

Middleborough Conservation Commission  
April 21, 2022

Unless specified everyone was present in the Board of Selectmen Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Nancy Ockers, 1<sup>st</sup> Co-Vice Chair; Melissa Guimont, 2<sup>nd</sup> Co-Vice Chair (via Zoom); Peter Gately, Adam Guaraldi (via Zoom); and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

Excused absence: Jacqueline Jones.

Meeting started at 6:18 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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**Discussion with the Stewardship Group – Conservation Commission Lands**

Stewart said that Patricia Stagliola, e-mailed the office, and stated that the Stewardship Group would not be able to attend the meeting. Stagliola said she would like to set up a walk through with the Commission and could attend the May 19, 2022, meeting. Stewart said she would like to put them on the May 19<sup>th</sup> meeting and she would like to ask them which Saturday would work best for a site visit. Cassady said she did reach out to the Middleborough Fire Chief about taking the fire wood for a controlled burn and the Fire Chief said they do not want the wood, but thanked her anyways. Cassady said she will look into doing a lottery for the wood.

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**Discussion regarding Lot 2 John Perkins Way – Change in house footprint**

Present was Steve Dixon. He said they proposed a house that has a little different foot print than what was originally permitted. The house is smaller and further from the wetlands and the driveway is a little bigger. They will be about 142ft. less in the buffer. Medeiros said this will be less grading. The Commission agrees that they can submit an As-Built Plan, but they will need to add the 50ft. line on the As-Built Plan.

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

A motion was made by Edward Medeiros, to allow the amendment to the plan on Lot 2 John Perkins Way with an As-Built Plan and to add the 50ft. line, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Discussion regarding Christina Estates Subdivision – Common driveway**

Present was Dave Stahley, Project Manager I.W. Harding Construction Co. Inc., and James Shalek, developer. Stahley said that he is before the Commission to get some clarification. He said he has been involved in constructing the roadway and the common drive on this project. He said they have made a lot of progress and they are getting close to the point where they hope they can get acceptance for the street. He said as part of the process he is trying to clean up some

issues before they go into the following items that need to be completed. He said one of the things he is trying to understand is how they got from having an approved plan with a gravel driveway with a common drive to the point where the Conservation Commission has indicated that they believe that paving the common driveway is in the existing Order of Conditions, which also refers to the approved plans. Stahley said he is referring to the 2018 Order of Conditions and the 2018 Planning Board approved plans. He said there has been some communication with the office, and asked if the Commission has reviewed his letter to Cassidy regarding his thoughts. Stahley said the common driveway is to the right of the cul-de-sac and does a dog leg down into the back two lots. He said there is a section (8A) through that area that goes through the common drive as well as an abutting swale in order to collect the water. He said that section detail is blown up in the bottom right-hand corner of the plan with the red arrow, and to the right of the arrow it says gravel driveway. He said there is a detail that shows how this driveway is to be constructed. He said in the Order of Conditions that was issued in 2018 refers to the plans in general, including the page he is referring to. He said he has not seen in the Order of Conditions that specifically states, in text format, that the common driveway will need to be paved. Stahley said Larry Silva came before the Conservation Commission, back in May 2019, because one of the box culverts, as located in the original plan, was slightly out of alignment with where the actual depressed ditch was. He said they wanted to slide the box culvert over a bit. He said the other box culvert, to the left, had a constructability issue, and only had a design height of several inches, and they could not get a pre-caster to pre-cast it so Silva redesigned it using a pipe and crushed stone. Stahley said Silva came before the Commission to allow permission to do the two changes. He said the Commission said they were minor changes and the meeting minutes indicate that it is to be recorded in the As-Built Plan and was all set. Stahley said there was no mention in the meeting minutes of the common driveway becoming a paved common driveway. Stahley said there was some communication later on that year where the Planning Board was looking for some clarification during the Form J release, of the two rear lots, Lot 5A & Lot 6A, about whether or not that driveway needed to be paved. He said there was some back and forth with the Conservation Commission and a letter was sent from the Conservation Commission to the Planning Board stating that based on the Order of Conditions for the job and the plans, it is calling for that road to be paved, so Shalek agreed to pave it, but Stahley said they have been unable to corroborate that. He said he is here tonight to get some clarification because he believes it is supposed to be a gravel drive and not a paved drive.

