

Middleborough Conservation Commission
May 19, 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 (via Zoom); Adam Guaraldi (via Zoom 7:40PM); and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

Excused absence: Peter Gately

Unexcused absence: 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.

Stewart said she wanted to congratulate Cassady because she was nominated for a SRPEDD award. Leann Bradley, Town Planner, wrote in to nominate Cassady and she wrote a very nice letter, discussing how much Cassady has done. Stewart read the letter that Bradley wrote into the record. Stewart thanked Cassady for everything she does. Cassady said it is not just her that works on everything, and Stewart reminded her that is what makes her a great team player.

Conservation Lands:

Pratt Farm – Discussion with Stewardship Group

Present was Pattie Stagliola, Stewardship Committee. Stagliola said she wanted feedback from the Commission after their site walk on May 5th. Cassady said they discussed a lot during their walk through. Some things that the Commission discussed during the walk through:

1. Have tree experts come out to see if it would be worth it to pay to have the dead wood taken off the property.
 2. Look into getting an ecological restoration grant to fund the removal and restoration of the small stream. The trees down in the stream are impeding the flow.
 3. Ideas to make benches of the dead wood and line paths with old logs.
 4. Do small projects first.
 5. Ask DPW if they have a wood chipper.
 6. Ask the landfill about taking the wood.
 7. Damaged metal picnic table near large dam that needs to be removed.
 8. RYCO said he will donate boulders for the parking lot.
 9. Speak with an engineer about widening the parking lot.
 10. Ask Barbato about repurposing the pavilion fund.
 11. Ask Phil Benjamin and Tom about creating a natural amphitheater.
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Stagliola said they had discussed having an arborist come in regarding the big Maple Tree, with the bench underneath it. She said the tree is dead and breaking, and there is a bench welcoming people to sit, which seems like a liability. Stagliola said she would like to prioritize and have quick fixes done first. Stagliola said the fire road is blocked with dead trees and should be prioritized, it is on the Water Dept. lands. Cassady said they will need to speak with the Water Dept. about this issue. Stagliola said people keep putting up the teepees in the trail and on her property. She said if she has permission from the Commission, she will go out there with her Kubota and remove all of the dead wood and put it in the fire road for the town to remove. The Commission agreed that it would be ok for Stagliola to remove the dead wood. Cassady said her top things to work on are, to have an arborist come, talk to Water Dept. about the fire access road, and take care of the teepee area. Stewart said Chuck had sent an e-mail stating they should speak with the Pierce Trustees about helping with the parking lot area and to speak with the Board of Selectmen to see if they can help with anything.

Request for Determination of Applicability for Moulton Street (M 49, L3071), Edward Medeiros

The Commission did not have quorum and tabled the hearing. Stewart said if they do not have quorum, they will put it on the next agenda.

Abbreviated Notice of Resource Area Delineation for 0 Old Wood Street, (M 65, L 1137), Marcus Baptiste, Southbrook Development (Zenith Consulting Engineers, LLC) DEP#SE220-1542

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

Present was Bob Forbes, Zenith Consulting Eng. Forbes said they would like to get the east side of the property delineated. He said Stephen Chmiel did the delineation. Stewart suggested going on a site visit. This is only 293ft. line and had 14 flags.

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

Cassady said she will e-mail Stephen Chmiel to see if he is available to go on the site visit as well.

A motion was made by Edward Medeiros, to continue the hearing to June 2, 2022, 2nd by Nancy Ockers. Unanimously voted.

**Senior Clerk:
Accounting**

A motion was made by Edward Medeiros, to pay Ecosystem Solutions, for the peer review for 177 & 187 East Grove Street, in the amount of \$3,675.00, 2nd by Nancy Ockers. Unanimously voted.

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A motion was made by Edward Medeiros, to pay SRPEDD, in the amount of \$3,631.47, for assistance with the Open Space and recreation Plan, 2nd by Melissa Guimont. Unanimously voted.

Minutes

A motion was made by Edward Medeiros, to approve the meeting minutes for April 21, 2022, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to approve the meeting minutes for May 5, 2022, 2nd by Nancy Ockers. Unanimously voted.

Request for Group Use

Just a reminder of the Boy Scout Campfire event that will be held on June 15th from 4-8PM. Cassady said the Color Run event is also coming up.

Website

Cassady said Barbato is working on the website.

