

Middleborough Conservation Commission  
February 16, 2023

Unless specified everyone was present in the Select Board Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Nancy Ockers, 1<sup>st</sup> Co-Vice Chair; Adam Guaraldi, via Zoom (7:04PM), Jacqueline Jones, via Zoom (8:05PM), and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Clerk.

Excused absence: Melissa Guimont, 2<sup>nd</sup> Co-Vice Chair

Meeting started at 7:05 PM.

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.

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**Discussion with Owners regarding Vernon Street (Map 27, Lot 698)**

Present was Jeremy Costa, owner. Cassady said that Chris Peck, DPW, had contacted her a while ago about activity that was going on. Cassady said she went out to the site. She said it took a little while to find out who the owner of the property was. Cassady said the property was delineated by the Vasvatekis owner. There was crushed stone put in to create access to the property. Stewart asked if there are wetland flags by the access area, and Cassady said they are way back on the property. Cassady said she has seen a plan for this property and some of the lots were subdivided off. Cassady asked if it was a retreat lot and Costa said he is not sure, but he has no plans of building on it. Costa said before he bought it, they cleared a lot of trees and they made a mess of the property. He said the machines they drove in there made a huge mud pit. He said he built this small area so he could park off of the street. Costa said he is not planning on building there, he would just like to use it for camping. Stewart asked Cassady how old the wetland line is and Cassady said it's not old, probably within the last few years. Costa said he believes it was done 6 months prior to him buying the property and he bought it in February 2022. Costa said he believes the old owner created this access road and then discovered it was all wet, and then tried getting an easement from another property to build a house on the property. Cassady said she would recommend that Costa get a wetland scientist to see what is going on. Stewart asked if the prior owner came before the Commission regarding the wetland line and Cassady said no they did not. Costa said there were stakes for a septic and for a potential house on the property when he bought it. Stewart said she would like him to get a wetland scientist to flag the property. Medeiros questioned picture #3 if the hole was there already and did he pump water out of it. Costa said he pumped water out of it and it was full of brush. Medeiros said he needs to stop whatever he is doing and needs to get a wetland scientist.

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

The Commission stated that there is to be no more work until the property is delineated.  
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**Abbreviated Notice of Resource Area Delineation for 665 Wareham Street, (M 110, Lots 2588, 2564, 2671, 1886, 2713 & 2038), Patricia Di Santis (Outback Engineering Inc.) DEP#220-1587**

Stewart read the legal ad into the record.

Present was Jason Youngquist, Outback Engineering. Youngquist said this was an old campground and is a 47+ acre site. He said there is about 4,000 linear feet of wetlands. This property was flagged by Avizinis Environmental Services, Inc. He said there is no proposed work at this time. Stewart said the Commission would like to see this peer reviewed. Medeiros said this property is adjacent to the Stonebridge Condominiums.

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

Medeiros said the property looks like it is wet in the back. Youngquist said it wet from the D series all the way back to the interstate. He said they can stop at the D series and they will not need to go all the way back because it is wet.

A motion was made by Edward Medeiros, to get 3 peer review quotes but the peer reviewer can stop Northeast of flags B1-B8 and Northeast of flags D14-D26, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to March 2, 2023, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

**Request for Determination of Applicability for 47 Bedford Street (M 39 L 5058), Ahmad Ashrafi, RR 38 Realty Group, LLC, (Allen & Major Associates, Inc.)**

Stewart read the legal ad into the record.