Stewart said the plans are ambiguous, because it references on the bottom a 12ft. gravel driveway, but it does not reference the 20ft. common driveway is supposed to be gravel. Stewart said it does mention a gravel turn around but it does not specify, in the drawing part of the plan, that it is going to be gravel, but in the legend, it has edge of pavement in it, which to her means paved. Stewart said there was an e-mail from Phyllis Barbato, from July 30, 2020, that references that Silva Engineering came before the Commission on May 16, 2019, to discuss the minor modifications on the plan, they submitted dated May 16, 2019, sheet 1, that stated its paved 20ft. common driveway between Lot 5A and Lot 6A. Stahley said he is not sure why that is on that plan and he does not have that plan. Stahley said he is assuming he does not have the plan because it is an As-Built correction for the modification, and he said he did not see anything after

that. Stahley said he is not sure if it was an error that was put in by mistake by Silva Engineering, but he has been going by what the approved plans were. Stahley said there is a reference on the plan that is in yellow, to the solid line, being the edge of pavement, and typically when you have a legend like that, it can become a little bit ambiguous, unless you take the drawings as a whole. He said if you take a look at the cul-de-sac itself, there are multiple solid lines within the roadway lay out. He said if you take the solid lines to be the only indicator to what is supposed to happen, it could be very confusing, because you would not know what lines were getting paved to within that roadway area. He said you would want to look for other indicators in that plan to help you understand and you would then go back to the detail section of the plans and it would clearly indicate where the paved roadways are. Stahley said details take precedence over the general ledger. Stewart said that is why the plan is ambiguous because the detail references the 12ft. driveway and not the 20ft. like it is supposed to be. Stahley said he cannot speak for Silva as to why his office put 12ft. versus 20ft., but they have built it to the 20ft. Pipher stated that she put meeting minutes in Dropbox that discussed the As-Built Plan. The minutes referenced were from September 30, 2020. Stahley said it seemed as if Shalek agreed to the paved driveway to get the lots released. Stahley said he still does not know how the paved common driveway got onto the plans because they had an As-Built Plan for the two box culverts.

Medeiros told Stahley and Shalek, that their engineer brought this in and that plan was what was voted on, and is the plan of record for modifications. Medeiros asked Shalek if he called the Conservation Dept. and let them know that he was going to pave the road. Shalek said no, but he was at a Planning Board meeting to get the lots released, and Adam Bond, from the Planning Board, said to Shalek that he needed to pave the driveway or they were not going to release the lots. He said it was news to him that this was an issue and he did not know anything about it. Medeiros said there is a letter stating that Shalek called on September 11, 2020, to the Conservation Dept. and agreed to pave the common driveway of Lot 5A and Lot 6A. Stahley asked if this is a requirement or whether it was a permissible correction because the two are different. Cassidy asked if a paved driveway became part of the Stormwater calculations. Cassidy said they should ask the engineer about this. Stewart said the first set of plans was ambiguous, the second set of plans the Commission accepted a year later, with modifications that seemed to resolve the ambiguity. Stahley told Stewart that the only reason why they feel this plan is ambiguous is because of the size of the driveway and not that it is gravel. Stewart said she does not feel that is the case. Ockers said she does remember the meeting about whether or not the driveway is to be paved, and she remembers Shalek agreeing to pave it. Ockers said they agreed to pave it, and doesn't understand why they are coming back. Stahley said the only reason why Shalek agreed to pave it was because Shalek thought the Order of Conditions stated that the driveway needed to be paved. Stewart said this project has been going on for a very long time, and they did accept modifications. Stewart said this was discussed two years ago and everything seemed to be resolved, and they agreed to pave it. Stahley said since this was accepted as a modification, all they will need to do is reapply for a modification to put it back to what the original drawing was, which was a gravel driveway. Cassidy said at this point her recommendation would be to apply for an Amended Order of Conditions to resolve this issue, and then the new plan will be referenced in the Order of Conditions, that gets recorded at the

