confirm the line. Stewart said she would like to go on a site visit. Cassidy said there has already been some activity on the site but is unsure if it outside of the 100’ buffer. Medeiros said the lot is about 175’ deep and he has cleared out the front and there are no wetland flags on the property. The Commission would like to go on a site visit on Saturday, January 7, 2023, at 8:30AM.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Nancy Ockers, to continue the hearing to January 19, 2023, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Request for Determination of Applicability for 198 South Main Street (M 64, L 117), Edward Medeiros, (Zenith Consulting Eng.)

Edward Medeiros recused himself.

Stewart read the legal ad into the record.

Present was Edward Medeiros, citizen. Medeiros said Bob Grey did the line and he is looking for the Conservation Commission to confirm the line. Stewart said she would like to go on a site visit. The Commission would like to go on a site visit on Saturday, January 7, 2023, at 8:30AM.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Nancy Ockers, to continue the hearing to January 19, 2023, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Edward Medeiros returned to the meeting.

Request to Amend Order of Conditions for Lot 1 Rocky Meadow Street, (M 44, L 6036), Rick Valente, (Zenith Consulting Eng.) DEP#220-1515

Stewart read the legal ad into the record. Proof of mailing was received.

Present was Bob Forbes, Zenith Consulting Eng. Forbes said they are looking to amend the original Order of Conditions. The original Order was to construct the house, driveway, and septic. He said the house is currently constructed and the owners would now like to construct a 24' x 24' garage. Forbes said half of the garage will be within the 50' buffer. They are also proposing a split rail fence and conservation signs along the erosion control line. Stewart asked if the paved driveway was within the 50' because the original plan showed it outside of the 50'. Forbes said there is a tiny corner of the driveway that is now within the 50'. Cassady said this is now known as 33 Rocky Meadow Street. Cassady said there is quite a slope that goes down to the wetland areas. Forbes said the closest point of the building is 32.8'. Ockers asked why did the garage need to be offset and not closer to the house. Forbes said he is not sure, it seems to be the owner's preference. Medeiros asked if the house has a garage underneath it. Forbes said he is not sure. Medeiros said the grading shows that the driveway is the same as the basement. Medeiros said this is probably a garage for the owner to tinker around in. Forbes said the owner has his own business and it might just be to store things for his business. Medeiros said the garage might be able to be put closer but it would be nice to give them a buffer in between the house and garage. Medeiros asked where snow storage would be placed. Forbes said they could push it straight down and outside of the buffer. Jones said she would like to ask them not to store any chemicals in it and would like to know their intentions of the garage. Medeiros asked if the garage was staked out. Forbes said no, but it would be easy to tell where it is going because the house is already in. The Commission would like to go on a site visit on Saturday, January 7, 2023 at 9:00AM.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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Notice of Intent for 23 Winter Street, (M 16, Lots 5122 & 5211), Blue Fin Realty, (Zenith Consulting Eng.), DEP#SE220-

Stewart read the legal ad into the record. Proof of mailing was received. Still waiting on DEP#.

Stewart read the letter from Natural Heritage dated January 5, 2023, into the record.

A motion was made by Edward Medeiros, to accept the letter from Natural Heritage dated January 5, 2023, into the record, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Bob Forbes, Zenith Consulting Eng. Forbes said they are proposing to construct a single-family home on a currently vacant lot. Stephen Chmiel flagged the wetlands line. They are proposing a 24' x 28' house, well, septic, and driveway. They are also proposing erosion controls, construction entrance pad, conservation signs, and a spilt rail fence. Cassady said in July she received a complaint about cutting and digging. She said she did not see anything but there were perc tests done on September 7, 2022, observed by the Middleborough Health Dept. Cassady said the owner of 19 Winter Street came in today to discuss her concerns and have questions answered. Forbes said they also received concerns from her. The owner of the property contacted her by e-mail and recommended that they meet at the site to discuss her concerns. Stewart asked if the house has been staked and Cassady said yes. The Commission would like to go out for a site visit on Saturday, January 7, 2023.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for 38 Tarragon Lane, (M 100, L 768), Silviane & Antonio Alves, (Outback Engineering Inc.), DEP#SE220-1582

Stewart read the legal ad into the record. Proof of mailing was received.