Present was Phil Cordeiro, Allen & Major Associates. He said they are looking to see if there is off property wetlands that are behind 47 Bedford Street. He said there was about 300 linear feet that was flagged by Goddard Consulting. He said they flagged the property strictly by looking at wet areas. He said they are asking for the Commission to determine if that line has been flagged because it directly abuts their stormwater basin. He said that it is Goddard's opinion that it is not. It was flagged in October 2022. Cassidy said she has been out there in the past but not recently. She said this is the existing drainage area for the Park @ 495 so it is considered a non-jurisdictional area. Medeiros asked if this is on a plan as a drainage basin and Cordeiro said on the original Commerce plans yes. Medeiros asked if he submitted those plans and Cordeiro said no. Medeiros said it would be nice to have those for a site walk to see if it coincides with what this is. Stewart said they will continue the hearing for a site visit and asked Cordeiro to submit the original plans. Stewart asked Cassidy if she had time to do a site visit, and Cassidy said she would not be available.. Cordeiro said that on the site visit just be aware that the wetlands are not

on their property so be careful of rights of access. Stewart asked if they could see if from 47 Bedford Street and Cordeiro said yes and you can see where the flags are, but they cannot authorize going on others properties. Stewart asked when he would have the original plans to the Commission and he said as soon as possible hopefully by Friday or the beginning of the next week. Stewart said that if he gets the plans by Friday they could do the site visit this weekend.

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 March 2, 2023, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Senior Clerk**

**Town and State Guidance Updates**

There was an alert regarding ransomware.

Stewart said there are still Commissioners that need to do their Conflict of Interest Training. Stewart said she did her Conflict of Interest Training yesterday. She stated that Guaraldi, Jones, and Medeiros still need to do theirs. Medeiros said they are due on March 8<sup>th</sup>. Guaraldi asked for Cassidy to send the link to his personal gmail account email.

**Accounting**

A motion was made by Edward Medeiros, to pay Ecosystem Solutions Inc. in the amount of \$1,837.50, for the peer review for 293 Old Center Street, DEP#SE220-1562, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to pay Nancy Ockers, in the amount of \$55.00, for Unit 207 MACC Training, 2<sup>nd</sup> by Adam Guaraldi. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to pay Nitsch Engineering Inc., in the amount of \$900.00, for the drainage peer review, 0 Harding Street, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to pay PARE Corp. in the amount of \$1,157.50, for the Stony Brook large dam (Dam & Seawall Grant), 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to pay SRPEDD in the amount of \$800.27 for their services for the Open Space and Recreation Plan, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam

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

A motion was made by Nancy Ockers, to pay VMD SLN LLC, in the amount of 2,283.75, for the release of funds for the peer review for 293 Old Center Street and West Grove Street, DEP#SE220-1561, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Request for Determination of Applicability for 25 Walnut Street (M 86 L 2393), L & B Realty Trust, (Zenith Consulting Engineers)**

Stewart read the legal ad into the record.

Present was Nyles Zager, Zenith Consulting Engineers. Zager said there are a significant amount of wetlands on the property and they were delineated by Stephen Chmiel. Zager said they are proposing 2 single family homes. He said they are outside of the buffer and the riparian zone. He said there are multiple streams on the property, however a majority of them are intermittent and there are all within the existing BVW because they are tributaries to surface water supply so they will need to stay a certain distance away for the septic. He said everything has been staked out on site. He said the limit of work as far as the erosion control, tree clearing, homes, and septic systems are staked out. He said these lots have been before the Planning Board and have been endorsed by Form A and have been recorded. Stewart said she would like to do a site visit. Zager said the Title V requires the septic be 200' from a tributary to surface water supply. The Commission would like to do a site visit and continue the hearing.

A motion was made by Edward Medeiros, to continue the hearing to March 2, 2023, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Senior Clerk**

**Minutes**

A motion was made by Edward Medeiros, to approve the February 2, 2023, meeting minutes, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

**Website**

IT is working on a laptop for Pipher with a VPN.

Cassady said right now the web portal emails only go to her, and she would also like it to go to Barbato and Pipher. Cassady has requested the IT Department correct this.

**Office Forms and Procedures**

The Harvestwood Baseline was received.

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A motion was made by Edward Medeiros, to accept the Harvestwood Baseline Documentation Report dated February 7, 2023, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

The Herring Festival paperwork was received. If the Commission would like a table they can submit the application. The festival is from April 15<sup>th</sup>-16<sup>th</sup>. Ockers and Cassidy said they should be available.