Registry of Deeds. Cassady said some the expectations with the new homeowners and the Planning Dept. was that it was going to be paved. Cassady asked Shalek, why he does not want to pave it. Stahley said obviously this subdivision went through two review processes. It was original approved in September 2008, and went through 5 sets of redesign, between March and September 2008, with comments from the Planning Boards review consultant. He said all 5 revisions showed a gravel drive. Stahley said in 2018, it went through 5 more redesigns, and they always had a gravel driveway. Stahley said there is only one plan that shows a paved common driveway and Shalek never agreed approved the modification plan. Stewart asked if they have spoken to their engineer. Stahley said the engineer owns one of the lots and has a personal benefit to increase the property value of the lot. Stahley said Silva did all 10 of the revisions to the plans. Stahley thinks that Silva put a paved driveway in the plans, to make his lot more marketable. Stahley said the motive was there, the opportunity was there, and the means was there.

A motion was made by Edward Medeiros, that the plan of record is the plan of record that the Commission has, and is the most recent plan dated 5/16/2019, and is the plan the Commission will go by, if the applicants would like to change it, they would have to file an amended Order of Conditions and come before the board, 2<sup>nd</sup> by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Medeiros said this seems to be an issue between the applicant and the engineer and the Commission is being pulled in the middle of it. Stahley and Shalek said they will file for an amendment.

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**Discussion regarding Morton Estates (Old Center Street) – Land donation**

Cassady said there is an e-mail from the Town Planner, Leeann Bradley, regarding a proposed subdivision off of Old Center Street, called Morton Estates. They would like to donate 7 acres to the town, 5 acres is upland. Cassady asked if the Commission would like to accept the donation, do due diligence, site visit, do a site assessment Phase 1 on this property, because there was a junk yard nearby. Stewart said she would like some access through the subdivision to the land that is donated. Ockers said this looks like the subdivision could have issues because lot 10 is right up against the 25ft. buffer. Cassady said this will be coming before the Commission because some of the drainage is within the 100ft. buffer and they are working with the Planning Board on this now. Stewart said she would like to do some more due diligence on this and look into further. They would like 13 lots on this property and typically only 12 lots are allowed on a dead end and that is why they would like to donate the land. Cassady said the appraisal would cost about \$1,500.00. Gately asked what would happen if they did not accept the donation, and Cassady said the applicant might only get 12 lots then.

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**Senior Clerk:**

Peter Gately recused himself.

### **Accounting**

A motion was made by Edward Medeiros, to reimburse Peter Gately for the supplies he bought in the amount of \$89.79 for the Herring Festival, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

### **Request for Group Use**

Gately returned to the meeting.

Girl Scout Troop 62992 would like to hang bat boxes on May 12, and there will be no more than 10 people. Cassady said she will go out there with them to decide on placement, but it will be off of the trail.

A motion was made by Peter Gately, to approve bat boxes to be put up at the Oliver Conservation Area, spot still to be determined, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

### **Minutes**

A motion was made by Edward Medeiros, to approve the April 7, 2022 meeting minutes as presented, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Abstained, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

### **Office Forms and Procedures**

Stewart said that there was a notice from the treasurer/collector that the town is having an audit conducted, and Cassady sent in the information that was needed.

Phyllis Barbato put together a new Payroll Procedure for the office, but she updated it because they changed their payroll program.

