

Middleborough Conservation Commission
January 20, 2022

Unless specified everyone was present in the Board of Selectmen Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Melissa Guimont, 2nd Co-Vice Chair (started via Zoom, came in person at 7:05PM); Peter Gately via Zoom, Adam Guaraldi (6:59PM) via Zoom, Jacqueline Jones (7:10PM) via Zoom, and Edward Medeiros. Also present was Phyllis Barbato, Senior Clerk via Zoom, Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

Excused absence: Nancy Ockers, 1st Co-Vice Chair.

Meeting started at 6:52 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.

Sr. Clerk

Stewart stated that there was an e-mail from the Town Manager, stating that there will not be any free COVID PCR testing for town employees anymore.

Minutes: 1/6/22

A motion was made by Edward Medeiros, to approve the minutes for January 6, 2022, with one change being made, that on page 9, 55 Plymouth, is not Rockland Industries.

There were technical difficulties, and Edward Medeiros rescinded his motion. Guimont came to the Town Hall due to technical difficulties with Zoom.

Notice of Intent for Everett Street, Peter Varrasso, Jr. (Center Mount Land Development, LLC) DEP#220-1525

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

Present was Shane Oates, Center Mount Land Development. This is for 3 parcels off of Everett Street. Oates said that the entire site is surrounding by Bordering Vegetated Wetlands (BVW). He said the site was flagged by Ecosystem Solutions. He said there are multiple easements on the property. He said they are proposing an industrial sized building with 11 bays, totaling 26,400sq.ft. The bays will be 30ft.x80ft. They want parking and a loading area out back. He said they would also like to widen the existing cart path by 10-12ft. in various places and have a 24ft. wide access road. He said they are in the WRPD Zone 3. He said they will be disturbing some of the 25ft. buffer near the access road. He said they are providing all LID drainage. The existing driveway is very steep about 15% and they are trying to flatten it to 12% to move that road from the regulating station. He said they will have gas, electrical, and they will be tying into the existing sewer on Everett Street. Cassady said she has not been to the site yet, but would like to schedule a site visit with the Commission. Cassady said they will need to go to the Board of Selectmen as well. Cassady said the drainage is an exempt activity from the 25ft. no touch. Oates

said they will be going to the Zoning Board on February 10th because the building is 26,400sq.ft. Stewart asked the Commission if they had any questions. Medeiros said on page 6, figure 2, in the Notice of Intent, it shows that this property is $\frac{3}{4}$ wetlands. Medeiros said it shows this property had the wetlands filled in, in the 70's. Medeiros said there is 8-10ft. embankments on the side of this property. Medeiros said he would like a wetland scientist to go out to do exploratory research to see where the wetlands would have been before they were filled in. Medeiros said he would like to hire a consultant for this project. Cassidy said they can go back and look at the history of this property. Stewart asked Oates how long he has owned the property. Oates said that he does not own it but it is under Purchase and Sale. Guimont said debris needed to be removed according to the Board of Health requirements, and wanted to know what kind of debris. Oates said there's a lot of trash and tires. Guimont said she would like a consultant for this property as well. Gately had concerns about the snow storage area running down into the wetlands. Oates said they can take it off site if the Commission prefers. Oates said they can add that to the Operation and Maintenance Plan or Order of Conditions. Oates said every square foot of this site will be treated and handled according to the stormwater guidelines. They are proposing a 6-inch curb around the property.

Stewart asked if anyone from the public would like to be heard.

Andrew Pony, lives on the corner of Everett, is concerned with the value of his house depreciating and lighting that will come from the building. Oates said there will be LED lights attached to the building for lighting and will not produce a lot of light. Oates said the light should not leave the site. Pony had concerns about trees being removed. Oates said there will be trees that are coming down, but nothing huge. Pony asked about traffic, and Oates said it should not generate traffic because it will be big trucks in and out and not cars.