A motion was made by Edward Medeiros, to send the application in for a booth at the Herring Festival, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

The Commission mentioned that there are job openings in the Town for a Human Resource Director and a Junior Clerk position in the Treasurer/Collectors office.

Stewart said that there were some upcoming MSMCP events.

There were 2 letters of interest were submitted for the Conservation Commission opening. John Neely was also interviewed recently and the process is moving forward.

Keri Gallagher and Richard Wilmot both attended the meeting. Gallagher said she has lived in Middleborough for 18 years and was a Civil Engineer for MassDOT. She has some extra time and would like to become part of the Commission. Cassidy said at this point, they can let the Town Manager know and he processes the appointment. Wilmot said he has lived in Middleborough his whole life. He is interested in learning the process and how things work for Conservation. He said he has worked for various cranberry growers. Stewart said the can both interview with the Town Manager. Cassidy said they do provide training through MACC.

A motion was made by Edward Medeiros, to forward the letters of interest to the Town Manager, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Wetland Bylaw – Stewart asked if anyone has any comments. She is hoping to have something for the October Town Meeting. Ockers asked if there are comparisons to what other towns have for their bylaws. Stewart said they can look into what other similar towns have for bylaws, such as Bridgewater, Swansea, Easton, etc.

177 East Grove Street – Submitted a withdrawal letter. The Commission will vote on the withdrawal letter at the March 2<sup>nd</sup> meeting.

The Annual Report is due on March 31, 2023. The Commission needs to contact Pipher with comments, if they have anything specific they want to add. This can be added to the March 2<sup>nd</sup> or March 16<sup>th</sup> agenda.

**Notice of Intent for 194 South Main Street, (M 58, Lot 5778), Edward Medeiros, (Zenith Consulting Engineers), DEP#SE220-1585**

Jacqueline Jones came to the meeting via Zoom at 8:05 PM. Edward Medeiros recused himself.

Stewart read the legal ad into the record.

Present was Edward Medeiros, owner. Medeiros said he is looking to clear the trees and growth. He said the line was already approved by an ORAD. He said they have already started the engineering of the building. Medeiros said they will put a silt sock at the property line and stay at least 27' from the wetlands that are not on his property. He said they can put a basin in, in the center of the lot which will collect any sediment that might come off the lot. He said they are engineering a 7,200sq.ft. building. He said they are also working with the Planning Board. There is a 35' set back with no parking in the front of the building. Medeiros said he is about 105' from the wetland flags now. Medeiros said the building will be on lot at 194 South Main Street and the drainage basin will be at 198 South Main Street. Medeiros said the building to the wetland line would be about 100' but he would have parking behind the building. He said he would like to clear right up to the 27' line. Cassady said she did not see an existing tree line or proposed tree line on the plan. Cassady also asked if Medeiros will be combining 194 & 198 South Main Street, and Medeiros said no. Cassady said it was a positive #1 Determination issued and not an ORAD. Medeiros said he will have proposed conservation signs at the 27' line. Medeiros said he will put in a 1' trench before the silt sock so nothing will go into the wetlands. Stewart said she has a problem with him trying to cut right up to the no touch buffer zone. Stewart said she would not like to vote if she doesn't know what is going in there. Guaraldi suggested that he leave the big trees and can clear out the brush. Ockers suggested clearing up to the 50' line. The Commission said they would like to go on a site visit.

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 March 2, 2023, 2<sup>nd</sup> by Adam Guaraldi. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

**Notice of Intent for 198 South Main Street, (M 64, Lot 117), Edward Medeiros, (Zenith Consulting Engineers), DEP#SE220-1586**

Stewart read the legal ad into the record.

Present was Edward Medeiros, owner. Medeiros said this property is adjacent to 194 South Main Street. He would like to clear up to the 30' line and put in drainage. Medeiros said the 25' no touch isn't on the property. Cassady said she would like to see the existing and proposed tree line

on the plans. The Commission said they would like the revised plans with the tree lines and would like to go on a site visit.