A motion was made by Edward Medeiros, to approve the Payroll Procedure, dated April 20, 2022, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

### **Conservation Lands:**

#### **Ja Mar**

Cassady said there is still a bill from Foster Appraisal and Consulting. Cassady said there was a federal agent that had some questions, they were doing an audit of the grant. They wanted to question the appraiser, and he then gave an invoice for the questioning that he sat through. In the contract it does say that there will be charges if there is an additional review by the state. The way KP Law interprets it as the government did not reach out for the review and the discussion was not additional support. KP Law said that the town has a plausible argument. Cassady said

she has asked Jeffery Blake, KP Law, to give her something in writing that would go to the appraiser to address this issue. Stewart asked how much he was charging and it was \$2,661.75.

Edward Medeiros recused himself.

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**Request for Determination of Applicability for 27 Perry Street, Edward Mckinnon (Grady Consulting, LLC)**

Stewart read the legal ad into the record.

Present was Rob Carlezon, Grady Consulting, via Zoom. Carlezon said there are some wetlands going up the right side of the driveway and there are cranberry bogs in the rear of the property. He said the existing septic system is within the 100ft. buffer. They are proposing a 1,500 gallon septic tank, D box, and leaching field system. He said they have proposed silt sock for erosion control. The silt sock will be opened for access. Cassady said the septic is on a hill and will be an improvement. All work will be outside of the 50ft. buffer.

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

A motion was made by Peter Gately, to issue a Negative Determination #3 for 27 Perry Street, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Edward Medeiros returned to the meeting.

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**Request for Determination of Applicability for 55 Dona Drive, Christina Hamlin**

Stewart read the legal ad into the record. Stewart said this is for a proposed in ground pool, with a temporary access through the buffer zone. Cassady said they are seeking temporary access from their driveway to the back of the house. The pool has been staked out and is outside of the 100ft. buffer.

Present was Christina Hamlin, via Zoom. Hamlin said she will put up erosion controls. Stewart asked what would Cassady prefer for erosion controls. Cassady prefers hay bales for erosion controls. Cassady said she could price out different erosion controls and it is up to them. She said there is a hill and said hay bales might be best. Guaraldi asked about soil stock piling and said hay bales might be best for that. Stewart said they could put that in the conditions, that there will be no stock piling within the buffer. Hamlin said they are taking all of the material away. Cassady said she will go out and inspect the erosion controls before work begins.

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

A motion was made by Edward Medeiros, to issue a Negative Determination #3 with 2 Special Conditions, #1. The siltation fence is approved by Cassady prior to building, and #2. No fill will be stored on site, for 55 Dona Drive, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye,

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

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**Notice of Intent for Wareham Street, M 101, L 2994, 4532, 4534, & 4618, Sachus  
Construction Inc., (Zenith Consulting Engineers, LLC), DEP# SE220-1538**  
Stewart read the legal ad into the record. Proof of mailing was received.

Present was Tom Morris, Zenith Consulting Engineers, and Boaz McMahon, owner. Morris said they are calling this project 691 Wareham Street, however that is only one part of the 4 lot property. He said it is a total of 28.5 acres with about 700ft. of frontage. He said there are remnants of an old house, barn, and paved driveway. He said this is in a General Use X Zone and WRPD Zone 4 and no other critical area is on the lot. There is a wetland area behind an upland area that comes down by I-495 and channels into a stream, which then goes under Wareham Street towards Rochester. Morris said all of these resources areas were approved by the Commission on March 29, 2022, an ORAD was issued. Morris said there will be 15 duplex buildings, for a total of 30 units. There will be a U-shaped driveway with 2 entrances off of Wareham Street. He said about half of the units, a small portion of the parking spaces, a swale, and 2 basins will lie within the buffer. He said they do have riparian zones within the stream, and they are not impacting anything within the 100ft. inner riparian. They will be impacting 9.5% of the outer riparian zone. There will not be anything proposed within the 25ft. no disturb. They are proposing a split rail fence with conservation signs at the limit of work, within the 50ft. buffer. He said they are proposing a silt fence to be installed prior to any work at the down slope limit, which wraps basically around the entire site. They are proposing a gravel driveway at both entrances to reduce the silt going into Wareham Street. They are proposing silt sock at the catch basins, and a silt fence of the bottom interior basin. This has been before the ZBA and should be approved on April 28, 2022. Stewart asked if these units are to be sold or rented. McMahon said they will be rentals at market rate. Cassidy said she, Gately, and Ockers, went to the site on Tuesday and there were items that were staked out. Stewart asked if they were going to have material brought in or taken out from the site, and McMahon said loam will be left on site. He said gravel for the driveways will probably be the only material brought in. Stewart asked if there is only one septic tank per building, and McMahon said yes. Stewart asked how many rooms per duplex, and McMahon said each duplex has 2 units, with 1 side having 2 bedrooms and 1 side having 3 bedrooms. Each building will have 1 septic and go to a main septic leaching field. Ockers said she would like to see buildings #13 & #14 moved out of the buffer. Morris said they would not be able to do so without making a radical change. They said they may put a patio in the rear of the duplexes, but McMahon said there are no set plans for a patio and they will come before the Commission if they want to do so. Stewart asked if they are going to have wells for the property and Morris said yes. Stewart asked to have Morris explain the Stormwater Management calculations, and Morris said they meet all state and local requirements.

