

Middleborough Conservation Commission
May 5, 2022

Unless specified everyone was present in the Board of Selectmen Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Nancy Ockers, 1st Co-Vice Chair; Melissa Guimont, 2nd Co-Vice Chair; Peter Gately, Adam Guaraldi via Zoom (7:20PM), and Jacqueline Jones via Zoom (7:49PM). Also present was Patricia Cassady, Agent, Phyllis Barbato, Senior Clerk (via Zoom) and Catherine Pipher, Minutes Clerk.

Excused absence: Edward Medeiros.

Meeting started at 6:51 PM. Diane Stewart chaired.

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

Senior Clerk

Accounting

A motion was made by Nancy Ockers, to pay Middleborough Gas & Electric, in the amount of \$8.75, for the electrical box at Pratt Farm, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Nancy Ockers, to pay PARE Corp., in the amount of \$825.00, 2nd by Melissa Guimont. Unanimously voted.

Minutes

The Commission will put the minutes on the next agenda.

Request for Group Use

Cub Scout Pack 64, would like to hold their annual campfire event on June 15th, from 4-8PM.

A motion was made by Peter Gately, to approve the Request for Group Use, for Cub Scout Pack 64, on June 15th, from 4-8PM, 2nd by Nancy Ockers. Unanimously voted.

Office Forms and Procedures

Barbato said she worked with the Union Representative to make the posting for the part-time clerk position.

A motion was made by Melissa Guimont, to approve the posting for the part-time clerk position as presented, 2nd by Nancy Ockers. Unanimously voted.

Discussion regarding Tispaquin Pond, Milfoil issue

Present was Matt Foye, 22 Holton Way. Foye said at the last meeting that this was discussed, Camp Avoda leader, Ken Shifman, asked if herbicides were used, would it be safe for people to

May 5, 2022

Page 2

swim in. Foye shared a memo that was forwarded to him from SOLitude Lake Management. The letter stated that it would take 1 day of no fishing, boating, livestock watering, direct drinking, and no irrigation until 3 months later. Foye said he is unsure why it would take longer for irrigation but it might be part of their water management plan for the summer.

Present was Joe Oronato, director of business and development and aquatic specialist of waterandwetland.com, via Zoom. Stewart asked how long has this been in use in ponds in Massachusetts and what kind of studies have been done to make sure that it is not negatively affecting the ecosystems. Oronato said Procillacore is a product of SePRO and they have been around for decades. Oronato said Procillacore has been developing for upwards of a decade. He said this was approved in Massachusetts in 2018. He said the process goes through the EPA first and is very vigorous. The product then goes through DEP. Stewart asked what towns in Massachusetts have used Procillacore. Oronato said Mashpee, Wrentham, Canton, Foxboro and North Reading. He said dozens of towns have used this product. Stewart asked if any of the towns took data on the ecosystems before and after use of the product. Oronato said every treatment has pre and post treatment survey. Stewart said Middleborough is unique because it has a lot of cranberry bogs, and she would like to know if they have done it in other ponds that are close in proximity to cranberry bogs. Oronato said he cannot think of any right now, but they do have one coming up in Carver very soon. He said Procillacore has a half-life, which would be 9 hours. He said 2peu per 3.2oz. of product per square acre foot. He said this product breaks done very quick. Oronato said they will need to do a survey before he can go too in depth about an exact plan. Stewart asked how often do they use a mechanical method to remove Milfoil. Oronato said every situation is different, but they tend to use herbicides. He said people usually wait too long to take care of the problem, so herbicides are the best method. He said the mechanical method usually chops the milfoil and fragments are left behind, which eventually leads to spreading the invasive plant. Stewart asked if people tend to contact their company for removal of milfoil and/or similar plants more because people are trying to use the bodies of water or to help the habitat. Oronato said it is a very grey area, but they have been contacted for both. Guimont asked if they have witnessed any mortalities of wildlife from this application. Oronato said no. Shifman asked if the product is more effective in a certain temperature/season. Oronato said you need active plant growth. They usually do this anywhere from April to mid-September. Guimont suggested isolating the area they are using the herbicide on, so it would be away from the swimming area for the first application. Oronato said there is nothing from the product that states that they cannot swim after the application, but the company itself prefers one day of no recreational use. Ockers asked when would they need to come back and treat again. Oronato said SePRO has a 3-year guarantee, but he said they have seen it last for 3+years. Gately asked how do they know it will affect the milfoil and nothing else. Oronato said the data shows that there has minimal data showing that it affects other vegetation. Gately asked how does this just target milfoil. Oronato said Procillacore was made to target milfoil, but he is not sure of the exact chemical that is in it that targets the milfoil. Cassidy said there is a protected mussel species in the pond. She said they will need to file with the Division of Fisheries and Wildlife, Natural Heritage Program.

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

Jeff Johansen, resident of Middleborough, asked if there is any data that represents what the impact to species are, do you know what number of species are impacted, and how much affect does the chemical have on their photosynthesis per select species. Oronato said getting the survey done would be the best way to see exactly what they are working with and what vegetation is currently there.

