

Middleborough Conservation Commission
June 16, 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; Peter Gately; Adam Guaraldi via Zoom; and Edward Medeiros. Also present was Phyllis Barbato via Zoom, Senior Clerk, Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

Excused absence: Melissa Guimont, 2nd Co-Vice Chair

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.

Senior Clerk

Accounting

A motion was made by Edward Medeiros, to pay Lucas Environmental, in the amount of \$1,050.00, for the peer review for Everett Street, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to pay Middleborough Gas & Electric, in the amount of \$8.75, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to pay W.B.Mason, in the amount of \$418.22, for office supplies, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Barbato said Cassady had taken out her longevity pay, but it was taken from the wrong account. So her regular payroll account will need to be reimbursed and it needs to come from her longevity account.

A motion was made by Edward Medeiros, to authorize the credit to Cassady's payroll account, in the amount of \$350.00, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to pay Middleborough Post Master, in the amount of \$775.00, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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Barbato said there is an account for the Morgan property, and there is money left over in the account. The money will be carried over to the FY23.

A motion was made by Edward Medeiros, to approve the carry over to FY23, in the amount of \$8,507.90, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Barbato said there will be an invoice from Standish Enterprise, they have not submitted it yet and it will be put on the June 30th work meeting.

Barbato said there is money left in the schooling account, so if anyone would like to take classes let her now.

Minutes

A motion was made by Edward Medeiros, to approve the meeting minutes from June 2, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Abstained, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

Request for Group Use

Barbato said Don Baldwin said the Cub Scout event was last night and everything went well.

Barbato said the Color Run is Saturday and Pipher put the information on the website. Cassady and Chuck Kowalker went out to Pratt Farm on Wednesday to decide on a trail for the race. Barbato said Cassady or Patti Stagliola will meet them out there on Saturday to make sure everything is set up correctly. Electric and water is needed for this event and the check will be sent to the office for the \$25.00 electric fee.

Cassady said there is a request for group use for a summer library program. They would like to hold the event on July 27, 2022, at 10:30AM at Pratt Farm.

A motion was made by Nancy Ockers, to approve the Request for Group Use for the Summer Library Program, which will be held on July 27, 2022, at 10:30AM, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart mentioned the coloring contest that they would like to do at the school for the Open Space and Recreation Plan cover. Stewart said they can put it on for the June 30th work meeting.

Office Forms and Procedures

A motion was made by Edward Medeiros, to reappoint Nancy Ockers to the Community Preservation Committee, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

A motion was made by Nancy Ockers, to reappoint Edward Medeiros to the Conservation Commission, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Abstains, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

Barbato said she has sent e-mails to Jacqueline Jones asking her if she would like to be reappointed and she has not heard back from her. Stewart said she would like to put it on the June 30th agenda and she will reach out to Jones.

Barbato said she had given her 4 years because she was going to retire in April 2022, however she said she is not going to leave and she will not walk out on the Commission. She said she will give more than a 2 week notice. She said she does not have an exact date yet, but if the Commission would like they can discuss it further at the work meeting. Stewart said they can discuss it at the work meeting.

Barbato said the closing for the Clerk posting is tomorrow. There is one applicant, Catherine Pipher. Barbato said the Commission cannot make the decision until June 17th when the post closes. The Commission will do the interview on June 30th.

Barbato said she gave a letter to the Mizaras Well Pump Station permit, to inform them of the COVID-19 extension for when their permit will expire.

Cassady said there are payroll masters that need to be signed and Stewart signed them.

Website

Barbato said the website has been updated and she is waiting for pictures from a couple of events to post to the website.

Continuation of Notice of Intent for 3 Spruce Street, Marc Roy Sr., (SITEC/Civil & Environmental Consultants, Inc.) DEP#SE220-1537

They have asked for a continuation.

A motion was made by Nancy Ockers, to continue the hearing to July 21, 2022, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 35 Faye Ave, Erik Lomba, Paliwoda Andrzej Trustee, DEP#SE220-1550

The DEP number has been received, DEP#SE220-1550.

