

Middleborough Conservation Commission
September 15, 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; Jacqueline Jones via Zoom (7:08PM), and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Minutes Clerk.

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

Unexcused absence: Adam Guaraldi.

Meeting started at 7:01PM. 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.

Discussion with Joe Osborne regarding the Pratt Farm Trail Map

Present was Joe Osborne and Cail Lee, BSU intern, via Zoom. Osborne said there has been talk about updating the Pratt farm Trail Map. He said he has reached out to Bridgewater State University, and there is a student that could take on this project. Osborne said just updating their current map would not be enough work for the intern, but there are other properties that they could make maps for as well. Osborne said he will need a list of what needs to be updated on the existing map and what other properties would they like maps of from Cassady and the Commission. Cassady said she spoke with Osborne about doing a map for the Ja-Mar/Nemasket River Village property, Oliver Estate, and Town Forest. Osborne said he will send an e-mail to Cassady, his professor, and Cail to keep everyone on the same page. Stewart asked what do they exactly need from the Commission. Osborne said if they could get the print out he did before and mark it off with the trail names, he could work with Cail to transition that. Ockers suggested taking Gately's idea of color coding the trails and putting it on this updated map. Cassady said she could meet Cail on site. Osborne said Friday's work best for him. Stewart thanked both Osborne and Cail for wanting to work on this project.

Emergency Certificate – 107 River's Edge Drive

Cassady said the Health Dept. came to the office within the last couple of weeks because there was a resident with concerns about their neighbor's septic. The Health Dept. went to the site to do an inspection, and noticed that the septic was in failure. They had the owner pump the tank and the issues came back. The Health Dept. has been going back and forth with the owner to make sure they have an engineer and installer. Cassady said she was originally asked to issue an Emergency Certificate. The owner has since submitted a Notice of Intent. Cassady said she can issue the Emergency Certificate in case they need to start work sooner. They will still need to get erosion controls and get it inspected prior to doing any work.

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

A motion was made by Edward Medeiros, to issue the Emergency Certificate for 107 River's Edge Drive for work to be allowed to put in erosion controls and install a new septic system, 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.

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

Present was Greg Drake, Outback Engineering, via Zoom.

A motion was made by Nancy Ockers, to accept the peer review report by Lucas Environmental dated September 7, 2022, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to accept the revised plan dated September 15, 2022, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart asked Drake to go over the revisions on the plans. Drake said the peer reviewer suggested that the A & B series be connected to be one wetland and not an isolated wetland. He said they also added one additional wetland flag, WF-1A, south of the property line. He said they also asked to have a wetland delineation line in the southeast corner that said anything beyond that line, would need to be delineated and reviewed. Stewart asked if Cassady had any suggestions for the plans. Cassady said no but she would suggest closing the hearing and in the motion of issuing the Order of Resource Area Delineation, to add that there was an area that was not reviewed. The area that was not delineated is towards the southwest. Ockers asked about the disturbance for test pits and Cassady said they can deal with that when they file for the Notice of Intent. Gately said there is not a north arrow on the plan.

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, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to issue an ORAD, with a note of there being wetlands on site, in the southwestern part of the property, near wetland flags 41 – 43 which have not been delineated, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Nancy Ockers Aye, and Diane Stewart Aye. 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
Edward Medeiros returned to the meeting.

A motion was made by Edward Medeiros, to accept the peer review report from Ecosystems Solutions dated September 13, 2022, into the record, 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.

Stewart read the report into the record. There were no changes that needed to be made to the plans.

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

A motion was made by Peter Gately, 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 an ORAD for 72 Benson Street, DEP#SE220-1553, 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.

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

Rebecca Baptista, Silva Engineering, via Zoom, had a conflict with the meeting time and asked to be tabled to later in the evening.

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

A motion was made by Edward Medeiros, to accept revised plans dated August 31, 2022, into the record, 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.

Present was Austin Turner, Bohler. Turner said last time he was before the Commission, they wanted him to get the approval from the Zoning Board and Select Board. He said he has been working very closely with Cassady on refining their additional plantings and the extra mitigation they were doing in the buffer and the removal of fill on the property. Cassady said the ZBA approved this on September 8th and the Select Board approved this on September 12th.

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 a Standard Order of Conditions with one special condition, that the restoration is observed for 2 growing seasons for 457 & 459 Wareham Street, DEP#SE220-1549, 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.

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

The applicant has requested to continue the hearing to the 2nd meeting in October.

