

Middleborough Conservation Commission
August 18, 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; Adam Guaraldi via Zoom(7:20 PM), and Edward Medeiros. Also present was Phyllis Barbato, Senior Clerk, Patricia Cassady, Agent via Zoom, and Catherine Pipher, Minutes Clerk.

Unexcused absence: Jacqueline Jones.

Meeting started at 6:55PM. 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 W.B.Mason in the amount of \$24.20, for two stamps, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Melissa Guimont, to pay Lucas Environmental in the amount of \$1,600.00, for the peer review on River Street, DEP#SE220-1547, 2nd by Edward Medeiros. Unanimously voted.

Barbato said the amount given and voted on at the last Commission meeting was incorrect. Pipher did not receive her raise from FY22. She is owed \$300.32 from the Wetland Filing Fee account.

A motion was made by Nancy Ockers, to pay Pipher in the amount of \$300.32 from the Wetland Filing Fee account, 2nd by Edward Medeiros. Unanimously voted.

Minutes

A motion was made by Edward Medeiros, to approve the meeting minutes from August 4, 2022, as presented, 2nd by Nancy Ockers. Unanimously voted.

Request for Group Use

Barbato said she forwarded Gately the e-mail discussing the clean-up with the Samuel Fuller School for Pratt Farm. She said they usually plan their clean-up when the weather is good and they have enough volunteers.

Website

Barbato said that Pipher has pulled down the filing from the Town's website. An email has gone out asking the hard copies and the pdf's have their check routing information covered over for security. They will begin next month with the filings back on the website.

Discussion with Brian Grady, GAF Engineering, regarding 97 France Street

Present was Brian Grady, GAF Engineering. Grady said he noticed that there is 800 sq.ft. of fill that needs to be removed from the wetlands. He then submitted a restoration plan to Conservation. Cassady said she has looked at the plans and September would be the perfect time for the restoration. Grady said they are not digging down, it is on a slope and they are trying to bring this area back to its natural grading.

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

A motion was made by Peter Gately, to approve the restoration plan dated August 1, 2022, as presented, 2nd by Edward Medeiros. Unanimously voted.

Abbreviated Notice of Resource Area Delineation for 293 Old Center Street and two parcels off of West Grove Street, (Map 48, Lots 533 & 3165, & Map 49, Lot 955), Grove Center Street Realty Trust (Outback Eng.) DEP#SE220-1561

Edward Medeiros recused himself.

Stewart read the legal ad into the record.

Present was Tom Schutz, Goddard Consulting and Ivo Coll via Zoom. Schutz said this is a 140 acre property. There are 2 main cranberry bogs in the center of the property, an irrigation pond, 2 intermittent streams, a perennial stream (mostly underground), 4 isolated bordering vegetated wetlands, and a bog built in the upland area. The Commission said this is a large property and would like to see it peer reviewed.

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

A motion was made by Nancy Ockers, to have Cassady receive 3 peer review quotes, 2nd by Peter Gately. Unanimously voted.

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

Abbreviated Notice of Resource Area Delineation for Harding Street, (Map 38, Lots 5965M, 4217, 4375, & 2681 & Map 47, Lot 445), Sean Chrisom, LPC Northeast, LLC (LEC Environmental Consultants, Inc.) DEP#SE220-1560

Edward Medeiros returned to the meeting.

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

Present was Brian Madden, LEC Environmental Consultants. Madden said this property is about 98 acres, which consists of bordering vegetated wetlands, perennial streams, and is near Puddingshear Brook. This property will connect to the 2 ORAD's that were already received and it is flagged for reference purposes. There are 3 culverts, and the one for Puddingshear Brook is under sized and falling apart. Madden said he will send in pictures of the culvert. The Commission said they 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 Melissa Guimont, to have Cassidy receive 3 peer review quotes, 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.

Conservation Lands

Pratt Farm

The Commission said they would like to have a Pratt Farm clean-up on October 1st.

Oliver

The clean-up flyer went out for the Oliver clean-up on August 28th, at 10AM. The Trail Blazers group with Wildlands Trust is helping with the clean-up.

Ja-Mar

Conservation received the approval to keep the remaining \$69.69 from the Taunton River Stewardship grant and use it for educational purposes.

Morgan

Pipher sent an e-mail requesting an invoice for the Morgan Property sign. She is waiting for a response.

Request for Certificate of Compliance for 52 John Perkins Way (Lot 5), DEP3SE220-1503

Medeiros went to the property today, and said everything looks stabilized. He said there is some sand near the erosion controls but the grass is in. He recommends issuing the Certificate of Compliance.