Present was Jason Youngquist, Outback Engineering. Youngquist said the homeowner cut trees and brush in the wetlands and within the 25' no touch. Greg Drake, Outback Eng., flagged the wetlands and came up with the restoration plan. They are proposing plantings and a fence at the 25'. Youngquist said the house is actually in the 25' no touch. He said they are also putting a shed in the back yard. Cassady said she saw this in the summer and the owners just filed. They always lived in the city and did not know they could not cut. They were very apologetic about the cutting. Cassady said hopefully they can start planting in the spring. There was 1,732sq.ft. of wetland disturbance and 2,571sq.ft. of buffer area disturbance. This is a 1:1 restoration.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Edward Medeiros, to close the hearing, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions for 38 Tarragon Lane, DEP#SE220-1582, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Abbreviated Notice of Resource Area Delineation for 98 Plain Street, (M 14, Lots 123 & 167, & M 6, Lots 5875, 4968, 5076 & 5086), Patricia Di Santis (Outback Engineering Inc.) DEP#220-1583

Stewart read the legal ad into the record. Proof of mailing was received.

A motion was made by Edward Medeiros, to accept the revised abutter notification into the record, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Jason Youngquist, Outback Engineering. Youngquist said this property is 19+ acres and mostly wooded. Youngquist said it slopes from south to north and pitches down to the wetland on the north side of the property. The Commission would like to get a peer review of the entire parcel and not just the line.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Melissa Guimont, to have Cassady get 3 peer review quotes for 98 Plain Street, 2nd by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to continue the hearing to January 19, 2023, 2nd by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Abbreviated Notice of Resource Area Delineation for 293 Old Center Street and two parcels off of West Grove Street, (M 48, Lots 533 & 3165, & M 49, L 955), Grove Center Street Realty Trust (Outback Eng.) DEP#220-1561

Jim Pavlik, Outback Engineering, requested the hearing to be continued to the January 19, 2023, meeting.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye,

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Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Plain Street Lot-1, (M 22, Lots 5271, 5839, & 5962), Frank McCutcheon, (Outback Eng.), DEP#SE220-1578

A motion was made by Melissa Guimont, to accept the peer review report from Lucas Environmental dated December 14, 2022, into the record, 2nd by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart read the peer review report into the record. Present was Jason Youngquist, Outback Eng. They are still in the process of revising the plans. Flags were mowed down by Middleborough Gas & Electric in the right-of-way, and Youngquist would like to know if they need them to be re-flagged along the existing gravel cart path. Medeiros asked if they plan on putting in an equalizer pipe. Youngquist said yes. Medeiros asked if they could put the replication in a non-treed area. Youngquist said no, it is all trees. Medeiros said he does not see why they should have to put the flags back up in the existing cart path. Youngquist said the house has been staked out.

The Commission would like to go on a site visit on Saturday, January 7, 2023.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Edward Medeiros recused himself.

Continuation of Notice of Intent for Precinct Street – Lot 2, (M 23, L 2985), Demon Realty Trust, (Zenith Consulting Engineers, LLC) DEP#SE220-1567

A motion was made by Melissa Guimont, to accept revised plans dated December 11, 2022, and December 12, 2022, into the record, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Edward Medeiros, citizen. Medeiros said Lot 2 is where the water line went through. Medeiros said there was supposed to be 1,480' of filling and was supposed to be taken out afterwards, but they ended up doing about 2,490'. Medeiros said it is up to the Commission whether they want it on Lot 1 or on Lot 2. Medeiros said he has put the restoration on Lot 2 so there wouldn't be a bunch of restoration areas. Cassidy asked if Medeiros was going to submit an amendment for the water line. Medeiros said he thought he was going to get approval for Lots 2 & 3. Lot 4 the Commission could approve or not, but if they can agree on Lot 4 they could then

do an As-Built and replication. He said they can do the As-Built and replication under the water line amendment. He said these are 4 separate filings and Lot 3 had no impact at all.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Nancy Ockers, to close the hearing, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to issue a Standard Order of Conditions, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Precinct Street – Lot 3, (M 23, L 2968), Demon Realty Trust, (Zenith Consulting Engineers, LLC) DEP#SE220-1568