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

Cassady said they might want to find out about how the Health Dept. feels about this and if they can send the ZBA peer review reports to the Commission. Stewart asked where they would be storing material and Morris said in the septic area which is outside of the 100ft. buffer. Stewart asked if they can state that on revised plans.

A motion was made by Edward Medeiros, to continue the hearing to May 5, 2022, 2<sup>nd</sup> by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Continuation of Notice of Intent for Lot 5 Spruce Street, Don Kinsman, (Outback Eng.), DEP# SE220-1535**

Cassady said she went on a site visit on April 19<sup>th</sup>. She said the cart path is 9-feet wide, and there has been some fresh cutting on the sides. There has been brush cut and piled in the 25ft. no touch. She also stated that if they wanted to widen the cart path, they would need to do a replication.

Present was Jason Youngquist, Outback Engineering. Youngquist stated that they did not have any intentions of widening the cart path and feels that trucks would get down the cart path. Youngquist said he will have them move the brush piles that are within the 25ft. Gately asked where will Middleborough Gas & Electric put their telephone poles, Youngquist said they usually make their own plan. Youngquist said if it's an issue they will just go underground. The Commission agreed that it was a very narrow path and they would like to ask the Fire Dept. what their requirements are. Ockers said it is very swampy around the cart path. Guimont said she would like to see something to keep the gravel up on the cart path. Youngquist said they can ask the Fire Dept. and if they need it widen it, they could replicate elsewhere. The property is 12 acres.

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 May 5, 2022, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Continuation of Notice of Intent for 106 Plympton Street, Jeffery Riccio, (Merrill Engineers and Land Surveyors) DEP# SE220-1533**

A motion was made by Edward Medeiros, to accept revised plans dated March 31, 2022, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to accept the Operation and Maintenance Guidelines, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye,

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

Present was Josh Green, Merrill Engineers and Land Surveyors. He said they made a small change stating that it was an in-ground pool and the frontage. He said the meeting was continued because they did not submit the hard copies.

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: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont 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 106 Plympton Street, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers 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# SE220-1525**

Shane Oates, Center Mount Land Development, has requested to continue the hearing to May 5, 2022.

A motion was made by Nancy Ockers, to continue the hearing to May 5, 2022, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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**Continuation of Abbreviated Notice of Resource Area Delineation for 177 East Grove Street and 187 East Grove Street, HIP VI Enterprises, LLC (Goddard Consulting) DEP# SE220-1518**

A motion was made by Edward Medeiros, to accept revised plans dated April 21, 2022, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to accept revised plans dated April 6, 2022, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart read the supplemental submittal letter dated April 21, 2022, into the record.