A motion was made by Melissa Guimont, to accept the Roof Drain As-Built dated June 15, 2022, and the Subsurface Sewage Disposal System As-Built dated May 6, 2022, into the record, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 52 John Perkins Way, DEP#SE220-1503, 2nd by Melissa Guimont. Roll call vote: Peter Gately Aye, Adam

August 18, 2022

Page 4

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

Request of Certificate of Compliance for 42 Christina Way, DEP#SE220-1499

A motion was made by Edward Medeiros, to accept the As-Built dated July 18, 2022, into the record, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Medeiros said he went to the property today. The grass is stabilized but dead because of the drought. He said he likes the boulders on the property. He recommends issuing the Certificate of Compliance.

A motion was made by Edward Medeiros, to issue a Certificate of Compliance for 42 Christina Way, DEP#SE220-1499, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for 55 Plymouth St., (M 19, L 1952), Michael Bilodeau, (River Hawk Environmental, LLC), DEP#SE220-1556

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

Present was Bob Rego, River Hawk Environmental via Zoom. This is an After-the-Fact filing. The single family home was serviced by an oil company and the oil tank failed. Soil along the brook has been removed and the stone wall has been repaired. All impacted soil should be removed by next week. Some materials have been stored in the wetlands. Brad Holmes did the restoration plan. They will be restoring the soil, planting native shrubs, and will have a wetland seed mix.

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

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

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions for 55 Plymouth Street, DEP#SE220-1556, 2nd by Adam Guaraldi. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for 473 Wareham St., (M 87, L 4827), Nathan Jenkins, Final Gift USA LLC (Bohler), DEP#SE220-1555

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

August 18, 2022

Page 5

Present was Joey Fonseca, Bohler via Zoom; Tom Schutz, Goddard Consulting; Nathan Jenkins, owner via Zoom; and Phil Beati, Builder via Zoom.

A motion was made by Melissa Guimont, to accept revised plans dated July 11, 2022, into the record, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Melissa Guimont, to accept the revised Notice of Intent, dated July 11, 2022, into the record, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Fonseca said this is a 28 acre property. There is an existing BVW, and most of the work is being done within an already disturbed area. The proposed building will be in a fenced in area and there will be 250 sq.ft. of the building within the 100' buffer. The existing car ports will be relocated. They are also proposing a propane tank. The BVW was flagged by Tom Schutz, Goddard Consulting. Fonseca said that there was fill brought in from a previous owner. They did not receive a permit for the work that they did and the new owners would like to restore the area back to its native top soil and organic muck layer. There are 2 pipes that connect the wetlands. The fill that was brought in is about 4ft. tall in some areas. The restoration plan is for 21,000 sq.ft. They are proposing 392 plants, 272 shrubs, 120 trees, and seed mix. They are proposing a 1:1. Cassidy said she noticed that some of the fill was on the abutting property and asked if the owners/abutters have been contacted? Schutz said it is a minor spot and he will contact them about it. Schutz said the silt fence will encompass around the entire restoration area. Ockers said she would like to see the silt fence on the restoration plan. Schutz said they can also put it in the Special Conditions. Fonseca said there is an existing fence and they are only removing the section near the building.

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

Medeiros said he would like to see the restoration plan and the proposed building done together, so when they get their Certificate of Compliance, they know that the restoration will need to be done. Barbato said the restoration plan has not been stamped and dated. Ockers said they will need to go to the Select Board because they will be in the 25ft. no touch. Beati said they will start planting in early September and make sure everything is watered to have a successful restoration.

A motion was made by Edward Medeiros, to continue the hearing to September 1, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for Harding St., (M 47, L 462), Liana Haddad, Raycon Construction, (Silva Engineering Associates, P.C.), DEP#SE220-1562

August 18, 2022

Page 6

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

Present was Rebecca Baptista, Silva Engineering. Baptista said this is under 7,500 sq.ft. warehouse. They are proposing on site septic, town water, and underground water. Medeiros said the retaining wall is at the 25ft. no touch and Baptista said the blocks are staggered back and the grading is not against the wall. This property has the same detail as the ATM site. There will be pavement in the back with a guard rail. Medeiros wants to have a peer review done for the drainage and the wetland line. Medeiros said he would like the peer reviewer to know that the wall design is a concern for the Commission.

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

A motion was made by Edward Medeiros, to have Cassady request 3 peer review quotes for the wetland line, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to have Cassady request 3 peer review quotes Engineering for the drainage, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to September 1, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Notice of Intent for 116 Plympton St., (M 34, L 3513), Glen McLachlan, (Webby Engineering), DEP#SE220-1559

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

A motion was made by Edward Medeiros, to accept revised page 2 of 9 from the Notice of Intent into the record, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Medeiros said he went to the site and the flagging was very conservative.

