

Middleborough Conservation Commission  
March 3, 2022

Unless specified everyone was present in the Board of Selectmen Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Melissa Guimont, 2<sup>nd</sup> Co-Vice Chair; Peter Gately, Adam Guaraldi (7:08PM, via Zoom), and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

Excused absence: Phyllis Barbato, Senior Clerk, Nancy Ockers, 1<sup>st</sup> Co-Vice Chair, and Jacqueline Jones.

Meeting started at 6:49 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.

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**Senior Clerk:**

**Town and State Guidance Updates**

Cassady said there isn't anything new, but most towns have lifted the mask mandate.

**Accounting**

A motion was made by Edward Medeiros, to pay \$3,438.75, to Ecosystem Solutions, for the peer review for 177 & 187 East Grove Street, 2<sup>nd</sup> by Melissa Guimont. Unanimously voted.

**Minutes: 2/17/2022**

The minutes were not finished and will be voted on at the March 17<sup>th</sup> meeting.

**Request for Group Use**

The product they will be using for the Color Run is Chameleon. Chameleon is non-toxic and made from corn starch and food dyes.

**Office Forms and Procedures**

Cassady said that the office was unable to submit the annual report. She said she contacted Emily in the Town Manager's office and asked if they could extend the deadline. Emily said it can be extended to March 17<sup>th</sup>.

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**Conservation Lands:**

**Pratt Farm**

Cassady said a gentleman called and was concerned about the tattered American flag that was at Pratt Farm. Cassady contacted the Veteran's office and they replaced the flag immediately. Cassady thanked Steve Adelman for his immediate response, especially since he had to place veterans in new homes due to a fire. The gentleman that called regarding the flag, called Cassady and thanked her for acting quickly to the flag. Cassady said Ron Burgess also helped in the process of replacing the flag.

Guimont let the office know that there were a couple of signs that were destroyed due to the weather as well.

Cassady said Ron Burgess called and was concerned about a tanker truck parked at Pratt Farm. Cassady went out to look into it, and spoke with the driver. The driver stopped and was on his phone. He left right after the encounter.

**Ja-Mar**

Cassady said a new memorandum of understanding, with the Middleborough Gas & Electric Company, needs to be created for them to just do mowing. Cassady said she met with the Gas & Electric Co. yesterday about doing the mowing. She said they will create a path for the public and to the power easement. Cassady said she would like to discuss hiring someone to do more mowing than what the Gas & Electric Co. is willing to do.

A motion was made by Peter Gately, to get quotes for mowing and maintenance for Ja-Mar, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Cassady said there is a proposal for the curation, which will cost about \$26,000.00. The new proposal would include doing some public outreach and bring artifacts to Middleborough. Cassady said she is unsure of where the funding will come from for this. Stewart suggested that maybe the Peirce Trustees would help contribute to this.

**Oliver Estate**

Cassady said she still needs to coordinate with Matt Foye about the bollards.

Stewart asked about the footbridge that was not holding up. Cassady said Norm Bingham-Maas was going to have the troop fix this bridge. Stewart asked if it was safe to walk on for the Herring Festival. Cassady said she was going to reach out about the bridge, and just a couple of the planks are bouncy.

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**Discussion regarding the Pratt Farm Color Run**

Present was Megan Kavaleski, via Zoom. Stewart stated that the color for the color run was made from corn starch and non-toxic.

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

A motion was made by Edward Medeiros, to approve the Request for the Color Run at Pratt Farm on June 18, 2022, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

Kavaleski said that Southshore Waste Management will help clean up.  
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**Notice of Intent for 43 Cedar Street, Kevin Frazier, DEP#220-1527**

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

Present was Jeff Youngquist, Outback Engineering. Youngquist said they are proposing a 30x40sq.ft. garage with a gravel parking area behind it. Stewart said Cassady went to the site on Tuesday, and she said there was snow on the ground, old wetland flags, and nothing was staked out. She would also like the garage to move further from the wetlands. Stewart asked who did the old wetland line, and Youngquist said it was someone from his office. Cassady said the wetland line is more than 3 years old. Cassady said she would like the gravel area to be at the 50ft. Stewart asked if Youngquist could shift the area, and Youngquist said he would ask his client. Guaraldi asked if this is for equipment storage or a business. Youngquist said he repairs his vintage Corvettes and stores them in a trailer which would be parked on the gravel. Stewart asked if Youngquist could have the revised plan in by March 10<sup>th</sup>.

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 17, 2022, for revised plans, 2<sup>nd</sup> by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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**Agent:**

**FY2023 Budget**

Cassady thanked the Commissioners for supporting the office and coming to the Board of Selectmen meeting. Cassady feels that they have made progress. As a result of the meeting she thought that the 20 hours will be approved in April and then another 5 hours in October. Guimont said she was thankful for the public coming out to support Conservation as well.

Edward Medeiros recused himself.

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

Cassady said she received a draft of the option agreement concerning the Thompson and Precinct Street property. Cassady said that KP Law is reviewing. Cassady feels this will be done by the time of the Board of Selectmen's meeting on Monday.

Edward Medeiros returned to the meeting.

**415 Plymouth Street-Picone Farm**

Cassady said she got a quote for the Environmental Site Assessment Phase II. She said they wanted to do some underground testing where they found some storage tanks in the 90's. Cassady said that the quote was \$16,400.00 and she was going to add it to the Municipal Vulnerability Preparedness Grant application as part of the due diligence. Another part of the due diligence would be for the Land Court Plan, which can cost upwards of \$20,000.00. Cassady said that the Warrant Article for the town meeting in April, was drafted by KP Law, will be submitted by the

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March 11<sup>th</sup> deadline. Cassady said she has submitted the preliminary application for the MVP grant. Cassady said she spoke with the coordinator, Courtney Rocha. Rocha gave Cassady amazing feedback, and she felt this was a great project and they can ask for up to \$3,000,000.00. Cassady said the appraisal should be done in April.