A motion was made by Edward Medeiros, to close the hearing and issue a Standard Order of Conditions, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for River Street, (M 4, L 3894), Charles M. Brooks, (Outback Engineering Inc.), DEP#SE220-1547

There was only one peer review quote received and it was from Lucas Environmental, in the amount of \$1,600.00.

A motion was made by Edward Medeiros, to hire Lucas Environmental for the peer review for River Street, in the amount of \$1,600.00, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to July 21, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 375 Wareham Street, Jessica Tenzar, (Loureiro Engineering Associates) DEP# SE220-1551

Present was Jessica Tenzar, Loureiro Eng. They have received their DEP number, DEP#SE220-1551, and they have revised the narrative for the Notice of Intent. They have put a standing dock on the plans to minimize the impact to nature and they are only going to clean up the hazardous materials (wood with nails, trash, and bottles) before the kids come to the camp.

A motion was made by Nancy Ockers, to accept the revised Notice of Intent Summary into the record, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi 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.

A motion was made by Nancy Ockers, to close the hearing and issue a Standard Order of Conditions, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 457 & 459 Wareham Street, Jeffrey Checkoway, Calare Properties, LLC (Bohler Engineering) DEP# SE220-1549

Cassady said she had requested 4 peer review quotes and only received 1 quote from Environmental Consulting & Restoration, LLC (ECR) in the amount of \$1,600.00.

Present was Keith Curran, Bohler Eng. Curran said he does not have a problem with hiring ECR, and hopes that they will be able to do the peer review as soon as possible.

A motion was made by Edward Medeiros, to hire ECR for the peer review for 457 & 459 Wareham Street, in the amount of \$1,600.00, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to July 21, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

They have asked to continue the hearing to the July 21st meeting.

A motion was made by Nancy Ockers, to continue the hearing to July 21, 2022, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for Everett Street, (M 41M, 41 & 40, L 4923, 4187, & 4895), Peter Varrasso, Jr. (Center Mount Land Development, LLC) DEP#SE220-1525

Shane Oates has requested to continue the hearing to the July 21st meeting.

A motion was made by Edward Medeiros, to continue the hearing to July 21, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi 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

The applicants still owe 3 excise taxes. Stewart said that she would like the office to inform the applicants that they will not be on another agenda, until their excise taxes are paid.

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

Cassady said the grass still has not grown in, but they did loam and seed. The Commission would like them to contact Cassady when the grass is in.

Request for Certificate of Compliance for 38 Roosevelt Avenue, DEP#SE220-1464

Cassady said she went to the site on June 15th and recommends issuing a Certificate of Compliance.

A motion was made by Peter Gately, to issue a Certificate of Compliance for 38 Roosevelt Avenue, DEP#SE220-1464, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Emergency Certificate – 55 Plymouth Street

Cassady said they need another Emergency Certificate, and they just filed a Notice of Intent today. This property had the oil spill and the erosion controls are still in place. The Certificate is only good for 30 days.

A motion was made by Edward Medeiros, to issue an Emergency Certificate for 55 Plymouth Street till July 21, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Conservation Lands

Ja-Mar

Cassady said the Public Archaeology Lab (PAL) answered her about the curation agreement. She said to have that funded through maybe Community Preservation funds, they wanted to know how often they would come to Middleborough with their educational programs and how long that agreement would be. Cassady said Heather Olsen at PAL, said they are committed to bringing the educational program to Middleborough for a period of 5 years, in which the Town will be able to review the agreement. In that time the Town will be able to make the decision on whether they will want to renew, modify, or discontinue their agreement/programs. Cassady said the Commission does have time, but was unsure if they would like to submit something to the CPC for the Step 1 application and maybe reach out to the Peirce Trustees for some of the other money. Cassady said they received an e-mail from the Peirce Trustees stating that they are looking for projects to fund.

A motion was made by Edward Medeiros, to apply to CPC step 1 application and submit a letter to the Peirce Trustees about funding for the Public Archaeology Lab proposal, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Abstained, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

Cassady said she was able to submit the canceled checks for the cost of the kiosk. She said she then submitted to the Taunton River Stewardship Council to look at the reimbursement, totaling \$9,041.00.