Conservation Lands:

Morgan Property

Pipher said she has been working on getting quotes from 3 companies to get the sign replaced at the Morgan property. She said one of the company's suggested certain materials to help the sign last longer. Ockers said the sign example is confusing because it says no parking but it is in the parking lot. Stewart said she would like something on top of the sign to prevent vandals from damaging the sign. Pipher said she did speak with one company about it and they said they could put a vinyl coating on it, but it would eventually wear off, if it was spray painted and needed to be scrubbed to clean. Stewart asked if Pipher could check to see if they could put plexi-glass on top of the sign.

Oliver

Cassady said she went out with the Girl Scouts, on May 12th around 4:30PM, to discuss the bat box they wanted to put up. They hung one of the bat boxes on an Oak tree, which is on the path leading to the house. She said they did a great job. They are going to come back to check on the box to see if bats are using it. They were wondering if they could put up a wild life camera to see if they could see the bats. The Commission said that they could put up a camera. The Girl Scouts wrote Cassady a thank you note.

Tarragon

Cassady said the Fire Dept. took pictures and there is still debris at house #12. Cassady said she is going to the site with Mike Whiteside from DEP on Monday.

Ja-Mar

Cassady said she is still waiting to hear back regarding the curation.

Abbreviated Notice of Resource Area Delineation for 1 Spruce Street & 534 Wareham Street, Waterman Properties, LLC (Zenith Consulting Engineers, LLC) DEP#SE220-1541

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

Present was Bob Forbes, Zenith Consulting Eng. Forbes said he would like the property delineation reviewed. It is 753ft. line and 500ft. to the bank. Forbes said that Stephen Chmiel delineated the line. The Commission would like to have a peer review for this property.

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

A motion was made by Edward Medeiros, to get 3 peer review quotes, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to June 2, 2022, 2nd by Melissa Guimont. Unanimously voted.

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

Vincent DeJesus, was concerned about his deeded right of way to this property. Forbes said his deeded rights will not change. DeJesus said parcel 5872 is on the Notice of Intent application, but is not part of the filing. He said it was confusing. Medeiros told Forbes to revise the application so it does not have parcel 5872 on it.

Notice of Intent for 308 Old Center Street, Old Beach Investments, LLC (Zenith Consulting Engineers, LLC) DEP#SE220-1543

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

Present was Bob Forbes, Zenith Consulting Engineers and Marcus Baptiste. Forbes said this project is for a 12-13 lot subdivision. Forbes said the only work being proposed within the 100ft. buffer is for the infiltration basin. The rest of the project is outside of the buffer. This project was reviewed by the Planning Board's Consultant. The erosion control is being proposed outside of the buffer because it is where vehicles will be parked. It will be both silt sock and silt fence at the 25ft. buffer. There will also be an anti-tracking pad. There will be a permanent split rail fence, with a few conservation signs. Very few trees will be taken down for this project. Cassidy had concerns with the tire and debris removal. Forbes said there were about 5,000-7,000 tires that were removed from the property. The stacks of tires were about 8ft. high and had been there for decades. Baptiste removed the tires with a skid steer and no vegetation was removed in the process. Some tracks were made from removing the tires, but it was in an already gravel area. When Cassidy asked Baptiste to stop removing tires, about 95% of the tires were already removed. Chmiel said he feels this was an improvement and sunlight can help the growth of the vegetation. All of the tires were just in the buffer zone. Baptiste said the tires made a berm at the wetland line. Stewart asked Cassidy when the last time she went out to the site was, Cassidy said the fall. Cassidy said they are asking for a 13th lot and they will donate 7.5 acres to the

town. Forbes said there is a town own parcel leading to the potentially donated land, but there are also wetlands on the parcel. Stewart said she would like to go on a site visit, to look at the property. Medeiros asked if they could stake out the area of the infiltration basin before they go on their site visit.

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

Patrick Gorman, lives across the street, was wondering where the 7.5 acres is and where the possible access would be.

Forbes said at the last Planning Board meeting, they proposed putting a deed restriction on it, for no further development, and keep it with one of the lots that they sell.

A motion was made by Edward Medeiros, to continue the hearing to June 2, 2022, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Forbes wanted clarification on where exactly the Commission wanted staked out. The Commission said they would like the 4 corners staked out, against/inside the berm, and at the limit of work. Stewart said when everything is staked out let the office know to schedule a site visit.

Notice of Intent for 39 Rocky Meadow Street, Shawn Clark, DEP#SE220-

Stewart read the legal ad into the record. Proof of mailing was received, but there is not a DEP number yet.