Present was Bruce Webb, Ecosystem Solutions, via Zoom and Scott Goddard. Goddard said they have gone through many revisions and they now agree on the field conditions. The peer review report was submitted today. Stewart read the report into the record. Cassady said she did go out with Webb, Goddard, and Gately, to figure out one area, and it ended up being connected. Cassady said the peer reviewer sent then a 3<sup>rd</sup> supplement proposal for the work that was done.

A motion was made by Edward Medeiros, to authorize to pay for the peer review in the amount of \$3,500.00, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

Medeiros said this is a Zone 4 in the WRPD and is the least restrictive. Cassady said this can be voted on but the ORAD cannot be issued until the check has cleared. Goddard said he would like to close the hearing and the Commission would have 21 days to issue the permit.

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

The issuing of the ORAD will be done at the May 5<sup>th</sup> meeting.

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**Conservation Lands:**

**Oliver Estate**

Cassady said the Scouts will be fixing the footbridge on April 30<sup>th</sup>.

**Pratt Farm**

Cassady said she received an update from PARE Corp. and they said the EAP should be reviewed and updated yearly. PARE can update and complete this on the Commissions behalf but it would cost about \$2,500.00. The Commission can do self-reporting as well at no cost. The Commission agreed to do self-reporting, Ockers said unless there were major changes.

**Tarragon Estates**

Cassady said there continues to be neighbors asking the status of this issue. People have been complaining about trees being cut, broken sidewalks, and grass being destroyed near the sidewalks. The Police Chief stated that they are always monitoring this area and have not found any criminal activity. Cassady said a lot of this is a civil matter. Medeiros said there is not much they can do about these issues.

**Oliver Estate**

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Cassady said she followed up with Matt Foye for the parking lot. Foye said once he receives all of the invoices, he will be able to close out the accounts and get the Taunton River Stewardship Council Grant Reimbursement.

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**Agent:**

Cassady said she posted on Middleborough Helping Middleborough that if people are cutting trees or clearing within the property to contact the Conservation Department before doing so. A lot of people started calling and asking her opinion on cutting trees.

**West End Avenue and Warren Avenue**

Cassady said there was a complaint about work being done within 100ft. of the wetlands/Nevertouch Pond. Cassady said she went to the site and then spoke on the phone with the man that was doing the work out there. He was stockpiling loam. A week after the visit, he smoothed out the piles and seeded. Silt sock was put up. She said she did not see any damage that was being done.

**0 & 535 Wareham Street**

Cassady said she went out there on Tuesday with Ryan Vlaco, who will be removing stumps, wetland seed mix, and moving boulders. He is going to contact the office when the work is done.

**39 Benson Street**

Cassady said DEP received a complaint and then called the conservation office. The complaint stated that they were pushing a stone wall into the wetlands. Cassady said the stone wall was not near the wetlands.

**401 Wareham Street**

Cassady said this was a call from the owner that wanted to cut trees. Cassady said they could cut them but they need to leave the stumps.

**35 Webster Street**

Cassady said a couple of dead trees were hanging over the existing house. Cassady told them to cut them and leave the stumps.

**Milena's Path**

Cassady said they called about trees that need to be cut. Cassady wrote them a letter stating that it was fine to remove the trees. No wetlands within 100-feet.

**85 Plymouth Street**

The Commission would still like to go on a site visit to see if they are interested in purchasing the land. They suggested going the same day as the Pratt Farm site visit.

**415 Plymouth St. – Picone Farm**

Cassady told the public that they can write a letter of support to save the Picone property and send it to her. Cassady said the town meeting is on April 25<sup>th</sup>, at 7:00PM, at the Middleborough High School. Article 17 is on the agenda to be able to apply for a state Municipal Vulnerability Preparedness Grant, which would be for 93 acres. The farm portion is 96 acres. The whole property is \$6.2 million. They wanted to put 378 manufactured homes built on the property, but the Picone is working with the town and hoping that it can be saved and not built on. Cassady thanked Guimont for sending in her letter of support.

**Cedar Street**

Cassady said Mr. Wise had contacted her in 2020 about the property, and she went out to the site with Wildlands Trust. Cassady said it is about 30-40 acres. Medeiros asked if Cassady could send him the map and lot number for the property. They are interested in working with Conservation about obtaining the land.