Steven Smith, 146 Everett Street, said he was concerned with the driveway being too close to his property, which is wetlands. He said turtles lay eggs in his yard every year, and there are a lot of frogs and salamanders as well. He thinks the building is too big for the area and the property is a swamp. He is also concerned with the amount of traffic and accidents that will occur. Cassidy said the wetland scientist can go out there and look at the wildlife habitat.

A motion was made by Edward Medeiros, to get 3 peer review quotes for Everett Street, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Melissa Guimont, to continue the hearing to February 3, 2022, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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Notice of Intent for 129 Sachem Street, Kenneth and Nancy Crest (Zenith Consulting,
LLC) DEP#220-1522**

Stewart read the legal ad into the record.

Present was Nyles Zager, Zenith Consulting. Zager said this is for a septic upgrade for the existing failed septic. He said this will be a 1,500-gallon tank and it will be piped out to a new leaching field. All of the work being done is within an existing landscaped area and no vegetation is being removed. All of the proposed work will have silt sock. He said this has been submitted to the Board of Health. Cassady said she went to the site on January 20, 2022. She said the Health Department approved this today. Zager said this is a gravity system and does not need a pump.

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 and issue a Standard Order of Conditions for 129 Sachem Street, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for Lot 3 River Street, LEX Development (Zenith Consulting, LLC)
DEP#220-1523

Stewart read the legal ad into the record.

Present was Nyles Zager, Zenith Consulting, and Tim Hashem. They are proposing a single-family home with a 10ft. wide driveway, and shared septic for Lot 3 & Lot 4. They have proposed silt sock at the limit of work, split rail, and conservation signs. They are also proposing an entrance pad for construction vehicles that will be coming in and out of the property. There is stormwater management because it is 4 lots. Two detention basins have been proposed. They will stabilize the property with loam and seed after the work is done. There is also a shared driveway. Cassady said she went to the site today and everything was staked out in the field (house, well, septic, erosion controls, etc.). Cassady said the wetland lines are at the forested area. Stewart said the closest point to the wetland line is 53ft. Medeiros asked if the lots have been separated into lots 3 & 4. Zager said they have not been separated but they are submitting to the Planning Board tomorrow. Medeiros said they should not vote on this until they have separate lot numbers because it can get messy in the future. Medeiros said the property shows a perennial stream on the GIS map. Cassady and Hashem both stated that the stream was dry and had no flow, therefore it is an intermittent stream.

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

A motion was made by Edward Medeiros, to continue the hearing to February 17, 2022, 2nd by Adam Guaraldi. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for Lot 4 River Street, LEX Development (Zenith Consulting, LLC)
DEP#220-1524

Stewart read the legal ad into the record.

Present was Nyles Zager, Zenith Consulting, and Tim Hashem. They are proposing a single-family home with a septic pump and well. They are also proposing silt sock, spilt rail fencing, and conservation signs. They will loam and seed for stabilization once the project is finished. The closest point to the wetlands is 35.6ft. Cassady said they looked at the flags off of Summer Street because they were not on the ORAD. Cassady said flags 5-1, 5-2, and 5-3, were not on the original ORAD but they do look accurate. Cassady said she wanted to note that there is a ditch on Summer Street and River Street, and portions of the ditch are not considered wetlands. She said she spoke to the Health Department, and they did approve the shared septic system. Guaraldi asked Cassady if they should put the flags that weren't on the ORAD, in the Order of Conditions. Cassady said they can add Special Conditions regarding flags 5-1, 5-2, & 5-3.

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

A motion was made by Melissa Guimont, to continue the hearing to February 17, 2022, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Abbreviated Notice of Resource Area Delineation for 177 & 187 East Grove Street, HIP VI Enterprises, LLC (Goddard Consulting) DEP#220-1518

Goddard has asked to continue the hearing for the peer review.

A motion was made by Edward Medeiros, to continue the hearing to February 3, 2022, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Abbreviated Notice of Resource Area Delineation for Wareham Street, (Map 109 & 110, Lots 4084, 4183, & 4928), Jason Pannone (Tunison Environmental Consultants, LLC) DEP#220-1512

Present was Garrett Tunison, Tunison Environmental Consultants, via Zoom.