Present was Edward Medeiros, citizen. He said there was no impact from the water line project on Lot 3.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Nancy Ockers, to close the hearing, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to issue a Standard Order of Conditions, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Precinct Street – Lot 4, (M 23, L 3018), Demon Realty Trust, (Zenith Consulting Engineers, LLC) DEP#SE220-1569

A motion was made by Melissa Guimont, to accept revised plans dated December 12, 2022, into the record, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present Edward Medeiros, citizen. Medeiros said there will be replication on Lot 4. He said the section that is being replicated has been boxed off and hopefully will regenerate better and it keeps it away from the roadway.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Nancy Ockers, to close the hearing, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to issue a Standard Order of Conditions, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Medeiros said he will take the plans for Lot 2 and Lot 4 and will move forward with an As-Built and will amend the Order of Conditions.

Edward Medeiros returned to the Commission.

Continuation of Notice of Intent for 167 East Grove Street, (M 72, L 118), GTC Holdings, LLC, (River Hawk Environmental) DEP#SE220-1571

A motion was made by Edward Medeiros, to accept revised plans dated October 27, 2022, and December 12, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Bob Rego, River Hawk Environmental, via Zoom. Rego said the Commission had some revisions they wanted to make. While making those revisions he found some issues with the parking and needed to go to Zoning. He said they are expanding the building and it will be closer to the Riverfront area but will be outside of the Riverfront. He said they are also changing some of the gravel parking to a grass area. A portion of this would be a rain garden. There will also be a concrete pad for a dumpster. There will only be 280sq.ft. of paving for parking and dumpster area. He said they also provided a snow storage area. Rego said there are 19 parking spaces.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Edward Medeiros, to close the hearing, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Melissa Guimont, to issue a Standard Order of Conditions, 2nd by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 483, 481, & 479 Wareham Street, (M 88, Lots 4982, 4234, 4265, & 3488), Neven, LLC, (Grady Consulting, LLC), DEP#SE220-1580

A motion was made by Edward Medeiros, to accept revised plans dated January 3, 2023, into the record, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Kevin Grady, Grady Consulting, and Ryan Vlaco, owner. Grady said at the site visit the Commission requested that he add boulders on the property at the 25' no touch, so he revised the plans to accommodate the Commission. Grady said at the December 1, 2022, meeting the Commission asked for them to clean up the outstanding Order of Conditions that were taken out on the property. He said they have requested a Certificate of Compliance and have also requested an Extension. Grady said they recorded an ANRAD that was never recorded as well. Vlaco said the property that needs the Certificate of Compliance, they subdivided the property and now someone else owns part of the land. He said the owners are not done with the project and he has no problem waiting until they are done with their project. Cassady said normally they do not do a Partial Certificate of Compliance but this might be a reason why they would do a partial. Cassady said she will look into it further.

Stewart asked if anyone from the public would like to be heard, hearing none.

A motion was made by Edward Medeiros, to close the hearing, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Harding Street, (M 47, L 462), Liana Haddad, Raycon Construction, (Silva Engineering Associates, P.C.) DEP#SE220-1562

Silva Engineering has requested to continue the hearing to January 19, 2023.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Lakeside Road, (M 77, L 3546, & 3662), Michael Arruda, City of Taunton Water Division (Tighe & Bond, Inc.), DEP#SE220-1579

Peter Backhaus asked to continue the hearing to January 19, 2023, because they are still waiting for Natural Heritage.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 0 Cedar Street, (M 8, L 1724), Ashley Herman, (Webby Engineering), DEP#SE220-1529

Webby Engineering has asked to continue the hearing to February 16, 2023. Medeiros asked if this is moving forward because it has been a year. Cassady said she spoke with Webby yesterday

and he told her that they did reflag the site and that they have revised plans but the client has not reviewed and approved them yet.