Morgan

Pipher received quotes from SignDesign and Signarama, but she is still waiting on a quote from Crutchfield. The Commission wanted a coating or plexi-glass put over the sign, but plexi-glass can actually cause more problems and the coating will wear off. This will be discussed further at the July 21st meeting.

Oliver

Cassady said everything has been paid for regarding the parking lot, except for a small sign that Matt Foye had purchased at the footpath. Cassady said that has been submitted and paid. Stewart said there are trails out there but they are not very well maintained. Cassady said there is one main trail out there that is pretty well maintained but there are hopes of having other trails out on

the property as well. Stewart suggested having Tom Dexter come in and help with the trails. Cassady suggested having Wildlands Trust Trail Blazers Stewards come in.

Pratt Farm

Cassady said that they are getting funding from the Dam & Seawall Grant for the Stony Brook Dam design. She said the Town Manager just signed the contract and she gave them an invoice. They are getting the lump sum of money from the state and they will need to report quarterly.

Cassady said she spoke with 2 different arborists. She said she met with 1, Todd Cambra, and he has not given her a quote yet, but told her that the tree should be taken down because it was unsafe. She then spoke with Mockingbird Hill arborist, Tom Simmons, and he went out and looked at the tree and said that he could do some cabling at the crown of the tree and it will give the tree some strength. Cassady said that is over \$2,000.00, to cut down some of the dead wood and do the cabling. Stewart said the tree is salvageable, but does it have any historic significance and Cassady said she is unsure but it is very old. Cassady said they will need 2 more quotes. Cassady said Jeff Nichols, said he would go by the site as well, and said Cassady should speak to Dave Mendle, of Bartlett Tree Service because Jeff does not do cabling. Guaraldi said preservation is more expensive then starting over. Guaraldi asked if Mockingbird has a warranty for their work in case the cabling fails. Cassady said she will ask them.

Cassady said Gately asked about doing a little project at Pratt Farm near the pond. Gately would like to remove some of the bittersweet and would like it if DPW could pick it up. Chris Peck said that he could pick it up and to let him know when they are done. Cassady said she spoke with Chuck Wednesday morning and he suggested working on the ADA trail, because some of the brush needs to be cut back.

Cassady said she met with Kevin Quackenbush, regarding the book box. He would like to put the book box between the kiosk and the sign. The Commission would like to see it ADA compliant, around 3-4ft. high.

Barbato said she will make the Pratt Farm Cleanup Flyer and put it on the website. The cleanup will be held July 16th & 24th from 8:30AM-10:30AM. She said she will draft it and send it to everyone.

Agent:

Ch.61A Thompson and Precinct Street

Edward Medeiros recused himself.

Cassady said they are working with the Nature Conservancy and the Division of Fisheries and Wildlife because they have box turtle funding. Cassady said there is an application that needs to be applied for to receive funding. Cassady said she spoke with Marea Gabriel from the Nature Conservancy and received an e-mail from Mike Jones from the Division of Fisheries and Wildlife and hey both feel that this is a strong candidate for the Box Turtle funding. Cassady said

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they have a lot of box turtle reports in the surrounding area. Gabriel sent Cassidy an application, but Cassidy said she still has a few questions to ask her.

Edward Medeiros, owner, said they are asking for an appraisal, Phase 1, and survey. Cassidy said she will contact Gabriel about this.

415 Plymouth St. (Picone)

Edward Medeiros returned to the meeting.

Cassidy said they have a \$1.5 million deficit still, but she has been speaking with Scott MacFaden from Wildlands Trust and he is looking to work with the Fidelity Foundation, which can fund things beyond the appraisal. She said Wildlands Trust would directly apply for this grant because they are a non-profit. Cassidy said MacFaden is also looking into setting up a web based funding site on the Wildlands Trust website. Cassidy said she is thinking of making a big thermometer on a board, to show how much money has been raised.

Soule Homestead

Cassidy said she met with Jim Lough, Executive Director and they spoke about the encroachment at the back field. Cassidy said they can't get back there because he needs to mow, but they will meet back on the site. Cassidy said they cannot give a letter of support because it is a conflict of interest.