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

A motion was made by Nancy Ockers, to continue the hearing to March 2, 2023, 2<sup>nd</sup> by Adam Guaraldi. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Continuation for Extension for Order of Resource Area Delineation for Stone Street, Map 46, Lots 2757 & 2612, Jeffrey Tardanico, Waterville Development Corp. DEP#SE220-1425**  
Edward Medeiros returned to the meeting.

Present was Jeff Tardanico, via Zoom. Taxes have not been paid yet. However, Tardanico paid what the Collector's told him to pay and then they found out that he owed more for a different lot. He said he will pay that next week. Cassady said she spoke with Tardanico about the wet areas and they agreed that a possibly solution would be to give a 4 month extension, until Cassady and the wetland scientist can get out there. Cassady said he cannot get the physical permit until the taxes are paid but they can issue it. The Commission said they would like to see the taxes paid.

A motion was made by Edward Medeiros, to continue the hearing to March 2, 2023, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**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 Edward Medeiros, to accept revised plans dated January 30, 2023, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Jason Youngquist, Outback Engineering. Youngquist said they have made the house smaller. They also extended the TOB to flag 17. Lucas Environmental said the revised plans look good.

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi 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 Plain Street – Lot 1, DEP#SE220-1578, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye,

Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Nay. One Nay, the remainder in favor.

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

Present was Rebecca Baptista, Silva Engineering. Cassady said she spoke with the Health Dept. and they said they do not witness test pits. Cassady said she then asked Steven Ventresca, Nitsch Eng., and he agrees that test pits are not typically witnessed. Cassady said Ventresca can go out but they would need to get more money from the applicant. Baptista said she would prefer the test pit be a condition as Ventresca suggested in his peer review so this project will not go on for longer than it needs to. Stewart said the peer reviewer did recommend that they just condition the test pit.

A motion was made by Edward Medeiros, to accept the email from Nitsch dated February 9, 2023, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Baptista said she is going to revise the plans for snow removal and add conservation signs. Medeiros said it does not make sense to him to issue without the hole being witnessed. Baptista said she is confident that the test pit results will remain the same. She said that if it was different then they would come back to amend. Baptista asked if it is written in the peer review to have the test pit witnessed, and Medeiros said no. The Commission said if the applicant is ok with the quote from Nitsch, they can pay it and Nitsch can go right out to witness the test pit to try and get things moving.

A motion was made by Edward Medeiros, to get a quote from Nitsch to witness the test pit, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to March 2, 2023, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**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**

Present was Peter Backhaus and Ryan Hayes, both from Tighe & Bond, via Zoom. Backhaus said he heard back from Natural Heritage. They found out that they do not need to search for mussels as long as they are following the erosion sediment controls. They did ask for the Northern Box Turtle and the Red Bellied Cooter was that they implement the state protection plan as to whether or not they are working within the October 15<sup>th</sup> – April 15<sup>th</sup> hibernation period or having someone on site in addition to the plan from April 15<sup>th</sup> – October 15<sup>th</sup>. He said this requires a scientific collection permit for the Red Bellied Cooter and they do not have anyone on their staff so they are currently working on hiring out for this. He said at this time, he is still



working on the turtle protection plan and have a qualified biologist working on the plan. He said they just met with Lakeville on Tuesday and they closed out their hearing for their side of the dam, pending that they get the turtle protection plan and approved by Natural Heritage before any work is done, and pending joint work with the Lakeville Conservation for a joint Order of Conditions.

A motion was made by Edward Medeiros, to accept the letter from Natural Heritage dated February 6, 2023, into the record. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Backhaus said no shovels in the ground until the turtle protection plan is approved by Natural Heritage. Cassady said she will speak with Nancy Yeatts and coordinate on the Order of Conditions.

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

The Commission said they will coordinate with Nancy Yeatts, and issue the Order of Conditions at the March 2, 2023, meeting. Special conditions that the Commission would like is that they abide by Natural Heritage's rules and they are not to chip /mulch in the wetland area.