Present was Joe Webby, Webby Engineering via Zoom. This Notice of Intent is for a 28'x28' garage and the property abuts Raven Brook. Most of the 25' no touch is lawn and is being mowed. The proposed building is mostly on the black top. Medeiros said there is old brush in the

wetlands between flags 102-103 & 117-118. He said the brush has been there for a while and they could put in the special conditions not to put anymore brush in the wetlands. At flag 118 there is a container that opens towards the 50' line and looks like it has been there for 10-15

August 18, 2022

Page 7

years. There is no new disturbance. Medeiros said he does not have a problem with the proposed garage, there is no other place to put it. Medeiros said the owner will be doing car restorations in the proposed garage. Gately asked if the owner was going to be painting the cars and was concerned about the paint. Guimont said she does not want chemicals to be stored in the garage. The Commission said The Commission said they would like to see conservation signs, however, there are conservation posts on the plan. The Commission had a problem with the existing shed and Cassady said the site is prior to the Riverfront Act.

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

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions, with 4 Special Conditions: #1. The dark line on the plan is the limit of work and silt fence; #2. No chemicals are to be stored on the property except in the proposed garage and existing house; #3. There is to be no debris in wetlands or 25' line; #4. Any future changes on the property need to come before the Conservation Commission, Motion 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Continuation of Notice of Intent for 0 Cedar Street, (M 8, L1724), Ashley Herman, (Webby Engineering) DEP# SE220-1529

Melissa Guimont stepped away.

The engineer has requested to continue the hearing to September 15th.

A motion was made by Nancy Ockers, to continue the hearing to September 15, 2022, 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.

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

The engineer has requested to continue the hearing to September 15th.

Melissa Guimont returned to the meeting.

A motion was made by Nancy Ockers, to continue the hearing to September 15, 2022, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont

Abstained, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. One abstention, the remainder in favor.

August 18, 2022

Page 8

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

Present was Shane Oates, Center Mount Land Development. Oates said he would just like to update the Commission since he has not been before them for a while. He said the peer review was done and a lot of changes were made. He said they have revised plans to address the peer review report. Oates said the D series flagging has come in a bit and the D series came down to meet the E series. D and A series are now connected. C series is an ISLF and moved every flag to basically toe of slope. A few flags south of D series (culvert) expanded. He said everything will be going underground now. The building has been shifted to the south. He said the recharge numbers will be through the roof and drainage will be revised. They are now providing underground chambers. The 4 bays and curb cuts have been removed. Cassady asked what types of soil is there for the infiltration, and Oates said the majority of it is C type soil.

A motion was made by Edward Medeiros, to continue the hearing to September 15, 2022, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Guaraldi left the meeting at 9:38PM.

Agent:

Ch.61A Thompson and Precinct St.

Cassady said she needs to get appraisal quotes and will be done by the September 1st meeting.

415 Plymouth St (Picone)

Cassady attended the Community Preservation Committee (CPC) meeting on 8/17. The \$1million that was approved will stay on the town's side and not the farm side. The deficit will be \$918,000 on the town's component. \$736,938 additional will be requested from CPC and will stay on the town's side. They will need \$181,984 from free cash and/or fundraiser. The farm component side Agricultural Preservation Restriction funding is a 50% match and Cassady said it will go the state route instead of the federal route. She said they need to close by next March.

Warrant Articles

A motion was made by Edward Medeiros, to support Article 23 at the Special Town Meeting in October, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to support Article 24 at the Special Town Meeting in October, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to support Article 25 at the Special Town Meeting in October, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to support Article 27 at the Special Town Meeting in October, 2nd by Melissa Guimont. Unanimously voted.

August 18, 2022

Page 9

Precinct Street

Cassady said she reached out to Mike Bumpus, Water Superintendent, about an As-Built plan and is waiting to hear back from him.

Nemasket River Sediment

Cassady said there will be another Zoom meeting on August 23rd at 9AM. They will be discussing the possibility of having an emergency permit through the Division of Marine Fisheries to remove sediment now while the water is low to allow the herring fry to migrate back down the river to the ocean. They will also discuss the future permitting for the MBTA/Keolis to remove rip rap and other man-made debris from the river at the MBTA bridge.

Mail/Correspondence

There was a letter from Francis Whitty, Key Petitioner, expressing concerns with Rockland Industries. The Commission said they would like to ask the neighbors to come in for a discussion regarding this.

South Coast Rail Updates.

Resource Fair on October 13th from 10AM-1PM. Gately asked if Cassady would like the map and she said yes.

E-mail regarding the Nemasket River and how over grown it is and the EcoHarvester did not work.

A motion was made by Melissa Guimont, to send a letter supporting the Middleborough/Lakeville Herring Fisheries Commission to the Massachusetts Division of Marine Fisheries and cc the Middleborough/Lakeville Herring Fisheries Commission, 2nd by Nancy Ockers. Unanimously voted.

There was an article about matching grants for farmers.

There was an e-mail from John Rockwell regarding rainfall. The Commission would like to forward it to Planning and the DPW, Stormwater Committee.

A motion was made by Edward Medeiros, to adjourn at 10:05PM, 2nd by Nancy Ockers. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher

Minutes Clerk

DATE APPROVED: September 1, 2022