Dave Johnson, mentioned that the chemical has a very short half-life, does the chemical oxidize and what does it break down into. Oronato said he is unsure and would refer him to his co-worker Steve. Johnson asked if there is a biological control for the milfoil. Oronato said no, they have used carp before but they are not allowed in Massachusetts and they eat everything, which isn't great for the habitat. Johnson asked how long does it take to make a decision after doing the survey. Oronato said Foye might have a better answer to this question. Oronato said spring is ideal for treatment, but it looks like it will be a summer survey, fall permitting, and spring treatment.

Foye asked the Commission what is their next step. Guimont asked if they have organized themselves into an association of some sort or investigated any grants for funding. Foye said there has been discussion of an association but nothing has been formalized. He said fundraising is still premature because they were not sure what the Commission wanted to do. Stewart said she feels this herbicide has not been in use in Massachusetts for very long and is very concerned with bogs and agriculture. She said she feels a survey will need to be done on how they can approach the problem. Foye said they will organize themselves into an organization and get the survey done. Cassady said she will send him some links to see what grants they would qualify for. Stewart said when they are ready, let the office know, and they will put them on the next agenda.

Notice of Intent for 3 Spruce Street, Marc Roy Sr., (SITEC/Civil & Environmental Consultants, Inc.) DEP#220-1537

Stewart read the legal ad into the record. Proof of mailing was not received. This filing will need to be re-advertised and put on the June 2nd agenda.

Present was Steve Gioiosa, SITEC. Gioiosa said he does not have the green cards for this filing, his administrative assistant was out and he could not get to them.

Notice of Intent for 15R Spruce Street, Marc Roy Sr., (SITEC/Civil & Environmental Consultants, Inc.) DEP#220-1536

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

Present was Steve Gioiosa, SITEC. Gioiosa said this is an After the Fact filing. He said they have submitted the proposed restoration plan. He said they had wetland scientist, Chris Capone, Agent for Westport, delineate the wetlands. There was some clearing of land and very little change to

topography, if any. They were trying to create a camping area. There was 1,600sq.ft. in size that was altered. They have plans to put in Red Maple, Highbush Blueberry, and Sweet Pepper Bush. They will also be putting in a wetland seed mix. There are no plans for any future activities in this area. Capone will come out for periodic site visits to make sure that the growth is coming back to its full potential.

A motion was made by Nancy Ockers, to accept the amended page 7, of the Notice of Intent, into the record, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart said she would like to see them do a 2:1. Guimont said thank you for filing and doing the restoration. Cassidy said this is a restoration and they just need to fix what they had destroyed. Stewart said she would like to see a 1.5:1.

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 May 19, 2022, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for 227 Cherry Street, Doug Waterman, (Outback Eng.) DEP#220-1533
Stewart read the legal ad into the record. Proof of mailing was received.

Present was Jeff Youngquist, Outback Eng. Youngquist said this filing is for a septic repair. The septic is as far back as they could go with it. Cassidy went to the site on Tuesday. She said the wetland is well defined and is a flat site. They could not flag it because it was not on the property.

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

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

A motion was made by Peter Gately, to issue a Standard Order of Conditions for 227 Cherry Street, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

A motion was made by Melissa Guimont, to issue an ORAD and attach the peer review report dated April 21, 2022, for 177 & 187 East Grove Street, 2nd by Nancy Ockers. Roll call vote:

Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

**Continuation of Notice of Intent for Lot 5 Spruce Street, Don Kinsman, (Outback Eng.)
DEP#220-1535**

Present was Jeff Youngquist, Outback Eng. Stewart said they just got a response back from Captain Reed from the Fire Department. Capt. Reed said he looked at the site and said they will need to regrade the existing driveway, cut any overhanging trees, clear the new driveway to the wetland flags, and remove any unsuitable material and replace it with gravel. Ockers said she has a problem with them cutting up to the wetland flags because they are now in the wetlands, and would like to see a replication somewhere. Stewart asked how will they prevent the gravel from falling into the wetlands. Youngquist said gravel usually will stay where it is and packs in tight. Guimont said this is tough because the cart path already exist, but she would like to see the silt fence that runs along the road to constantly be maintained. Jones said she grew up with a gravel driveway and the gravel never stays in place. Stewart asked if Cassidy had any ideas, as to keeping the gravel on the driveway, and Cassidy said maybe they could make a berm on either side, but it will capture water. Youngquist said the driveway is designed to shed water off to the side.

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

Youngquist said he would like to get wattles instead of silt fence. If he can get his hands on straw wattles, he will get those, and let Cassidy know. Stewart said she would like a modification to the plans, as to how they will keep the gravel contained. Youngquist said he will see what Jason Youngquist can come up with. Ockers said she would almost feel better with paving the driveway because the driveway would not be able to spread into the wetlands. Jeff Johansen said asphalt would be worse because it is petroleum based, whereas gravel has no adverse effect on plants, animals, etc. Youngquist said maybe they could use a more dense stone. The Commission also suggested putting in a split rail fence. Gately asked if there's room for a restoration. Youngquist said he does not want to make the driveway 20ft. and there is not much room for a restoration.