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

Webby Engineering has asked for a continuation to the second week in March.

A motion was made by Nancy Ockers, to continue the hearing to March 16, 2023, but if there are no revised plans by the next meeting, the Commission will deny without prejudice for lack of information, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Request for Certificate of Compliance for 64 Leona Drive, DEP#SE220-641**

Present was John Weaver, McLean Middleton, via Zoom. Cassady said she went out on a site visit Monday. She stated that the catch basins were not clean. Cassady recommended on going conditions of cleaning out catch basins and cleaning up the trash. Cassady said she would also like them to clean out the catch basins. Weaver asked Cassady to send him the site visit pictures. Stewart asked if there was an Operation & Maintenance plan and Weaver said he does not believe there was one ever done.

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

A motion was made by Edward Medeiros, to accept the As-Built dated January 7, 2021, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi 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 the Certificate of Compliance with on-going conditions of on-going maintenance plan for drainage and clean up trash, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Request for Certificate of Compliance for Christina Way, DEP#SE220-1337**

A motion was made by Edward Medeiros, to accept the As-Built dated January 19, 2023, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Cassady went out to the site in November. The catch basins have been cleaned, top coat is on the road, 2 lots are still under construction, and drainage basins have fences. Stewart asked if Cassady received the final review from Pat Correia, and Cassady said she is not sure if they got anything additional but she thought things were finalized. Medeiros said he would like to wait on issuing the Certificate of Compliance and go on a site visit. Medeiros said on Lot 1 they were grading and took down the fence. Cassady said that has been fixed. Medeiros said he would like to go on a site visit and look at the fencing. This will put on the March 2<sup>nd</sup> agenda.

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**Conservation Lands:**

**Pratt Farm**

Mel Jenks, Grant Writer, sent her a copy of the Trails grant. Cassady said she did a great job on it, and now they just wait to see if it gets approved.

**Tarragon**

Cassady said a neighbor sent in aerial photos that he took with a drone. They are setting up a site visit in early March with Chris Peck, DPW and Maggie Juneau, Health Dept., Town Manager, and John Barella about side walk issues and entrance on conservation land. Cassady said maybe they can put a split rail fence in to prevent any further encroachment.

**Nemasket River Village**

Cassady said she has been emailing with Diana Ruiz, Executive Director for the Native Land Conservancy, about coordinating a canoe passage for the same day as the Herring Festival. Cassady said she has been in touch with the Tourism Committee as well. They are figuring out their path and will get back to Cassady. Cassady said in regards to the cultural respect easement on the property, she spoke with Paula Peters to give her the history on the property. Stewart said she thinks it makes sense to coordinate with the Herring Festival. Cassady said they are hoping to go to Oliver Mill Park with their canoes.

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**Agent:**

**Ch.61A Thompson and Precinct Street**

Edward Medeiros recused himself.

There was a new Option Agreement drafted to reflect the \$540,000.00 appraisal. Cassady said she will have KP Law review this new one. Cassady said she revised the Eastern Box Turtle Mitigation Grant application and will send it tomorrow to Marea Gabriel, Nature Conservancy. Cassady said she did request for the cost of the appraisal to be reimbursed by The Peirce Trustees and they have declined the request because they are looking for unexpected bills, and things the town cannot fund.

**415 Plymouth Street – Picone**

Edward Medeiros returned to the meeting.

Cassady said the Purchase & Sale Agreement was signed by the Select Board on Monday. Cassady said there is a draft Use and Occupancy Agreement for the life estate of the house. KP Law sent it yesterday and Cassady still needs to review it. Cassady said she spoke with Scott McFaden, Wildlands Trust, and the Native Land Conservancy about putting in a cultural respect easement. Cassady said they will try to dove tail it with the conservation restriction that McFaden is drafting. Cassady said she does not think the Conservation Restriction will be done by March 31<sup>st</sup> but will be in the works. Cassady said the home inspection was done today. She said she is waiting for the inspection report. Cassady said they are going to have a license agreement with Rich Picone about what buildings he will still need to mow and hay.