A motion was made by Edward Medeiros, to continue the hearing to January 19, 2023, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Request for Certificate of Compliance for 265 France Street, DEP#SE220-1424

Present was Kelly Busa, owner. Busa said she had the wetlands re-flagged, but did not have the As-Built plans revised. She said only a small section of the wetlands to the left had changed, but nothing significant. She said there is 3' from the swing set to the wetlands. She did have the conservation signs re-done because they were not in the correct spot. Busa said the land has been mowed for years and there are aerial photos back to 2008.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 265 France Street, DEP#SE220-1424, 2nd by Adam Guaraldi. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Request for Certificate of Compliance for 101 East Grove Street, DEP#SE220-985

Cassady said she went on a site visit today. She stated that the building has been there for a while. Cassady said the wetlands surround the buildings and parking lot. Cassady said she did not see a lot of drainage areas, but did see a few catch basins. She recommends issuing the Certificate of Compliance. She said the site has been maintained.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 101 East Grove Street, DEP#SE220-985, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Request for Certificate of Compliance for 105 East Grove Street, DEP#SE220-441

Cassady went out for a site visit today. This property is adjacent to 101 East Grove Street. She recommends issuing the Certificate of Compliance.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 105 East Grove Street, DEP#SE220-441, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Request for Certificate of Compliance for 92 Pine Street, DEP#SE220-1213

A motion was made by Edward Medeiros, to accept the As-Built dated December 14, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye,

Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye.
Unanimously voted.

Cassady said she went out with Bob Rogers, GAF Eng., in November 2022 to look at the site. This was for a permit for the shooting range and they never completed the work. They will be filing for the path to the target.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 92 Pine Street, DEP#SE220-1213, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Senior Clerk

Conservation Lands

Tarragon

Cassady said some of the complaints do not pertain to Conservation. There was a complaint about unregistered vehicles being at house #12. Cassady said she spoke with Joe Barry, Jr. on December 27, 2022, about piles of stumps being at 38 Tarragon Lane. Cassady explained that they just filed with Conservation and they would be on tonight's hearing. Cassady said Barry then asked about a pipe near 23 Tarragon. Cassady said she told him to contact DPW about the pipe. Cassady said Barry had concerns about Pine trees being cut down and was not sure if it was on Conservation land. Cassady said she directed Barry to the DPW for the stop sign issue as well, because she was not sure if they were maintaining the sign. Cassady said Chris Peck did go out and look at the drainage complaint. He did find the pipe, and it runs between the drainage swale, between houses #23 & #35 and dumps into the catch basin at the low point. He said he does not know which house the pipe is connected to because the pipe is buried. There is water coming out of the pipe so he will have the MS4 test the water. If the water is clean they will need to have a sump pump permit, and if it is dirty water, they will need to remove it permanently.

Cassady said she then received a complaint about tires being stored on the stone wall at the entrance of the subdivision. She said Lt. Ferreira went out and was investigating this.

Nemasket River Village

Cassady said they did the annual Conservation Restriction inspection with the Native Land Conservancy. Cassady said they will be giving a report soon. She said they discussed the parking area needing maintenance. They discussed having controlled burns or goat scaping to managing vegetation. She said there is a spot near the power lines that needs grass seed. Middleborough Gas & Electric is going to go out and mow their path again.