Present was Shawn Clark, owner. There was a site visit on May 16th. Cassady said they cut within the 100ft. buffer and they have been working with her to resolve this issue. Cassady said they need to put hay bales where the lowest spot is and where the silt is. They discussed doing some plantings and stabilizing the silt. Clark said he would like to wood chip the slope after the plantings are done. Guimont said she would like to see them plant as many native plants as possible. Stewart said Mass Audubon has a list of native plants. Cassady said she will give him a list of native plantings. This hearing will need to be continued because there is not a DEP number yet.

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 June 2, 2022, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for 679 Wareham Street, Michael & Bridget Ferreira (Outback Engineering, Inc.) DEP#SE220-1540

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

Present was Jeff Youngquist, Outback Eng. Youngquist said they would like to put up a garage at the 35ft. buffer with a gravel driveway. There was a site visit done on May 16th and Cassady questioned the wetland line. She would like to see the garage moved forward about 5-10ft. away from the wetland line. Youngquist said he will discuss it with the applicant.

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 June 2, 2022, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for Commerce Boulevard, (M 39, L 1938, 2867, 2868, 2886, 2987, 2895, 4436, & 5151), Terry Conroy Jr., Middleborough Park, LLC c/o Conroy Development Corp. (Highpoint Engineering Inc.) DEP#SE220-

Stewart read the legal ad into the record. There is no DEP number. Proof of mailing received.

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

Present was Nichole Dunphy, Highpoint Eng. They are looking to extend the roadway and to build on the 3 vacant lots. Dunphy said they currently have an 80ft. wide right-of-way and a 24ft. wide paved drive. Dunphy said they are proposing to have a 50ft. right-of-way and a 26ft. paved drive. She said this will reduce the overall impervious area. They are extending the roadway approximately 1,500 linear ft. which will end at the cul-de-sac, just below lot 6A. They will also be putting in a concrete sidewalk, 28ft. wide gravel emergency drive, 2 LID drainage conveyance swales which will be placed to collect run off from the driveway and convey it to rain guardian collector systems, and a standard drainage conveyance system will be put within the roadway. They will also have a series of catch basins which will be conveyed to one of the three pocket wetlands. Dunphy said they have done soil testing on the site. Ground water was consistently found at about 2.5ft. The first and third pocket wetlands will have a sediment forebay upstream of the wetland to go through a treatment before it enters the wetland. The second pocket wetland is for overflow. The lower half of the roadway extension will also go through a series of catch basins and discharge to a subsurface infiltration system located on lot 9A. A portion of the underground infiltration system, some site grading, and a retaining wall are within the 100ft. buffer. Dunphy said they are also addressing the runoff from the other sites. Dunphy said EcoTec Inc. did the delineation. Dunphy said they will have anti tracking pads, straw wattles, silt sacks, check dams, temporary sediment basins, and dirt bags. Medeiros suggested getting a peer review for this property. Dunphy said about 60 flags were hung for the delineation.

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

Medeiros asked what are wetland flags BD1-BD24. Dunphy said they are man-made sediment basins.

A motion was made by Edward Medeiros, to get 3 peer review quotes, 2nd by Melissa Guimont. Roll call vote: 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 continue the hearing to June 2, 2022, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

Present Jeff Youngquist, Outback Eng.

A motion was made by Edward Medeiros, to accept revised plans dated May 18, 2022, into the record, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Youngquist said they are going to put a 6-inch layer of 3/4in-1/2in stone. They also will put in a split rail along the wetlands from FA1-FA7 and from F1-F6.

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

A motion was made by Nancy Ockers, to Amend the Standard Order of Conditions and add 2 Special Conditions, #1. To remove brush at the 25ft. buffer and to put up straw wattles, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 15R Spruce Street, Marc Roy Sr., (SITEC/Civil & Environmental Consultants, Inc.) DEP#SE220-1536

A motion was made by Melissa Guimont, to accept revised plans dated May 9, 2022, into the record, 2nd by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Carlos, Civil and Environmental Consultants. He said they changed the 1:1 restoration to a 1.5:1 restoration, which will be a total of 2,400sq.ft. Cassady suggests that they start planting in September to make sure this restoration is successful.

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

A motion was made by Adam Guaraldi, to close the hearing and issue a Standard Order of Conditions with 2 Special Conditions, requiring that the applicant is to monitor and report after the 3rd year and they will start planting in September, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Nay, Nancy Ockers Aye, and Diane Stewart Aye. One Nay, the remainder in favor.

Request for Certificate of Compliance for 56 Plymouth Street, DEP#SE220-1095

Medeiros went on the site visit and said everything looks great and the grass was in. Medeiros recommends issuing the Certificate of Compliance.