### **Soule Homestead**

Cassady said she has not been able to go back out there because of the snow.

### **3 & 15 Spruce Street**

Cassady said she was going to send them a letter, but did not get to it. She said she will ask them to attend the next meeting.

### **85 Plymouth Street**

Cassady said the Water Department did a water exploration. The report came back stating that this property is not suitable for a well. There is a neighbor that is interested in purchasing the land.

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### **Notice of Intent for 0 Cedar Street, Ashley Herman, DEP#220-1529**

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

Present was Joe Webby, Webby Engineering, via Zoom. Cassady went to the site on February 16, 2022, and the wetland flags were up, Brad Holmes from ECR did the wetland line. The house was not staked out. The wetland line needs to be reviewed when the weather conditions are better. Webby said that this is a vacant lot, with an existing garage. The owner would like to sell the lot. He would like to build a single-family dwelling within 50ft. of isolated wetland area. Webby said the well will be the closest thing to the wetlands. Cassady said she has questions about the B series and feels that it extends out, but she could not get an auger in the ground.

Guaraldi stepped away.

A motion was made by Edward Medeiros, to accept revised plans dated February 8, 2022, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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

Nicole Martin, abutter asked how this will affect their property because they already have water issues. Cassady said they can set up a site visit with her.

Russell Madden, 11 Cedar Street, said he sent pictures in. He said he already has flooding issues and wants to know if this will affect his property.

Stewart said when they go on the site visit she would like the house to be staked out. Webby said he can have that done by the beginning of next week. Medeiros said he would also like to have the height staked out, so they can see how much fill will need to be brought in, and he wants the septic staked out. Stewart told Webby to e-mail Cassady when everything is staked out to schedule a site visit. Medeiros asked if they can put the 25ft. line on the plan.

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

**Continuation of Notice of Intent for 165 Plympton Street, Jonathan Stricklin, DEP#220-1530**

Stewart said that they received a DEP#220-1530.

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

A motion was made by Peter Gately, to close the hearing, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Melissa Guimont, to issue a Standard Order of Conditions, with 1 Special Condition, of putting hay bales at the 26ft. buffer, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

**Continuation of Notice of Intent for 531 Wareham Street, James Murray, DEP#220-1528**

Stewart said they received a DEP#220-1528.

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 Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions, with 1 Special Condition, that the applicant will place hay bales at the short side of yard and at the 50ft. line parallel to the wetlands, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

**Continuation of Abbreviated Notice of Resource Area Delineation for 691 Wareham Street, Sachem Construction, (Zenith Consulting Engineers, LLC) DEP#220-1526**

The applicants are requesting a continuance for the peer review to be completed.

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

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

Goddard Consulting has requested a continuance for the peer review to be completed.

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

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

Shane Oates, P.E. for Center Mount Land Development requested the hearing be continued to the next meeting.

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

Edward Medeiros recused himself.

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**Request for Certificate of Compliance for 27 Perry Street, DEP#220-48**

Cassady said she went to the site on February 22, 2022, and everything was stabilized, brush near wetland was to be removed, and they are going to need a new septic. They may or may not have to file an application with Conservation for the septic.

A motion was made by Peter Gately, to issue a Certificate of Compliance for 27 Perry Street, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, and Diane Stewart Aye. Unanimously voted.

Edward Medeiros returned to the meeting.

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**Agent:**

**85 Plymouth Street**

Nancy Murphy is the neighbor that is interested in purchasing this property. The Water Dept. had mentioned that Conservation take over this property because it is close to Otis Pratt Brook watershed. Stewart asked how wide the access road from Plymouth Street is and if there were trails there. Cassady said there are trails but not a lot of room for parking. Stewart suggested that the Commission go out for a site visit.

**Lot 67 Pendleton Court DEP#220-1478**

The owner would like to change the footprint of the house and would like to add a deck. Medeiros said the house is only moving 2ft. closer to the wetlands. Cassidy asked if the Commission would like to have an As-Built or for him to file a Notice of Intent. The Commission said an As-Built would be fine.

A motion was made by Edward Medeiros, to let the applicant know that an As-Built will be acceptable, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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**Mail/Correspondence**

Cassidy said she sent an e-mail to Dan Murray regarding the 681 Wareham Street property and if they can hold money back. Dan Murray said they cannot. Stewart suggested checking on the property every 6 months to see if it has sold.

Edward Medeiros recused himself.

Mr. Jackson from 0 & 535 Wareham Street came into the office today. He would like to go on a site visit so Cassidy can tell him exactly what needs to be done. Cassidy said she will set up a site visit with him in April.

Edward Medeiros returned to the meeting.

There was a complaint regarding the Woodlands Apartment Complex. They had said that a detention basin had breached. Cassidy drove to the site and did not see a breach.

Ron Burgess had called about erosion controls at Rt.44 and the Pouquoy property. Cassidy called the Town of Lakeville Conservation Department and they said it was all set.

The office is still waiting on plans from 230 Bedford Street, Spillane's.

There were South Coast Rail updates.

There were memo's regarding 691 Wareham Street, 108 Wareham Street, and 58 Pebblebrook.

The 40B in Middleborough has withdrawn their housing application.

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**Conservation Commissioner Reports**

Guimont said she will stay on the Commission but will miss some meetings.

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A motion was made by Edward Medeiros, to adjourn at 8:39PM, 2<sup>nd</sup> by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, and Diane Stewart Aye. Unanimously voted.

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Respectfully Submitted By:

Catherine Pipher  
Minutes Clerk

**DATE APPROVED:** March 17, 2022