A motion was made by Nancy Ockers, to continue the hearing to October 20, 2022, 2nd by Peter Gately. Roll call vote: Peter Gately Aye, Jacqueline Jones 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

A motion was made by Edward Medeiros, to accept the revised Stormwater Management Plan dated September 1, 2022, into the record, 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 accept the report from Amory Eng. dated September 14, 2022, into the record, 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 Peter Gately, to accept revised plans dated September 15, 2022, into the record, 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 Nancy Ockers, to accept the summary letter from Lucas Environmental dated September 14, 2022, into the record, 2nd by Edward Medeiros. Roll call vote: Peter Gately Aye, Jacqueline Jones Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Shane Oates, Center Mount Land Development. Oates said there are revised wetlands in the northwest corner. The site shifted south and the parking lot was trimmed in the northwest corner. The owner asked Oates to substitute the basins for underground chambers. Oates said all impervious surfaces are now recharge. The chambers are all sized for the 100-year

storm event. He said originally they had 7% disturbance in the riverfront and now they are down to under 0.5%. Cassady said she noticed a restoration area and Oates said it's not technically a restoration area, it is where dirt bikes went down a path, and they would like to bring it back to natural vegetation. Cassady what are the soil types and Oates said the entire developed area is a B type soil. Ockers asked what the metal shed on the property is for, and Oates said it is a gas regulator station and it is an existing station, the owner will need to work with Middleborough Gas & Electric. Medeiros said he would like time to read Amory's letter and review the plans.

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 October 6, 2022, 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.

Discussion with Shane Oates, Center Mount Land Development, regarding 525 & 529 Wareham Street

Present was Shane Oates, Center Mount Land Development. Oates said he has a client that is interested in 525 & 529 Wareham Street. Oates said there are front isolated lots and there are long rectangular lots that go to the northeast. Oates said Brad Holmes took a look at this site last year. Oates said where the A1-A33 series is listed those are the flags that Brad Holmes has done. Oates said these 2 parcels total about 58 acres. He said the parcels out front are about 2.5 acres of upland. Oates said his client is looking to use about 8.5 acres in total. Oates said when he spoke with Holmes, he told him that they abandoned their flagging out there because of the thick vegetation and they had trouble getting back there. Oates said his client would like to do some hand cutting to assist Holmes and his crew to delineate the back portion of these parcels. Oates said there are wetlands on the property and they would need to go through those to find the upland area. He said when he did a quick calculation, there is about 10 acres of possible upland. He said there is about a 400' swath that would need to be hand cut to get to the rear of the property. Oates said this client wants this property for Marina storage with a garage. Cassady said you can do some exploratory work under the regulations to determine what is on the property. Oates said there will not be any machinery and no soil will be disturbed. Cassady said she has no problem with that. Stewart suggested going out there during the winter for this. Oates suggested having the wetland scientist go out with the clients when they are doing the cutting because if they are cutting for days and not getting anywhere with it, it may not be worth it.

Jacqueline Jones stepped away at 7:58PM.

**Senior Clerk:
Town and State Guidance Updates**

Cassady said there were some Open Meeting Law updates.

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Stewart asked if the office keeps track of the when they need to do the Conflict of Interest again. Cassidy said that Barbato keeps a list of when people need to re-do it and it is usually every 2-years.

Accounting

A motion was made by Edward Medeiros, to pay Signarama, in the amount of \$460.95, for the deposit for the sign at the Morgan property parking lot, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Nancy Ockers, to pay Lucas Environmental in the amount of \$2,100.00, for the peer review at 16 Vernon Street, 2nd by Peter Gately. Edward Medeiros abstains, the remainder in favor.

A motion was made by Edward Medeiros, to pay Lucas Environmental for the peer review done at Everett Street, in the amount of \$550.00, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Nancy Ockers, to pay Gannett for the re-advertisement for Moulton Street, in the amount of \$78.49, 2nd by Peter Gately. Edward Medeiros abstained, the remainder in favor.

A motion was made by Edward Medeiros, to pay PARE Corp. for the Spillway Bridge Concept Pratt Farm Pond Dam Consulting, in the amount of \$550.00, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to pay Middleborough Gas & Electric, in the amount of \$8.75, 2nd by Nancy Ockers. Unanimously voted.

Minutes: 9/1/2022

A motion was made by Edward Medeiros, to approve the meeting minutes from September 1, 2022, 2nd by Nancy Ockers. Unanimously voted.

Request for Group Use

Stewart said there was an e-mail from Bob Ewell about the Samuel Fuller School keeping the port-a-potty at Pratt Farm locked up for the week until the company can pick it up.

Cassidy said her husband David Cassidy is going to do the mowing at Pratt Farm for the event. The Commission thanked him.

Pratt Farm Clean Up day is September 25th at 2:00PM for the Samuel Fuller School Trail Race. Stewart thanked Pipher for putting together the flyer.

Office Forms and Procedures

Stewart said there is going to be Fundamental Training through MACC if anyone is interested.

There is a Bay Circuit Trail Presentation via Zoom with MSMCP.

There is also a MACC Fall Conference for Fundamentals on October 19th.

There was also an attorney blog from Gregor McGregor regarding the Home Rule Wetland Protection Power.

Website

Pipher has posted the 2 flyers for the Pratt Farm Clean Ups on the Town's website.

Conservation Lands Pratt Farm:

Morgan Property

Stewart said they have the proof for the Morgan parking lot sign. Pipher said she e-mail them back and said the sign looks great but to please remove the last line stating that there is no parking.