**FY2024 Budget**

Cassady said she presented the budget at Monday night’s Select Board meeting. She said they had some questions about the Land Stewardship position but she thinks overall there is a lot of support for the budget and the new position.

**FY2024 Capital Plan**

Cassady said she met with the Planning Committee last night and presented things that the Commission wanted in the next 5 years. The 2 dams at Pratt Farm will hopefully be covered by grants. Cassady said she put in for a town vehicle for 2028.

**164 Everett Street**

Cassady said this property has a lot of trucks on it and they think they have encroached onto the wetlands. Cassady said she called, what she thought to be the owner, Mike Walsh’s, wife. Mrs. Walsh said that they had sold the property about 1 year ago. A & D Exports Cooperation out of Framingham owns it now. She said she is going to have to try to find a phone number to contact someone about this.

**685 & 687 Wareham Street**

Cassady said she does not know if they have pursued this with the Select Board.



**Conservation Commissioner Reports**

Ockers said so far they have only spent \$36.00 out of their \$2,500.00 Care of Conservation Land budget. Ockers said they should make a plan on how to spend the rest.

CPC – Ockers said CPC voted last night to spend the money that they had. They funded \$25,000.00 to put shingles at the Soule Homestead house. They also funded \$25,000.00 to the Parks Dept. for the engineering, survey, and pre-construction, for the West End Fields. They are going to be changing them from baseball fields to lacrosse fields, healing garden, and repair the little bridge over the stream. \$100,000.00 to the last project at Oliver Mill. \$20,000.00 to the Friends of Middleborough Cemeteries’ to repair broken headstones. Ockers said they are amazing and have cleaned all of the gravestones.

Ockers said Barbato was nice enough to give her a chronological history of the pavilion at Pratt Farm. Ockers said she feels the Town Manager will be the next in line to help direct her on where to go from here. Ockers said this tracks back to 2009 and a Land Use Sub-Committee involved in Pratt Farm had been having their Harvest Festival, and they raised money by selling ads in booklets. They mentioned having \$8,000.00 in 2009. She said the Committee then went to the Select Board in January 2010, to ask if they could create a new gift account for the pavilion. The Select Board ok’ed that but the Conservation Commission said they did not authorize that and they did not want that. They wanted to keep the Pratt Farm Funds segregated. Ockers said there are 2 different account for Pratt Farm. One is for the conservation donation account and there is a segregated amount of money in there for the pavilion. There is also a dedicated pavilion which the Land Use Sub-Committee asked for, and has \$434.00 in it, which seems to have come from donations. She said in August 2010 there was an article in the Middleborough Gazette about the pavilion and in October 26, 2010 there was no money in that account. The \$434.00 seemed to be strictly donations from this article. She said in December 2011, at the ConCom meeting the Land Use Sub-Committee came forward and asked that the money raised from the Harvest Festival, \$8,000.00, be ear marked for the pavilion, so the Conservation voted to do that. Ockers said they voted to keep it segregated and feels like they could vote on it to reverse it. Ockers said she will speak with the Town Manager about this.

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**Mail/Correspondence**

There were 3 South Coast Rail Updates from February 7, 2023, to February 14, 2023.

There was a memo dated February 6, 2023, from Cassady regarding Holton Estates, stating that their permit is only valid until 6/12/2023 and if any modification is made to Aronson Way they will need to amend the existing order of conditions or file a new notice of intent.

There was a memo dated February 6, 2023, from Cassady regarding the Class II Dealers License Application for 155 East Grove Street.

There was an e-mail dated February 3, 2023, regarding the ROW matting on the Middleborough Gas & Electric Companies property.

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A motion was made by Edward Medeiros, to adjourn at 10:02PM, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart. Unanimously voted.  
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Respectfully Submitted By:

Catherine Pipher  
Clerk

**DATE APPROVED:** March 16, 2023