

Middleborough Conservation Commission
September 1, 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; Peter Gately; Adam Guaraldi via Zoom(7:35PM), Jacqueline Jones via Zoom (7:24PM, left at 7:34PM), and Edward Medeiros (left at 7:55PM). Also present was Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

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

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

Minutes

A motion was made by Edward Medeiros, to approve the meeting minutes from August 18, 2022, as presented, 2nd by Nancy Ockers. Peter Gately abstained, the remainder in favor.

Office Forms and procedures

There is a MACC Fall Conference if anyone is interested.

Conservation Lands

Pratt Farm

Cassady said that the legislation for the land swap at the Andrew's property was accepted and the governor signed it. Cassady said she is going to need to speak with all parties involved and speak with KP Law to help with completing this. The Andrew's family now needs to buy the part of the Martin property and then donate it to the town. Ockers asked if this was the last problem/encroachment, and Cassady said Mr. Rosario's property still has an encroachment and she will look into this property next.

Bridge Proposal at the Small Dam – Cassady said it is very expensive to replace and she is going to speak to PARE about just replacing the culvert and how much it will cost.

Oliver

Cassady said she went out to the clean-up at the Oliver property. She said they had 4 people there to help with the clean-up. She said next time she will be there; she was not well due to COVID. She said she would like to send them a Thank You letter.

Ja-Mar (Nemasket River Village)

Cassady said she went out to the property the other day with Zack Hershey from the Electric Division at Middleborough Gas & Electric. She went through the Memorandum of

Understanding with him on how to maintain the easement. They are going to review it to see if it can be revised. They will be mowing a few times per year for the main trail. Cassidy said they need a sign out at the street to identify the property and at the Oliver Estates side. Stewart said maybe they could look into getting quotes from Signarama. Cassidy said she would like to work with an intern from SRPEDD about coming up with a real trail map for this property.

Morgan

Pipher is still waiting for the invoice to start the process of the Morgan Property signs.

Discussion with Brian Grady, GAF Engineering, regarding 685 & 687 Wareham Street

Present was Brian Grady, GAF Engineering, via Zoom. Grady said they would like to know if the Conservation Commission is interested in doing a land swap. They would give the Town 1.72 acres and 0.26 acres would go to the Middleborough Gas & Electric and they would get 0.76 acres from the Town. This would be a 2:1 land swap. Cassidy said the reason why this has come up is because they discovered there has been an encroachment on the Town's property. She said one solution would be to do the land swap, however, it will take about one year to do so. Cassidy said this would need to be a warrant article and would not be on until the April Town Meeting and then would need to go to the state legislature because this is an Article 97 issue. Cassidy said with an Article 97, the swap needs to be similar in size, habitat, etc. Cassidy said it looks like they would be getting along of wetland. Cassidy said she feels Middleborough G & E would be interested in a discussion. She said she has not reached out to Middleborough G & E yet and Grady said he has not reached out yet either. Stewart asked what was the encroachment and Cassidy said they cut down a lot of trees. Cassidy said if the Commission does not want to do the land swap, the owners would need to do the restoration. Stewart asked if this was the same property that they had issues with before and Cassidy said these properties have been a challenge in the past. Grady said Mr. Anderson purchased the property within the last year or so and he has been working to remove vehicles and boxes. Medeiros said most of the land being swapped to the town would be wetlands. Medeiros said he would like to do more research on this property and see exactly how it was purchased and who purchased it. Ockers said they have done tree cutting before they got permission before.

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

The Commission would like to put this on the October 6th agenda, so they can have more time to research.

Request to Amend Order of Conditions for 116 Fuller Street, (M 25, L 985), Blue Fin Realty, (Zenith Consulting Eng.) DEP#220-1498.

Stewart read the legal ad into the record. Proof of mailing was received. Stewart said the last plan of record they have is July 16, 2021, and the Order of Conditions was issued on August 4, 2021. There is now a revised plan dated July 28, 2022.

