

Middleborough Conservation Commission
August 4, 2022

Unless specified everyone was present in the Select Board Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Nancy Ockers, 1st Co-Vice Chair; Melissa Guimont, 2nd Co-Vice Chair; Peter Gately; Jacqueline Jones (via Zoom 7:12PM), and Edward Medeiros (left at 7:19PM). Also present was Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

Excused absence: Adam Guaraldi.

Meeting started at 6:49PM. 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 Melissa Guimont, to pay Environmental Consulting & Restoration, LLC, in the amount of \$437.50, for the peer review for 1 Spruce St. & 534 Wareham St., 2nd by Peter Gately. Unanimously voted.

A motion was made by Melissa Guimont, to pay Ecosystem Solutions, Inc., in the amount of \$2,205.00, for the peer review for Commerce Boulevard, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Melissa Guimont, to pay Bohler Engineering MA, LLC, in the amount of \$586.25, for the peer review for 177 & 187 East Grove Street, 2nd by Nancy Ockers. Unanimously voted.

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

A motion was made by Melissa Guimont, to pay ARCO National New England, LLC, in the amount of \$37.50, for 457 & 459 Wareham Street, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Melissa Guimont, to pay Catie Pipher, in the amount of \$481.26, for the hourly increase she did not receive for FY22 out of the Wetland Fee Account, 2nd by Nancy Ockers. Unanimously voted.

Minutes

A motion was made by Peter Gately, to approve the meeting minutes from July 21, 2022, 2nd by Nancy Ockers. Unanimously voted.

Request for Group Use

The Samuel Fuller School would like to host their annual trail race on October 8, 2022, from 7:00AM-3:00PM. There will be about 120 people at the event throughout the day. They will not need water turned on but they will need electric.

A motion was made by Nancy Ockers, to approve the Request for Group Use for the Samuel Fuller School Trail Race, held on October 8, 2022, from 7:00AM-3:00PM, 2nd by Peter Gately. Unanimously voted.

Office Forms and Procedures

Barbato calculated under the Permit Tolling State of Emergency, COVID-19 Order Number 42 for Vernon Street, DEP#SE220-1377 and wrote a letter that the new expiration date is April 23, 2023.

Barbato calculated under the Permit Tolling State of Emergency, COVID-19 Order Number 42 for Vernon Street/Cordial Road, DEP#SE220-1393 and wrote a letter the new expiration date is July 3, 2023.

A motion was made by Peter Gately, to approve the FY23 Budget Supplemental Appropriation, Conservation Agent: \$5,333.76, Senior Clerk: \$ 1,676.63, and Clerk: 7,714.81 for 25 hours or \$22,132.096 for 40 hours, totaling \$14,725.25 with Clerk at 25 hours or \$29,142.486 with Clerk at 40 hours, 2nd by Nancy Ockers. Unanimously voted.

Continuation of Abbreviated Notice of Resource Area Delineation for 16 Vernon Street, (Map 37, Lot 3069), David Lamoureux (Outback Eng.) DEP#220-1554

There were 2 peer review quotes received.

- | | |
|------------------------|------------|
| 1. Lucas Environmental | \$2,100.00 |
| 2. Ecosystem Solutions | \$2,730.00 |

A motion was made by Peter Gately, to hire Lucas Environmental to conduct the peer review, 2nd by Nancy Ockers. Unanimously voted.

Cassady said Lucas Environmental said they can complete the peer review by the September 15th meeting.

A motion was made by Melissa Guimont, to continue the hearing to September 15, 2022, 2nd by Nancy Ockers. Unanimously voted.

Continuation of Abbreviated Notice of Resource Area Delineation for 72 Benson Street, (Map 101, Lots 1163 & 1965), L & B Realty Trust (Zenith Consulting Eng.) DEP#220-1553

There were two peer review quotes received.

- | | |
|------------------------|------------|
| 1. Lucas Environmental | \$1,600.00 |
| 2. Ecosystem Solutions | \$1,890.00 |

A motion was made by Melissa Guimont, to hire Ecosystem Solutions to conduct the peer review, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Melissa Guimont, to continue the hearing to September 1, 2022, 2nd by Nancy Ockers. Unanimously voted.