Pratt Farm

Cassady said she received the fully signed contract from the state for the Dam and Seawall Grant for the Stony Brook Dam for the design. Barbato is setting up an account for it. The Commission thanked Barbato.

Pratt Farm Encroachments

Cassady said she did contact Mr. & Mrs. Andrews last Friday about the Governor signing the land swap. They were very happy with this news. Cassady said she did forward this to KP Law so they can finish up with the deeds.

Bench

Cassady said she contacted the family members about moving the bench. She said they would like it to stay where it is and maybe they could just cut down the unsafe limbs. The bench is anchored down and would not be that easy to move. The Commission said maybe they can get volunteers to cut the unsafe limbs.

Tarragon Estates

Cassady said she received an e-mail from the Town Manager last week, asking all Department's to put together a summary of complaints and issues that have gone on with this property and give them to Colleen Lieb by October 12th. There will be a discussion on October 17th at 12:00PM. Ockers said they should let them know at the discussion that Conservation has paid for signs and a survey to be done, and has put boulders on the property line.

Agent:

415 Plymouth St. (Picone)

Cassady said she has the fully signed contract for the Municipal Vulnerability Preparedness Grant. The Commission thanked Cassady and Cassady said she has to give some credit to Sean

Lafferty, the grant writer, at the time. Cassidy said she put together a press release over the last week. She had Scott from Wildlands Trust review it, and he made some small corrections. Cassidy then sent it to the Nemasket Week local newspaper. Cassidy said she has been working on a hand out for the October 3rd meeting going over the money for Picone. Cassidy said the hand out will also have a map showing the 2 parcels for the farm component and 5 parcels for the town's component. Stewart mentioned that the residents of Middleborough might have a problem with purchasing the farm portion, but Cassidy said they will be co-holders of the Agricultural Preservation Restriction (APR). Cassidy said she needs to find out exactly what being a co-holder entails. She said she will contact the Dept. of Agriculture. Ockers mentioned about putting together an Open House for the property. Stewart asked if she would like the Commissioners to help her set this up, and she said yes, that would be helpful.

Select Board Warrant Articles, September 26, 2022

Cassidy said Conservation is going to be doing their presentation on September 26th.

Nemasket River Sediment

Cassidy said SRPEDD is helping out with this. She said there are 2 things going on:

1. They are going to submit permitting to both Middleborough & Lakeville to remove the sediment that is downstream from the Assawompset Dam. Cassidy said she is hoping to have a meeting with both towns.
2. At the MBTA bridge, they will be removing some stone that is creating blockage in the river. They are not going to be dredging, they are just using a machine that will grab the stone under maintenance.

11 Gid Circle

Cassidy said this was a bog project in 2010 and they never did the replication. She spoke with Mr. Fisher and told him he should do that before he gets their Certificate of Compliance. She said he has done some planting which will take 2 growing seasons. He has one season in already.

65 River Street

Cassidy said this property was sold in the last couple of years. There is a couple that is planning to farm it. They have gone to the Dept. of Conservation and Recreation looking for a Forest Cutting Plan. They have spoken with a certified forester and a tree cutter. Cassidy said they are going to meet again because the weather did not cooperate that day and the gentleman from DCR forgot about the meeting. She said they are going to look at the wetland flagging because it seems like a lot of wetlands. They have been working on a forestry plan, for just the front portion of the property.

Conservation Commissioner Reports

OSRP

Cassidy said she is still working with SRPEDD on this. Cassidy said tomorrow she is going to put together the packets for the ADA inspection. Barbato made a list for the potential coloring contest ad for the OSRP. The Commission said they would like to set up a table at Pratt Farm,

with crayons and paper for the people that go there to make a cover sheet. The Commission said they would like to do this in October – November. Cassidy said we could make a flyer to advertise for this.

Pipher asked if the Commission would like to have a work meeting on September 29th and the Commission decided that they did not need to have a meeting. Cassidy said we might need to have an extra meeting for the Nemasket River Sediment discussion.

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, via Zoom. There were 2 engineering quotes received.

1. Jacobs Driscoll \$2,720.00
2. Nitsch \$4,500.00

Baptista said she would like to go with Nitsch because they did the peer review near there before.

A motion was made by Edward Medeiros, to hire Nitsch, in the amount of \$4,500.00 for the engineering peer review, 2nd by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to October 20, 2022, 2nd by Nancy Ockers. Unanimously voted.

Mail/Correspondence

Memo – 8 Station Street

WRPD – 76 Plympton Street

Memo- Stating there is no action for 25 Walnut Street

WRPD – 157 East Grove Street

Update for Harvestwood Lane – Cassidy said she spoke with Greg Maroney.

SRPEDD is looking into what can happen when the Wareham Street dam is removed.

Historical Commission vacancies.

Taunton River Stewardship updates.

Recycling day in Middleborough 11/9/22.

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South Coast Rail Updates.

A motion was made by Edward Medeiros, to adjourn the meeting at 8:55PM, 2nd by Nancy Ockers. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: October 6, 2022