A motion was made by Edward Medeiros, to issue the Certificate of Compliance for 56 Plymouth Street, 2nd 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 Certificate of Compliance for 8 Carpenter Street, DEP#SE220-1485

Medeiros went to the site. They still owe 3 excise tax bills. Cassady said you could vote to issue the Certificate of Compliance but if they do not pay the excise taxes, they cannot get the Certificate of Compliance. The Commission wanted to put this on the next agenda.

Request for Certificate of Compliance for 61 Christina Way, DEP#SE220-1477

Cassady went on a site visit and does not recommend issuing the Certificate of Compliance because the grass has not grown in yet. Cassady said this can go on the June 16th agenda.

Agent:

Ch.61A Thompson & Precinct Street

Cassady said there a letter from Division of Fisheries & Wildlife, stating that the project (3 house lots) proposed do not occur with estimated habitat of rare wildlife or priority habitat. Cassady said she hopes they can get funding from the Eastern Box Turtle fund. Cassady said she forwarded the letter to the Nature Conservancy. They said they will get back to her about this.

415 Plymouth Street (Picone)

Cassady said she shared the appraisals with them. The two appraisals came up much less then what the Purchase and Sale agreement was under the Ch. 61A Notice. Cassady said she will need to come up with more funding and she has been working on getting this with the Native Land Conservancy and The Archaeological Conservancy. They are willing to look into funding this and they would hold a Conservation Restriction (CR), on all of it or a portion of it. Ockers asked if they held the CR would it limit the towns' use of it, and Cassady said they could tailor it so they could use it for farming. Both groups are going to discuss this further with their Boards and

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they both sounded excited about this. Cassady said they could also look into fundraising and partnering with Wildlands Trust.

Near 85 Plymouth Street

Cassady said everyone went out to the site on May 7th and the property was flat, nice land, with easy access.

A motion was made by Edward Medeiros, to have Cassady send a request to the Board of Selectmen stating that they are interested in acquiring the land, 2nd by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

88 River Street

They will need to put in a dry hydrant at this property and Cassady told them they will need to come before the Commission when they do.

Cassady said she also received a subpoena for this property, but after speaking to KP Law, Conservation does not need to attend yet or gather files.

255 Plymouth Street

Cassady said she received an Immediate Action Response Completion Report and Periodic Review of Temporary Solution. Cassady said there is a 20-day public comment period from May 7th to May 27th. Guaraldi said the IRA just means it no longer requires immediate action, it does not close out the issue. Guaraldi asked if Cassady could e-mail the report to his personal e-mail.

89 Saddleworth Way

They thought they were cutting in the Conservation Restriction but it was by the drainage easement which can be cut back and maintained.

Edward Medeiros recused himself.

Ch.61A Wareham Street (M 88, L 5733)

This 2.3 acres of land for \$280,000.00. The Commission said that they were not interested in this property.

A motion was made by Nancy Ockers, to send a letter to the Board of Selectmen, stating that the Commission is not interested in the property on Wareham Street, M 88, L 5133, 2nd by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Ch.61 Wareham Street (M 94, L 5379)

This property is 39.25 acres and is going for \$1.4 million.

A motion was made by Melissa Guimont, to send a letter to the Board of Selectmen, stating that the Commission is not interested in the property on Wareham Street, M 94 L 5379, 2nd by Nancy Ockerst. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Oliver Mill Park

Cassady said they are in Phase 3 of this project to fix bridges and stone work. There was a pre-bid site work May 11th, and a couple contractors came out. They gave the contractors all of the details and they hope a contractor will bid on it.

Taunton River Access Committee

Cassady said she is part of this committee and they have been discussing different put-in's for kayaks.

Stormwater Committee

There is going to be a public hearing regarding 610 & 612 Wareham Street. They are putting in 4 buildings that will drain on site. Roofs will be tied into the drainage. The project was approved and once the project reaches 20,000 sq.ft. they will need to go to ZBA.

Conservation Commissioner Reports

Cassady said for Open Space & Recreation Plan that she needs to review maps.

Mail/Correspondence

Southcoast Rail Updates.

Buzzards Bay Coalition letter discussing the Sanford Conservation Restriction Monitoring Report for 2021-2022.

43 Beach Street-resident had questions about fencing.

E-mail from Brad Chase about the Diadromous Fish list.

A motion was made by Edward Medeiros, to adjourn at 10:00PM, 2nd by Nancy Ockers. Roll call vote: 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: June 2, 2022