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

A motion was made by Melissa Guimont, to accept Memo #2, dated July 27, 2022, into the record, 2nd by Nancy Ockers. Unanimously voted.

Stewart read the report into the record. She asked if anyone in the public would like to be heard, hearing none.

A motion was made by Nancy Ockers, to issue the ORAD, for 1 Spruce St. & 534 Wareham Street, 2nd by Peter Gately. Unanimously voted.

Request for Certificate of Compliance for 139 Summer Street, DEP#SE220-1387

Medeiros said he went to the site and everything was stabilized. He recommends issuing the Certificate of Compliance.

A motion was made by Melissa Guimont, to issue a Certificate of Compliance for 139 Summer Street, DEP#SE220-1387, 2nd by Nancy Ockers. Unanimously voted.

Medeiros left the meeting at 7:19PM.

Continuation of Notice of Intent for Old Wood Street, (M 65, L 1137), Marcus Baptiste, Southbrook Development (Zenith Consulting Eng.), DEP#SE220-1552

A motion was made by Melissa Guimont to accept revised plans, dated July 22, 2022, into the record, 2nd by Nancy Ockers. Unanimously voted.

Present was Bob Forbes, Zenith Consulting. Forbes said he added a snow storage area.

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

A motion was made by Melissa Guimont, to close the hearing and issue a Standard Order of Conditions, for Old Wood Street, DEP#SE220-1552, 2nd by Nancy Ockers. Unanimously voted.

Continuation of Notice of Intent for 76 Plympton Street, (M 33, L 3179), D. R. Warren Enterprises (Foresight Eng. Inc.), DEP#SE220-1557

They have received their DEP number and a letter from the Division of Fisheries & Wildlife. The letter dated August 4, 2022 that was received stated that this project would not adversely affect the habitat.

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

A motion was made by Melissa Guimont, to close the hearing and issue a Standard Order of Conditions with 2 Special Conditions that there is no draining of the pool and no chemicals near the resource areas or bog & restoration needs to be done before the pool goes in, for 76 Plympton Street, DEP#SE220-1557, 2nd by Nancy Ockers. Unanimously voted.

Continuation of Notice of Intent for 326 Marion Road, (M 91, L 6462), Robert Rea (Foresight Eng. Inc.), DEP#SE220-1558

They have received their DEP number. DEP did have comments and stated, "Please be advised that the project falls within an ORW associated with Assawompset Pond and ORW associated with Pocksha Pond.

A motion was made by Peter Gately, to close the hearing and issue a Standard Order of Conditions with 1 Special Condition that there is to be no chemicals stored on site for 326 Marion Road DEP#SE220-1558, 2nd by Nancy Ockers. Unanimously voted.

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

Present was Keith Curran, Bohler Eng.

A motion was made by Melissa Guimont, to accept revised plans dated July 15, 2022 and August 4, 2022, into the record, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Peter Gately, to accept revised sheets dated August 3, 2022, into the record, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Peter Gately, to continue the hearing to August 18, 2022, 2nd by Nancy Ockers. 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, called the Conservation office today and requested that the hearing be continued to August 18, 2022.

A motion was made by Melissa Guimont, to continue the hearing to August 18, 2022, 2nd by Peter Gately. Unanimously voted.

Website

Pipher asked if the Commission would like to put the article titled The Importance of Legacy Trees, on the website. The Commission said yes they would like to put the article on the website.

Conservation Lands

Discussion regarding Pratt Farm

The Pratt Farm clean-up was very hot and they had 6 volunteers. Stewart suggested maybe having a spring and fall clean-up to avoid the heat.

Cassady said she received 2 quotes regarding the Norway Maple tree. She said Bartlett Tree Experts gave 2 quotes. One quote was for the removal of broken/dead branches, installing cables, removing debris, etc. for \$1,850.00 and the complete removal of the tree would cost \$3,250.00. Cassady said she also got a quote from Mockingbird Tree and Lawn Care for cabling, which would cost \$2,630.00. Cassady said Bartlett said their cabling does not have a warranty, and Mockingbird said there is no warranty, but if the cable snaps they will replace them for free. Cassady said she also reached out to Todd Cambra Corp. on July 28th, and she has not heard back from him. Ockers said there is so much to do at Pratt Farm, she does not feel that this one tree is worth spending over \$2,000.00. Stewart asked if it is a historical tree and Cassady said she does not think so. Cassady said they could ask the family that provided the bench at Pratt Farm if they could move the bench for liability reasons.