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Present was Will Connelly, Zenith Consulting. Connelly said the previous approved plan, the house and septic were in the front of the property, therefore most of the work was within the 100' buffer. Now the applicant would like to push the house and septic towards the back of the property. There is some minor grading and a small portion of the driveway will be in 100' buffer. They are still proposing erosion controls and conservation plaques. The Commission likes how it is further from the resource area.

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 and Amend the Order of Conditions, for 116 Fuller Street, DEP#SE220-1498, 2nd by Peter Gately. Unanimously voted.

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Notice of Intent for 232 Wood Street, (M 60, L 1737), Richard Bradbury Jr. (Foresight Eng. Inc.), DEP#SE220-1563.
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Stewart read the legal ad into the record. Proof of mailing was received.

Present was Darren Michaelis, Foresight Eng. via Zoom. Michaelis said they are upgrading their septic. The leaching is outside of the 100' buffer. The tank and work will be within the 100' buffer. Erosion controls will be put up along the existing tree line at the 50' buffer. The left side of the driveway will be the access for construction trucks. Cassady said she went to the site today, and the wetland line looks accurate.

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, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Edward Medeiros, to issue the Standard Order of Conditions for 232 Wood Street, DEP#SE220-1563, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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Request for Extension for 370 Wareham Street, Charlotte Furnace, LLC, (Green Seal Environmental, LLC) DEP#SE220-1344.
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Edward Medeiros recused himself.

Present was Stu Clark, Green Seal Environmental. Stewart said the plan of record was dated June 6, 2018, and the Order of Conditions was issued on June 26, 2018. Due to COVID, there was an extension for the permit to October 2022. Clark said that they are looking for a 2-year extension. The original Order of Conditions was issued to construct a road and a storm water system. Clark said the road and the submerged gravel wetland have been installed. He said when they installed the gravel wetland; it requires a lot of water to maintain the plants. He said the sites are not

developed or are midway through site 1. He said once they get enough water coming through site 1 and get it paved, he feels they will have enough water to sustain the plant material. Clark said in the stone there are microbes and they are functioning. He said therefore the system is working; they just do not have enough water to support the plants on top. Ockers said they are actually waiting for them to develop the lots and not for the plants to come in and Clark said yes that is correct, they need enough runoff to make the plants viable. Clark said hopefully the owner will want to pave by the end of this season. Stewart asked if they have an Order of Conditions permit for another site and Clark said they have one for site 3. She asked when does that permit expire and he said he was unsure.

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

A motion was made by Peter Gately, to Extend the Order of Conditions for 370 Wareham Street, DEP#SE220-1344, for an additional 2 years, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Jacqueline Jones left the meeting at 7:34PM.

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.
Edward Medeiros returned to the meeting.

The peer review has not been completed.

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

Continuation of Abbreviated Notice of Resource Area Delineation for 293 Old Center Street and two parcels off of West Grove Street, (Map 48, Lot 533 & 3165, & Map 49, Lot 955), Grove Center Street Realty Trust (Outback Eng.) DEP#220-1561

Cassady said she received an e-mail from Outback Eng. stating that one peer review quote was acceptable with them. Ecosystem Solutions was the only quote received in the amount of \$8,085.00. Cassady said she did request at least 3 peer review quotes, however, many of the peer reviewers said that they were too busy.

A motion was made by Edward Medeiros, to hire Ecosystems Solutions Inc. in the amount of \$8,085.00, 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 October 6, 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 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#220-1560**

A letter was received from LEC stating that 1 peer review quote was acceptable with them. Ecosystems Solutions was the only peer review quote received in the amount of \$7,560.00. Cassidy said she did request at least 3 peer review quotes, however, many of the peer reviewers said that they were too busy.

A motion was made by Edward Medeiros, to hire Ecosystem Solutions Inc., in the amount of \$7,560.00, 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 continue the hearing to October 6, 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 473 Wareham Street, (M 87, L 4827), Nathan Jenkins,
Final Gift USA LLC (Bohler), DEP#SE220-1555**

A motion was made by Edward Medeiros, to accept the revised Drainage Memo, dated July 11, 2022, into the record, 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 accept the Wetland Restoration Plan, dated August 18, 2022, 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.