0 & 535 Wareham Street (restoration)

Cassidy said she spoke with Mr. Jackson this week and he bought blueberry bushes and he will buy more. He also asked about wetland seed mix.

722 Plymouth Street

Cassidy said the owner will be filing an After the Fact Notice of Intent.

Precinct Street

Edward Medeiros recused himself.

Cassidy said she e-mailed Nyles Zager, ZCE, and Bill Logan about getting an As-Built Plan, and has not heard back them.

88 River Street

Edward Medeiros returned to the meeting.

Cassidy said she received a complaint about tree cutting near the wetlands. She said she spoke to DEP and they are trying to set up a site visit with the owner.

Ch.61A Fuller Street

Cassady said they already permitted this property for a subdivision, The Great Cedar Village. Cassady asked why this is coming to her now and why wasn't this done when they were planning the subdivision, and no one has answered her yet. Cassady said they have already started the road work.

A motion was made by Edward Medeiros, to send a memorandum to the Board of Selectmen stating that the Commission does not want the Fuller Street property, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Turtle Signs

Cassady said she had a resident ask about getting turtle signs on Marion Road. Cassady asked DPW and they got a quote for \$400.00 for 2 signs, which need to be on a breakaway post. Cassady asked the Commission if they would like to buy signs. Ockers suggested giving the concern resident the information and suggest that they sponsor the signs. Stewart said Cassady could inform her that she could put signs up on her own property.

Nemasket River Sediment

Cassady said she met with the Regional Planning Agency, Nancy Yates from Lakeville Conservation Commission, Emily Surette, Bob Nunes, Colleen Lieb, Mark Germaine, and Brad Chase. Cassady said the Board of Selectmen from Middleborough and the Board of Selectmen from Lakeville would collectively file for Notices of Intents. Both Middleborough and Lakeville Conservation Commissions would come together for the meeting. Cassady said Outback Engineering already has drafted plans and they have to extend the reach. Cassady said she is going to go to the Board of Selectmen's meeting on July 11th, to discuss the permitting. She said the work would take place around mid-November, after the Fry have migrated back.

Plymouth Street (Town Land)

Cassady said she sent a memo to the Board of Selectmen in May and she is waiting to be put on the Town's agenda.

120 Miller Street

Cassady said she received a call from Valerie Streeton, owner of 120 Miller Street. Cassady said this is a 9 acre property and before she sells the land, she would like to see the town purchase it. Cassady said a lot of this is wetland and she does have it in Ch.61A. She would like to sell 2.5 acres of land. Cassady said she would have to get appraisal. Cassady said she does not want to donate the land because she needs the money. The Commission said they are not interested in the 2.5 acres.

Conservation Commissioner Reports

Open Space & Recreation Plan

Cassady said she just received the draft but it needs to be looked at.

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230 Bedford Street

Cassady said she sent a letter to the owner, and she is waiting to hear back.

Mail/Correspondence

Garrett Tunison sent an e-mail stating that he no longer is working with the Cranberry Growers on Wareham Street property.

E-mail regarding 22 Walnut Street.

South Coast Rail Updates

Girl Scout Troop sent in pamphlets about mosquitos – Operation Anti-Mosquito Bite

Woodlands Magazine

Letter from the Peirce Trustees regarding funding

Land Inquiry – off Cedar Street

Memo regarding 308 Old Center Street

Memo regarding 457 & 459 Wareham Street

Memo regarding 139 Thompson Street

Memo regarding 6 Plympton Street

E-mail regarding getting grants for the Milfoil removal in Tispaquin Pond

Ockers suggested asking the Peirce Trustees to buy a brush hog.

A motion was made by Nancy Ockers, to ask the Peirce Trustees to buy a brush hog for the conservation lands, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart asked Guaraldi if he would be at the July 21st meeting because they will need quorum for one of the hearings. Guaraldi said he was unsure and would let the Commission know by July 5th. Stewart said she would ask Jones as well.

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A motion was made by Edward Medeiros, to adjourn at 8:55PM, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: June 30, 2022