A motion was made by Edward Medeiros, to accept revised plans dated January 17, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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

A motion was made by Edward Medeiros, to accept revised plans dated January 12, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye,

Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Cassady said they only want the B series accepted. Cassady said she compared the plan to the peer review report and noticed that flag C-14 was not on the plan. Cassady asked if they had found out if the C series was an Isolated Land Subject to Flooding, but Cassady said they will not be calculating that area because they are not using that area and it will be part of the Conservation Restriction area. Tunison said they are staying to the south of the property and only need the B series voted on.

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 and issue an ORAD for flags B25-B45 (B series only), 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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Continuation of Notice of Intent for Harding Street, Map 47, Lot 463, Steven M. Kahian, Etal Trustees, (Silva Engineering) DEP#220-1516**

A motion was made by Edward Medeiros, to accept the revised plans dated January 17, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to accept the drainage evaluation report, dated January 17, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Present was Rebecca Baptista, Silva Engineering. Baptista said they had a very thorough peer review from Nitsch, and they have made all changes that Nitsch had suggested. She said they have finished their test pits and the ground water is about 36-inches. She said they decided to raise the infiltration about 2/10. They moved the catch basins a little closer to the street. They also moved a parking spot away from the utility pole and they put in a culvert.

A motion was made by Edward Medeiros, to accept the second response letter from Nitsch dated January 18, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to close the hearing and issue a Standard Order of Conditions for Harding Street, DEP#220-1516, 2nd by Melissa Guimont. Roll call vote: Peter

Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

**Request for Certificate of Compliance for 29 Katrina Road, Ryan & Kimberly Hickey
DEP#220-1461**

Cassady said she did not go on a site visit, but the owner sent her pictures. Cassady said she recommends issuing the Certificate of Compliance.

A motion was made by Edward Medeiros, to issue the Certificate of Compliance, for 29 Katrina Road, DEP#220-1461, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

**Request for Certificate of Compliance for 299 West Grove Street, Richard Brewer Jr.
DEP#220-1451**

A motion was made by Edward Medeiros, to accept the As-Built dated January 11, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Present was Brandon Brewer, son of the owner via Zoom. Cassady said she went on a site visit today. The house was torn down and a new house was built. Cassady said the grass is not coming in that well and there is silt sock but it is decomposed. Cassady said there is too much fill over the base of the trees and they should make tree wells around them. Guaraldi said to make sure the tree wells have proper drainage as well. Brewer said they will be seeding again in the spring. He said they have a closing date of January 26, 2022. Cassady suggested writing a bank letter so they can close and seed in the spring.

A motion was made by Edward Medeiros, to issue a bank letter for 299 West Grove Street, DEP#220-1451, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

**Request for Certificate of Compliance for 30 Plymouth Street, Daniel M. Creedon III, P.C.
DEP#220-1021**

Cassady went on a site visit on January 15, 2022. She said the grass is stabilized and the split rail fence is still up, but it is rotting. She made the new owners aware of the fence.

A motion was made by Melissa Guimont, to accept the Septic System As-Built dated May 13, 2021, into the record, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 30 Plymouth Street, DEP#220-1021, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Minutes: 1/6/22

Minutes will be voted on at the next meeting.

Conservation Lands:

Tarragon Estates

Cassady said she received a voicemail from someone regarding Tarragon Estates. She returned the call, left a voicemail but no one has contacted her back.

Cassady said she spoke with the Environmental Police regarding the Soule Homestead. Cassady said there was a possibility of someone cutting lumber and posting “No Trespassing” signs on conservation/town land. Cassady said she still needs to go to the property, but she did forward this to the Police Chief, Bob Nunes, Town Manager, and the Board of Selectmen. Cassady said Leilani Dalpe, Chair of Board of Selectmen and Nunes, did respond to her, and Nunes forwarded it to Dan Badger, soon to be new Executive Director at Soule Homestead. The Environmental Police said that they cannot do anything about the signs that were posted on conservation lands, but the Town Police might be able to.