Cassady said she received an e-mail from Select Board member Nathan Demers, asking if the Commission has plans for an event in April during the Herring Run Festival. Demers said the Herring Festival is scheduled April 15th & 16th and said he was hoping if there was an event at the Nemasket River Village it would be on a different weekend because there were safety and

parking concerns with the events running at the same time. Cassidy said she did reach out to the Native Land Conservancy to see if they had any plans for the property in April. Cassidy said people were parking at the Oliver Estate and walking across Route 44. Stewart said having the two festivals together probably brought more people to both events. Stewart wished they reached out about how to solve the concerns rather than having them on two separate dates.

Morgan

The Morgan Property sign was replaced from a wind storm. Cassidy took pictures of the new sign on December 22, 2022. Cassidy went out to the site again and there were bullet holes in the sign on January 1, 2023. She said she notified the Middleborough Police about it because it is close to a roadway. Stewart suggested putting up a game camera, because there is a lot of litter in the area. Cassidy said she can explore this option.

Washburn

Cassidy said there was a family that has a sign on the property and they called thinking it was gone. Cassidy said she went out to the site and it is still there it is just hard to see.

Plymouth Street

Cassidy said she spoke with Shirin Everett, regarding this property that was conveyed to Conservation from the Select Board. Everett said the deed did not need to be recorded but she can record the certified copy of the Town's warrant article/vote. Cassidy said she is just looking for it to state in the deed that it is conservation land.

Cassidy said they really need a position that is just for the conservation properties. Cassidy said she spoke to Jay McGrail, Town Manager, and he was surprised that Middleborough did not have a Natural Resource Officer, because the town is so large. Cassidy said he is on board with adding someone to the department.

Agent:

Edward Medeiros recused himself.

Ch.61A Thompson and Precinct Street

Cassidy said she submitted the grant application. Cassidy said she received an e-mail today from Marea Gabriel from the Nature Conservancy stating that the application has received preliminary approval for a potential Box Turtle Mitigation Fund Grant in the amount of \$281,250.00, towards the \$375,000.00. This would be a grant for 75%, pending the appraisal. Final approval is contingent on meeting steps 4-8 outlined in the application packet. Cassidy said she and Medeiros met with the appraiser on December 28, 2022. She said he is working on the appraisal and should be done within the next week or two. Cassidy said they could always ask for the additional 25% at Town meeting. Medeiros said originally the Nature Conservancy wanted to partner with someone to buy half of the property. Medeiros said he proposed to take 10 acres and agreed to sell them 52 acres for half of the sale price. Medeiros asked if they should write them a letter back and ask what their thought process is behind the \$281,250.00. Medeiros

said it was supposed to be 50% of the \$750,000.00. Cassidy said they are not looking at the \$750,000.00, they are looking at the option agreement which is \$375,000.00. Cassidy said she did not put the \$750,000.00 on the grant application. Medeiros said he feels the Commission should go back and ask them about this, because it will be hard for the town to find the additional money. Medeiros said they were going to do the \$375,000.00 and partner with someone. Cassidy said they were not completely sure, and this is a new grant program. Cassidy said they told her that they might be able to cover 100% but it was not guaranteed. Cassidy said she can ask Gabriel. Medeiros said they could always make the Option Agreement null and void and he will just develop it. Medeiros said he does not think the town will want to come up with the difference. Ockers said it would be \$90,000.00 for 52 acres and feels they could find the money. Cassidy said she could always ask Jay McGrail, Town Manager to use free cash for this. Medeiros said he is disappointed with the letter from the Nature Conservancy. Medeiros said it does not make sense that they said they would partner with someone in a 61A meeting and now they don't want to go half. Cassidy said she will look into this further because it was just an e-mail and not a formal grant letter. Medeiros said it is discouraging because it has been about one year and now things are changing. Stewart said maybe they can give them more information because there might have been confusion. Medeiros said he can see why they would not pay 100% of half of the total cost, feels they should have said that. Cassidy said it does take a while to do land protection. Medeiros said he wanted to give them a year to purchase and the attorney suggested doing 2 years and he regretfully agreed to the 2 years. Medeiros said he has paid about \$30,000.00 in interest in the last year. He said he is discouraged with helping with Ch.61A's. Cassidy said land protection is not simple and can take a while. Cassidy said if Medeiros wants she could have Wildlands Trust pre-acquire it from him. Cassidy said Gabriel said that the grant that is given is based on how the project/property scores. Cassidy said she will ask Gabriel how they score. Cassidy said she can call her tomorrow and discuss this further with her. Stewart said she is sorry this discourages Medeiros, but it will all work out, it just takes some time.