Cassady said she spoke with Quack regarding the book box. He said he can put the box at whatever height the Commission would like. Stewart suggested the box be at 3ft. Stewart also suggested putting a level handle instead of a knob.

Cassady said she included a map that Guimont generously shared, of all of the running routes. The map has the trail signs that Paul Letendre put up. Cassady said she is hoping with the Commission's permission, she can give it to Joe Osbourne to update the map. Gately said he would like to color code the 12 trails. The Commission would like to discuss this further at the September 15th meeting.

Cassady said they received the report for the Spill Way Design. She said the report stated that the probable cost would be around \$220,000.00 - \$281,000.00. The engineering design and construction phases will cost around \$55,000.00. Cassady said she asked if they considered inflation and prevailing wages. Cassady also asked what will the pre-fabricated bridge be made of? He responded stating that this would be to the Town's discretion and would be a large driver of the projects cost. The bridge cost can range from \$500.00 per linear foot to \$2,000.00, depending on the material, design, and esthetics. He said they priced it at \$1,400.00 per linear foot and made the bridge 6ft. wide. Prevailing wages were included. Cassady said she will look into more information regarding the culvert. Stewart said this will not be happening without a grant.

Gately asked when they can have another clean-up date. Stewart suggested October 1st from 8:30AM-10:30AM. They said maybe they can prepare a schedule for clean ups for next year.

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The Commission said they would like to coordinate a clean-up with the Samuel Fuller School, for their trail race.

Oliver

Cassady said there is a new sign at the head of the trail, courtesy of Matt Foye. Cassady said there are some trees that have fallen across the trails. She said she reached out to Tom Dexter and she has not heard back from him yet. Cassady said she reached out to Erik Boyer, Land Stewardship Coordinator for Wildlands Trust, who has a trail blazers group, which takes care of all of the Wildlands Trust properties. Cassady said she reached out to Wildlands Trust because they hold the conservation restriction on the property. She said they can come out to help them with this property. Cassady said they are meeting on site on August 28th at 10AM, for trail trimming and get rid of some of the trees that are down in the trails. The Commission was asked to put together a flyer for the clean-up

Ja Mar

Cassady said that KP Law sent a letter to the appraiser that billed the town. KP Law said that the town will not be paying the invoice.

Cassady said they received the funding for the kiosk. There is \$69.69 left over because they included tax and the town does not pay tax. They are going to have a vote at the Taunton River Stewardship Council meeting on August 11th, to repurpose the money for educational purposes.

Cassady said she is hoping for an agreement with Middleborough Gas & Electric to mow some of the main path. Leann Bradley's husband and neighbor Steve Woodward have been helping with mowing some paths at the property. Cassady said she is also working on getting quotes for a new tractor.

Morgan

Pipher said she received quotes from Crutchfield, SignDesign, and Signarama. There were numerous quotes including installation, new posts, anti-graffiti coat, etc. The Commission agreed that they would like the sign to be installed by the company. Ockers asked if there was funding, and Cassady said there is \$79.00 from the Makepeace grant they received before. Cassady said there is other money in a Morgan Property account they can use for the Morgan signs. The Commission agreed that the sign could state that it was funded by Makepeace Neighborhood Fund and the Residents of the Town of Middleborough. Cassady said there is a fund with about \$8,000.00 just for the Morgan Property.

A motion was made by Nancy Ockers, to have Signarama design the sign, which will include anti-graffiti coating, new posts, and installed, in the amount of \$964.52, 2nd by Peter Gately. Unanimously voted.

Stewart asked if the money that was for Morgan Property, was funded through the town, and Cassady said yes, years ago.