Edward Medeiros recused himself.

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

Cassady said the option agreement has to be done at the closing. Medeiros, speaking as a citizen, said he closed about a week ago. Cassady said she needs the deed reference. Medeiros said he will look into it, and he can change the option agreement and have Stewart initial it at the next meeting.

**Moulton Street**

Cassady said she went out to the site a couple of weeks ago. She spoke with DEP, Daniel Gilmore, and he told her that surveyors are the only ones that can go on other people's property, unless you have permission from the property owner. Cassady said therefore if you think there are wetlands close to a project, then you would need to file an RDA. Medeiros said he called the abutting owner and he has the property under agreement. The developer that is currently under agreement does not want it flagged. Medeiros said he does not want to put anything on a plan, and he has put up silt sock. Medeiros took the flags down because the abutter asked him to. He said he does not want to start any issues with the abutter. Medeiros said filing an RDA, will not tell them where the resource areas are. Stewart said she would prefer Medeiros to file an RDA. Medeiros said he put up logs at the property line and silt sock around that.

Edward Medeiros returned to the meeting

Cassady said she needs Stewart to sign the letter of support that she drafted on behalf of the Commission for the Picone Farm. Stewart read the letter into the record.

A motion was made by Edward Medeiros, to send the letter of support as presented, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.



**Conservation Commissioner Reports**  
**Herring Festival**

Peter e-mailed the Commission with suggestions for the next Herring Festival. Gately suggested handouts, sellable items, art work, etc. Cassady said she could draw something for the next festival. Gately also said that Krazy Days is not happening this year. Cassady said there is a list of people that are interested in volunteering. Stewart said there is also a list of people that had questions. Guimont said she would answer the person that had a question about the bird boxes. Gately said he could make bird boxes and they could sell them.

Cassady said the Ja Mar celebration that was held on April 9<sup>th</sup>, went well.

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**Mail/Correspondence**

Commerce Boulevard will be coming before the Commission in the near future for a Notice of Intent.

Taunton River Watershed Alliance will be hosting a festival on June 12<sup>th</sup> from 11:00AM-4:00PM.

25 Towerview, had Cassady look at trees at their property. Cassady said she thinks the owner will need to file because the owner wants to remove the stumps.

88 River Street – Cassady said the owner wants to start the compost business again, so he will need to file again for any work within 100-feet of the wetlands.

A motion was made by Edward Medeiros, to put the ORAD for 177 & 187 East Grove Street, on the May 5<sup>th</sup> agenda, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

88 River Street – Cassady said she let the owner know that he needs to come back to the Commission regarding the stormwater management. She said she can write him a letter stating that. The Commission agreed that they would like Cassady write a letter to the owner, and copy the Board of Health and the Board of Selectmen.

Schobel Farm Environmental Notification Form under the Massachusetts Environmental Policy Act – there were comments submitted by organizations and members of the community regarding the review process. They said they will be submitting a Notice of Intent by mid-end of May.

Ch.61A at 290 Miller Street – needs to be redone because they wrote the wrong date.

51 Cross Street, there is a proposed project.

April 21, 2022  
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#19 Lot 1 Christina Way – there was a tree cutting that allegedly damaged the berm. Cassidy said there was no wetland violation on the lot.

3<sup>rd</sup> Quarter strategic plan update.

South Coast Rail updates.

ATV at Weston Forest. Police are still investigating.

Turtle sign request on Marion Road.

E-mail from River Access Committee.

Updated Zoning Map, which will be incorporated into the Open Space Plan.

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Cassidy said she has been very overwhelmed in the office. She would like to the Commission to help take some site visit, etc. off her plate.

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A motion was made by Edward Medeiros, to adjourn at 9:48PM, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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Respectfully Submitted By:

Catherine Pipher  
Minutes Clerk

**DATE APPROVED:** May 19, 2022