Picone

Cassidy said she did get a Purchase and Sale agreement between the Town and the Picone's. The Picone's attorney has looked at it and has marked up the Purchase & Sale agreement and sent it back. Cassidy said this is moving along. She said she submitted the monthly report for the MVP grant. Cassidy said she is setting up a meeting with all the partners on the project on January 10, 2023, at 3:00PM.

Cassidy said she reached out to all of the Legislator's and the Secretary of State because of the Fair Share Act that was passed in November. This does affect the Picone family because they would have to pay an additional \$200,000.00 in taxes. Cassidy said they will not have to pay the roll back taxes because the land is going to be protected and they are going to have life estate.

Precinct

Medeiros needs to send in a request to amend for this project.

Nemasket River

Cassady said she went on a site visit on December 7, 2022, with DEP to look at the sediment. They then went to the Lakeville Police Station afterwards to discuss. Cassady said this will need to go through every step of state permitting to do a dredging project. This will help with fish passage and recreational use.

Cassady said she went to an Assawompset Pond Complex Management meeting on December 14, 2022. They are looking for 2 rangers for the next season. Anyone interested can contact Cassady and she can send them to Nancy Yates in Lakeville.

FY2024 Budget

Cassady said Pipher has done a great job and she suggests that they move her up to Junior Clerk. This job would need to be posted again. Junior Clerk Step 1 ends up being \$42,902.91 and Clerk Step 2 is \$41,000.00+. This would be about a \$1,400.00 difference.

A motion was made by Edward Medeiros, to recommend posting a Junior Clerk Step 1, Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Cassady said she was looking into a part-time land steward person for 19 hours per week at \$20.00 per hour, which would be about \$19,000.00 per year. Cassady said when she spoke to the Town Manager, he said he was not sure if they would get anyone to apply for the position. Cassady is proposing a full-time position. She was thinking an Assistant ConCom Agent which would be under technical services, which would have a degree and could organize volunteers, do some field work, and maintenance on the conservation properties. She said this would be in GMEG, which would start at \$33.00 per hour, about \$68,000.00 per year. She said or they could do a Land Steward title, Administrative Services, which would be \$32.00 per hour, \$66,000.00 per year. Cassady said if they hire a 4th person, there is not enough room in the office for everyone. The Commission would like a Land Steward.

A motion was made by Edward Medeiros, to request in the budget for a full-time Land Stewardship position in GMEG Step 1 Administrative Services, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Abstained, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

Cassady said she also put in for \$3,000.00 to care for Conservation Land, \$900.00 for MACC, and more money for postage because is it going up as well.

A motion was made by Edward Medeiros, to support the budget as presented, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Abstained, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

Edward Medeiros and Diane Stewart recused themselves.

Ch.61A Thompson Street

Nancy Ockers chaired.

Edward Medeiros spoke as a citizen. Medeiros said this is broken down into 2 parcels because there is a house on the property. Medeiros said they have separate Purchase and Sale Agreements. The Commission did not feel that the property looked appealing to them.

A motion was made by Nancy Ockers, to send a letter to the Select Board stating that they are not interested in the Thompson Street properties, 2nd by Adam Guaraldi. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, and Nancy Ockers Aye. Unanimously voted.

Ch.61A Atwood Ave.

Edward Medeiros and Diane Stewart returned to the meeting as Commissioners.

The Commission stated that the property is not appealing to them.