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Agent:

Ch.61A Thompson and Precinct Street

Cassady said she spoke with Marea Gabriel from the Nature Conservancy, and Mike Jones from the Division of Fisheries and Wildlife, about applying for the Box Turtle funding. Cassady said she spoke with them on the 29th, and they said she will need an appraisal and there will probably be another Conservation Restriction on the property. She said Wildlands Trust can probably hold the CR. She said they will need to get estimates for due diligence, for things like a title exam, environmental site assessment, purchase and sale, etc. Cassady said she will need to create some maps for the application. They also discussed proposed parking and trails. They said they might only have pedestrian traffic because of the Box Turtles and they might just have a perimeter trail and not through the property. Cassady said there are a couple of avenues they can go to come up with the money for the appraisals. She said the appraisal usually costs \$1,500.00-\$2,500.00 and they will need to get 3 quotes. She said this could be potentially funded by the Peirce Trustees, the Taunton River Stewardship Council, Town Meeting, or the Trust Fund. Cassady asked if the Commission would like to get quotes for the appraisal first before they ask for funding. The Commission said yes, they would like her to get quotes.

415 Plymouth St. (Picone)

Cassady said she spoke with Scott MacFaden from Wildlands Trust, about scenarios for the budget. Cassady said they came up with 2 scenarios:

#1.

Town Component: Per Shirin's calculation - \$3,253,968 needed as part of the \$6.2 million
Appraisal: \$1,780,000
MVP Approved: \$1,364,325
CPC \$ Approved: \$1,000,000
Total Town Funding towards approved purchase: \$1,780,000
Deficit: \$1,473,968

Farm Component: Per Shirin's calculation - \$2,946,032

APR: \$860,000

APR 50% Match: \$860,000 (\$545,775 from approved town CPC \$273,968 from private funding below?) = \$819,743 still need \$40,257 here. Maybe from CPC \$ additional ask or TRSC and fund raising

Green Smith: \$750,000

Private Funding: \$750,000

Total Funding approved towards purchase = \$3,220,000 - \$2,946,032 = Extra \$273,968

#2.

Town Component: Per Shirin's calculation - \$3,253,968 needed as part of the \$6.2 million

Appraisal: \$1,780,000

MVP Approved: \$1,364,325

CPC \$ Approved: \$1,000,000

Total Town Funding towards approved purchase: \$1,780,000

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Deficit: \$1,473,968

Farm Component: Per Shirin's calculation - \$2,946,032

APR: \$860,000

APR 50% Match: \$860,000 (\$545,775 from approved town CPC \$314,225 from additional CPC money) if match can only come from town

Green Smith: \$750,000

Private Funding: \$750,000

Total Funding approved towards purchase = \$3,220,000 - \$2,946,032 = Extra \$273,968

Ockers asked if Wildlands Trust has put anything into this and Cassady said they put in \$15,000 for a deposit. Cassady said \$750,000 is being funneled through Wildlands Trust as they have applied for private funding. Cassady said they will need to be prepared to talk to the Finance Committee, the town, and the residents. She said the alternative is 378 homes or another development. Stewart said she thinks the residents are for protection of this, but it would depend on how much free cash would be needed. Cassady said the Town will have \$6 million in free cash this year and it could help with Picone.

Warrant Articles

Cassady said she will need the Commission to vote in support of the warrant articles so they can be submitted for the Town meeting.

A motion was made by Melissa Guimont, to support the warrant article that is to see if the Town will vote to raise and appropriate and/or transfer up to \$736,984.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or to raise such sum by borrowing under the Community Preservation Act, for the acquisition of a portion of farmland at 415 Plymouth Street, consisting of Map 41, Lot 466 and Map 31, Lots 6082, 4447, 5272, 3687, containing 94 acres more or less; said funds to be expended under the direction of the Town Manager and the Community Preservation Committee, and to be authorize the Select Board to grant or impose a preservation restriction with respect to the property, or act anything thereon, 2nd by Peter Gately. Unanimously voted.