A motion was made by Melissa Guimont, to continue the hearing to May 19, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Wareham Street, Sachem Construction Inc., (Zenith Consulting Eng.) DEP#220-1538

A motion was made by Melissa Guimont, to accept the revised plans dated April 26, 2022, into the record, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

May 5, 2022
Page 6

Present was Nyles Zager, Zenith Consulting Eng. Zager said he added the stock pile area to the revised plans, which is outside the 100' buffer. Zager said a Special Permit was issued from the Zoning Board of Appeals last Thursday.

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, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers 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, that they have to send a copy to Conservation of the SWPPP within 3 days of the approval, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

Cassady said they have requested a continuation and the plans are not ready. Cassady said a lot of the wetland flags were changed during the peer review and the engineer is coming up with a new design. Jeff Johansen, resident of Middleborough, said he is concerned that the wetlands on this property were filled in many years ago and is worried they will fill more in. Cassady said it was in the past and they have to look at the wetlands as they are now. Cassady said she does not have the current plan, with the updated wetland flags yet. Johansen said a lot of his neighbors are very emotionally involved in this.

A motion was made by Nancy Ockers, to continue the hearing to June 2, 2022, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 0 Cedar Street, Ashley Herman, (Webby Eng.) DEP#220-1529

They have asked for a continuance.

A motion was made by Nancy Ockers, to continue the hearing to June 2, 2022, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

**Conservation Lands
Pratt Farm**

Pipher coordinated with the Stewards to have a site walk on Saturday at 8:30AM. Gately said the parking lot was packed with cars today.

Oliver

Cassady said the boy scouts have fixed the footbridge with a telephone pole like beam, which they put under the bridge to give it more support. Cassady was thankful they fixed the issue.

Tarragon

Cassady said they are still having issues. The Middleborough Fire Department gave them 1 week to clean up the property. She said she will check on the status again soon. Guimont asked what happens if they do not clean up the yard, will it go to the Police. Cassady said the Police Dept. has been monitoring this property daily and have still not witnessed any criminal activity. She said she will check back in with the Fire Dept.

Ja Mar

Cassady said she contacted the Public Archaeology Lab about how long they will do the educational teaching for and she is waiting to hear back from them.

Agent:

Ch.61A Thompson & Precinct

Cassady said that Edward Medeiros closed on this property and she has spoken with his attorney Craig Medeiros, and he said he was going to get the document from Town Counsel and was going to make the change regarding the deed numbers on the Optional Agreement.

415 Plymouth Street – Picone

Cassady said she was granted permission at the Town Meeting to go forward with applying for the Municipal Vulnerability Preparedness Action Grant. She said she submitted the application today. She said she received several letters of support. Cassady said she will be speaking with the family again regarding the appraisal because the value was different compared to what the Ch.61A appraisal was originally. Stewart asked how many applications get submitted for this grant. Cassady said quite a few were submitted last year but not a lot are for land acquisition.

85 Plymouth Street (Town Land)

Cassady said they will go to a site walk at this property after the site walk at Pratt Farm on Saturday.

Cedar Street (Wise property)

Cassady said she met with Mr. Wise and Wildlands Trust, around 2020-2021, to look at the property. Wildlands is going to speak with Mr. Wise again to see what his options are, whether he wants to sell it or if he's willing to donate the land.

272 Everett Street (trees)

There was a call regarding unsafe trees and some were near the wetlands. Cassady told them ok to cut the trees, but to leave the stumps.

May 5, 2022

Page 8

722 Plymouth Street

Cassady said she still needs to follow up on this property.

Lot 7A Christina Way

Ockers went to the site on Wednesday. Ockers said the silt fence was up and they had cleaned up everything on the site. There was a piece of a playground structure still on site, but they were going to removed it this weekend because it was too heavy.

Precinct Street

Cassady said this was a site visit they did in the past. They want to fix some of the damage from putting in the water line. Cassady said she will formally ask them for an As-Built plan.

Mail/Correspondence

E-mail regarding the Ch.61A for 290 Miller Street.

E-mails from people who had questions at the Herring Festival regarding Woods Pond and Blue Bird Boxes.

Zoning memo regarding 277 Purchase Street.

Site visit, 89 Saddleworth Way, complaint about cutting in drainage area. Cassady said it was not in the wetlands.

E-mail regarding the newly issued Wetlands Program Policy.

There was an online submittal regarding LED lights being too bright.

E-mail, 88 River Street regarding a dry hydrant and if he needs to put one in. Cassady said he will need to file a Notice of Intent.

Town Manager is retiring on October 21, 2022.

There were South Coast Rail Updates.

April 26th there was crafting bird habitats.

Rotary Club is proposing a book box for Pratt Farm. Cassady said she will contact him.

The Herring Run was in the Globe.

E-mail regarding potential archaeological sites being disturbed.

May 5, 2022
Page 9

Letter of withdrawal acceptance for 0 & 535 Wareham Street from DEP.

E-mail regarding 672 Wareham Street.

Ch.61 Wareham Street (M 94, L 5379), the Commission would like to discuss this at the next meeting.

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A motion was made by Nancy Ockers, to adjourn at 9:36PM, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: May19, 2022