A motion was made by Nancy Ockers, to send a letter to the Select Board stating that they are not interested in the Atwood Ave. property, 2nd by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Woloski Park CR

Cassady said the Conservation Restriction is going to be held by Wildlands Trust to satisfy Community Preservation funding.

Fall Brook

Cassady said she got a call from one of the neighbors, and they stated that the water had risen quite a bit behind the houses on Gibbs Road. Cassady said she contacted the Fire Dept. and DPW, and they took the drone out to see if there was a problem. They did not find a problem. The DPW then cleaned out the culvert on Wareham Street and the water started going down.

61 Christina Way

Cassady said she received a complaint about a skid steer on the property. Cassady said she went out and met with the owner. She spent a lot of time discussing the WPA. She said they are very cooperative and they got a few quotes from engineers regarding a restoration. Cassady said they can put him on the February 2nd meeting to discuss options.

Parks Property

Cassady said she went out with the Nature Conservancy on December 4th and 18th. Cassady said there are 3 different conservation restrictions for 3 different properties. There is the Parks property, the Parks/Cardin property, and the Caparotta property (under the Select Board). These properties were all protected because they are water supply on Black Brook, which is a tributary

to the Assawompset Pond Complex. She said when she went on the site walk, everything looked good. She said there were a couple of deer stands on the property, but they do have permission from Nancy Parks to hunt on the property.

Bertarelli Land

Cassady said this is now in a Ch.61A status and runs along the Taunton River. Cassady said the family is interested in protecting the land. DCR wants to hold a conservation restriction on both properties. Cassady said Wildlands Trust is part of this as well.

101 & 103 Oak Street

Cassady said this was a complaint back in August. She said she reached out to the owner and they went and cleared some lawn area and paved it. They expanded their impervious surface. She said she reached out to the owner, Mr.Stefani on December 15, 2022, but has not heard from him. Cassady said she told him that he needed to file with Conservation and file for stormwater with the DPW. The Commission would like to send an Enforcement Order

A motion was made by Edward Medeiros, to issue an Enforcement Order for 101 & 103 Oak Street, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Conservation Commissioner Reports
Open Space and Recreation

Cassady said she got the draft for the Open Space and Recreation Plan. She said she needs to review it and send it back to SRPEDD. Cassady said the ADA inspections are done except for the Parks Dept. properties.

CPC

Ockers said they are going through Step 2's and voting on money allocation in February 2023.

Mail/Correspondence

There was an e-mail dated 12/8/22 from Margaret Juneau regarding a Title V at 278 Wareham Street.

There was an e-mail from Patricia Cassady responding to Emily Surette dated 12/12/22 regarding Cannabis expenses.

There was an e-mail from Dan Murray dated 1/3/23, regarding old files that would be thrown away if the town did not want them.

There was an e-mail from Patrick Carrara regarding a draft As-Built for Christina Way dated 12/13/22.

There was an e-mail from Mike Bumpus regarding issues at 436 Wareham Street dated 12/12/22.

There was an e-mail dated 12/8/22, from Shemariah at Land for Good regarding a Farm Succession School returning to Massachusetts.

There was an e-mail from Donna Johnson dated 12/14/22, regarding a grant for Weston Forest.

There was an e-mail from Mike Redlon dated 1/3/23 regarding Great Cedar Village.

There was an e-mail from Patrick Carrara dated 12/14/22 regarding the Harvestwood construction observation report.

There was a letter of support written to Katherine Doherty, Natural Resources Trust of Bridgewater, dated 12/21/22.

There was an e-mail from Paul DiGiuseppe dated 12/21/22, regarding West Grove Street Land.

There was an e-mail from Pat Brennan dated 12/30/22 stating that he would be opening his own engineering company.

Cassady wrote a letter of support for Brandon Faneuf dated 12/1/22 for a recommendation for the Board of Directors.

There were 7 South Coast Rail Updates dating from 12/7/22 – 1/3/23.

A motion was made by Edward Medeiros, to adjourn at 10:29PM, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher
Clerk

DATE APPROVED: February 2, 2023