A motion was made by Peter Gately, to support the warrant article that is to see if the Town will vote pursuant to the consent voted by the Select Board, the care, custody, management and control of the following land off Plymouth Street, Parcel 2168 on Assessor's Map 19 and under Book 15437, Page 0152 in the Plymouth County Registry of Deeds is hereby transferred from the Select Board to the Conservation Commission for the conservation purposes set out under G.L.Ch.40§8C, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Melissa Guimont, to support the warrant article that is to see if the Town will vote to raise and appropriate and/or transfer up to \$736,984.00 from taxation, free cash,

another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Conservation Commission for funding a portion of the purchase August 4, 2022

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for the property at 415 Plymouth Street, Parcels: 041-466, 031-6082, 031-5272, 031-4447, 031-3687, 031-4347, and 031-2622, or act anything thereon, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Melissa Guimont, to support the warrant articles to see if the Town will vote to reallocate \$545,775.00 from the \$1,000,000.00 allocated at the October 4, 2021 Special Town Meeting under Article 23 or to raise such sum by borrowing under the Community Preservation Act, towards a portion of the 50% match to the Agricultural Preservation Restriction Grant and to co-hold the Agricultural Preservation Restriction of a portion of farmland at 415 Plymouth Street, consisting of Assessor's Map 31, Lots 2622 & 4347 containing 92.13 acres more or less; said funds to be expended under the direction of the Town Manager and the Community Preservation Committee; and to authorize the Select Board to grant or impose this preservation restriction with respect to the property, or act anything thereon, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Nancy Ockers, to support the warrant article to see if the Town will vote to raise and appropriate and/or transfer up to \$36,250.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Conservation Commission for funding the required 25% match to the Massachusetts Executive Office of Energy & Environmental Affairs FY2023 Dam & Seawall Grant of the \$145,750.00 total Grant Award for the redesign of the Stony Brook Dam at Pratt Farm, or act anything thereon, 2nd by Peter Gately. Unanimously voted.

0 & 535 Wareham Street

Cassady said Mr. Jackson is working on the restoration for the property. When she went to the site, she asked him to move the boat. Everything has been coming in nicely and he is watering everything because of the drought. Cassady said she will re-inspect the Spring of 2023. Jackson gave receipts of the plants and where he bought them.

Precinct Street

Cassady said this is the water main the Town is putting in. Cassady said she asked Mike Bumpus about the As-Built because she wanted to compare to see if there was impact to the wetlands. Nyles Zager, Zenith Consulting Eng., said he is waiting to hear back from Bill Logan, and the Utility does the As-Built for the water main. Cassady said she is waiting to hear back from Mike Bumpus.

Nemasket River Sediment

Cassady said she is hoping to meet the week of the 15th, or the week after. Cassady said she received a call from a gentleman that works for Keolis, MBTA, and said he is interested in helping with the permitting and the MBTA bridge, because man made materials have fallen into the River.

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Cassady said she received a few e-mails with concerns about the water levels at the River and the Herring Fry. She asked DEP about getting an Emergency Certification and they said they only do that for public safety. However, they said the Division of Marine Fisheries may take care of it. She said she is waiting to hear back from them.

Conservation Commissioner Reports:

Open Space and Recreation Plan

Cassady said Sara Brown, SRPEDD put this together and Cassady and Dave Cavanaugh gave her edits.

Mail/Correspondence

101 & 103 Oak St. – Cassady said she spoke with the owner about the stormwater bylaw and said he needs to file a Notice of Intent.

685 & 687 Wareham St. – Cassady said a survey needs to be done because she believes he has encroached in the Conservation property. She is meeting on site with them on August 16th.

69 Vernon St. – erosion issues, and a tracking pad.

543 Wareham St. – Cassady went out to inspect erosion controls and said they should have a tracking pad.

Mizaras Well – Cassady went out to inspect the erosion controls. Everything looked good.

South Coast Rail Updates

SRPEDD – Assawompset Pond Complex - released for public comments

Rockland Industries Report was put on the Town's website.

The Tourism Committee is doing a time capsule.

Ch.61A Walnut Street

A motion was made by Nancy Ockers, to not exercise the right to purchase Walnut Street, 2nd by Melissa Guimont. Unanimously voted.

Harvestwood construction observation report.

A motion was made by Melissa Guimont, to adjourn at 9:24PM, 2nd by Nancy Ockers.
Unanimously voted.

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Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: August 18, 2022