A motion was made by Nancy Ockers, to accept revised plans, dated August 24, 2022, 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.

Present was Joey Fonseca, Bohler, via Zoom. Fonseca said Goddard Consulting prepared the restoration plan for them. He said they added Sheet C-302 which included the planting plan and schedule and they updated the Cover Sheet. Medeiros said they will still need to file with the Select Board because they are working within the 25' no touch. Gately asked if they spoke to their neighbors to ask for permission to restore their land, and Fonseca said he is not sure if Goddard Consulting has yet. He said there is a note on the plan for Goddard to reach out to the neighbors, but he is unsure if there has been any communication. Medeiros said if the neighbor is not ok with doing work on their property, they will need to come before the Commission again to amend the plans. Fonseca said it is a small area and he feels that the neighbors will be ok with this.

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

A motion was made by Edward Medeiros, to issue the Standard Order of Conditions for 473 Wareham Street, DEP#SE220-1555, with 1 Special Condition, that if permission is not granted from the abutter to restore their property, they will need to come back to the Conservation Commission to amend, 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.

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

Present was Rebecca Baptista, Silva Engineering. Numerous peer review requests were sent out but only one was received for the peer review of the wetland line and one was received for the engineering. Baptista said she will accept the one quote from Ecosystem Solutions in the amount of \$1,680.00 for the wetland line, but would like to get 2 more quotes for the engineering peer review. The one quote for the engineering was from Jacobs Driscoll Engineering Inc. in the amount of \$2,720.00.

A motion was made by Edward Medeiros, to hire Ecosystems Solutions Inc. for the peer review of the wetland line, in the amount of \$1,680.00, 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.

Baptista said she does not have a problem with the Jacobs Driscoll quote, however, she would like to have at least another quote for the engineering.

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

Edward Medeiros left at 7:55PM.

Agent:

415 Plymouth St. (Picone)

Cassady said they have received the Municipal Vulnerability Preparedness grant in the amount of \$1,364,325.00. She said CPC funds will be matching that and the remaining CPC funds will remain on the Town's side of the project. She said then they will be asking for additional CPC funds. Cassady said she spoke with Rich Picone Jr. and told him about the MVP grant. Cassady said she will put together a flyer to show what exactly went into this. She said they are going out with Wildlands Trust on September 12, 2022. She said they have a videographer that has a drone and will take some aerial photos. They will put together a presentation for the Town Meeting

being held on October 3rd. Cassidy said she would like to put together an Open House for people to see the property. Cassidy said she would like to see community involvement, for potential community gardens, trails, etc. Stewart said she would like Cassidy to ask if the Select Board could put a discussion on their agenda to discuss this further. Cassidy said they will be presenting the warrant articles at the September 19th meeting. Stewart said maybe they could be put on the agenda for the September 26th meeting.

Gately asked Cassidy, what does fundraising entail. Cassidy said Wildlands Trust wants to set it up through an online fundraising company, through the Wildlands Trust website. They have done this previously for land protection in Hanover and it raised around \$100,000.00.

Select Board Warrant Articles, September 19, 2022

Cassidy said you can now see the warrant articles on the Town's website.

Conservation Commissioner Reports

Cassidy said the Open Space and Recreation Plan needed a contract extension. She said it does not cost any money and they are finalization their narrative and ADA inspections.

Medeiros did a site visit at 106 Plympton Street to look at the erosion controls. Medeiros said everything looked good.

Cassidy said Medeiros and Ockers looked at River Street. Medeiros concluded that Ockers was looking at a different plan. Ockers said there was still a wetland flag inside of the silt fence by about 5'-6'. Cassidy said she will go to the site to look at it. Ockers said it was flag C-6 that seemed to be an issue.

Mail/Correspondence

Cassidy went out to 178 Marion Road and there was dirt washing out in the road. Cassidy informed the DPW about the issue.

South Coast Rail Updates.

A motion was made by Peter Gately, to adjourn at 8:16PM, 2nd by Nancy Ockers. Roll call vote: Peter Gately Aye, Adam Guaraldi Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: September 15, 2022