Agent:

FY2022 Budget/FY2023 Budget

Cassady said that they were told that Pipher could not get 20 hours per week, because then the Town would have to give her benefits. Cassady said she asked the Treasurer’s Department how much it would cost to give Pipher benefits. Cassady was told that a family plan for health insurance would cost the employee \$500.00 per month and the Town would contribute \$1,247.00 per month. Cassady said life insurance, eye insurance, and dental insurance, are all optional. Plymouth County retirement is 9% and if you make over \$30,000.00 per year, then another 2% would go towards retirement. Health insurance would cost the Town about \$15,000.00 per year. Cassady said this is more than having health insurance, it is also about having paid holidays, sick time, and be part of the union. Cassady said she feels this is something the Commission should fight for and they could use Pipher in the office 40 hours per week. Jones asked how many people work in other departments compared to the Conservation Dept. Cassady said the Building Dept. has 5 people, Health Dept. has 6 people, Animal Control has 2 people, and Planning Board has 3 people. Cassady said Conservation does a lot more than permitting and they work with other departments on projects, deal with the public coming in asking questions, emails, phone calls, dealing with conservation land, etc. Guimont said there should be 4-5 people in the office because Middleborough is such a large town with a lot of land. Cassady said Conservation needs a bigger office, because it is too small, and she shares her desk with Pipher. Stewart said she would like to see another full-time person in the office. Cassady said it has been consistently getting busy in the office. Medeiros said Middleborough is the 2nd largest town in the state.

Stewart said she would like to discuss this at the work meeting. Jones said she appreciates everything the office does.

Ch.61A Thompson and Precinct Street

Cassady said she sent a letter to the Board of Selectmen, stating that the Commission was interested in purchasing the land.

415 Plymouth Street-Picone Farm

Cassady said she received a revised appraisal quote in the amount of \$2,600.00, because the house is now included.

A motion was made by Edward Medeiros, to allocate for the \$1,700.00 for the site assessment, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Abstains, Edward Medeiros Aye, and Diane Stewart Aye. One abstention, remainder in favor.

A motion was made by Edward Medeiros, to allocate for the \$2,600.00 for the revised appraisal, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Abstains, Edward Medeiros Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

A motion was made by Edward Medeiros, to apply for the Taunton River Stewardship Council funding, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Abstains, Edward Medeiros Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

Letter of Support for Mass. Trails Grant, Bridgewater proposed project

Cassady said they are proposing trails at the State Prison land, near the Taunton River. Kitty Doherty asked the Commission to send a letter of support for their application.

A motion was made by Edward Medeiros, to send a letter of support for the trails proposed at the State Prison Land, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Conservation Commissioner Reports:

Update on Alan Harris

Guimont said she is going to Middleborough High School, on February 9, 2022, to talk about birds. Harris said he would like to build bird boxes. She said she will also discuss invasive species. Guimont said they are interested in putting boxes up around the school.

Update on 230 Bedford Street-Spillane's

Guaraldi said a resident called and had concerns about excavation that was done on the property. He said when he went to the site, he did see that wetland flags were put up by Outback. Guaraldi

said he would like the plan from Outback to confirm the line and make sure that they did work outside of the wetlands. He feels that they were outside of the buffer. Barbato stated that she did ask for plans from Outback, but has not received them yet.

Open Space

Cassady said there was a meeting via Zoom last night from 7:30PM-9:30PM.

Guaraldi said that there was another siting of the Spotted Lantern Fly in Shrewsbury.

Mail/Correspondence

There were South Coast Rail Updates.

Pictures were sent in from Bob Dewey.

Phil Benjamin made the Commission aware of his retirement.

There was a packet from Allen & Major regarding a monitoring report.

There was a 2021 wetland mitigation monitoring report for 607 Wareham Street.

A motion was made by Edward Medeiros, to adjourn at 9:46PM, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: February 3, 2022