

Middleborough Conservation Commission
October 6, 2022

Unless specified everyone was present in the Select Board Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Melissa Guimont, 2nd Co-Vice Chair; Peter Gately and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Clerk.

Excused absence: Nancy Ockers, 1st Co-Vice Chair and Adam Guaraldi.
Unexcused absence: Jacqueline Jones

Meeting started at 7:02PM. 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

Town and State Guidance Updates

There was information regarding the Open Meeting Law, stating that executive session is not required.

The CROWN Act was put into place and takes effect on October 24th.

There was a Water Management Act Regulations amendment from DEP, and the Commissioners can write in comments until November 7th.

Accounting

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

Minutes

A motion was made by Edward Medeiros, to approve the minutes from the September 15, 2022 meeting, 2nd by Peter Gately. Melissa Guimont abstains, the remainder in favor.

Group Use

The Samuel Fuller School race will be held at Pratt Farm on October 8th.

Office Forms and Procedures

There are trainings for MACC and MSMCP. There is a MSMCP class in Middleborough for bylaws and best practices for community climate resiliency.

MACC sent their quarterly newsletter.

There was a Statewide Comprehensive Outdoor Recreation Plan (SCORP) survey done every 5 years, from the Nation Parks Service. Anyone can take the survey.

The MACC Fall Conference is coming up if anyone is interested in it, let the office know.

There were emails regarding David Cassidy mowing Pratt Farm. David Cassidy went out last week and again today. The Commission thanked him.

Website

The Commission had posted the snow removal letter on the website last year and Phyllis Barbato was wondering if anyone would like to make changes. The Commission said it is fine the way it is.

Pipher asked if the Commission would like to put the article “5 Ways to Use Fallen Leaves” on the website. The Commission said they would like to see it on the website.

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

Grady had asked to be put on the October 20th agenda because he needed more time to work on the land swap sketch.

Discussion regarding the MBTA Bridge removing ballasts and large stone – Nemasket River Sediment

Present was Bill Doyle, C1.0 Engineering, and Ana Pascoal, Keolis, via Zoom. Doyle said they are representing the MBTA, for clean ups and improvements at the Nemasket River Bridge. Doyle said there is stone and ballast that over the years has fallen into the river. He said they were notified because it was restricting the fish passage. He said they have reached out to the Nemasket River Sediment Solutions Group, SRPEDD, and Cassidy regarding how they are going to fix this issue. He said they have 4 major permits they need to go through, #1. Wetlands Protection Act, #2. Ch.91, #3. 401 Water Quality, and #4. Army Corps. He said the stream has been identified as an emergency there are exemptions. He said they intend on removing large stones, ballast, and some vegetation coming out of the bridge. He said they cannot remove the large stone by hand and machinery cannot not go down there. They are going to use a boom bucket which rides on the rails and has a swing boom. He said some of the large stones can be placed by the bridge or they can take them off the property. The ballast and vegetation will be removed by hand. He said they will also put booms in while they are working to catch the sediment that is being stirred up. He said he would like to start this work between October and November. He said they do have the funding to do this project now.

Cassidy said she can write a letter of support, cite the policy, and copy the Herring Commission, Select Board, and the Town of Lakeville on this letter. Medeiros said he would like to see the rocks disappear because it might make more of a mess putting the rocks back up by the bridge. He also said he would like Cassidy to be notified a couple of days prior to work starting. Guimont asked if there is a plan to keep stone from falling from the bridge. Doyle said the bridge is fine, it is from the past when they would fix it, and put material from the bridge in the water. Doyle said they are going to cut the tree next to the bridge but leave the root.

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

A motion was made by Edward Medeiros, to have Cassady write a letter stating that the Conservation Commission has approved having the maintenance work done under the exemption, 2nd by Peter Gately. Unanimously voted.

Request for Determination of Applicability for 29 Lakeside Drive (M 77, L 3849), Jamie Bissonnette

Stewart read the legal ad into the record.

Present was Rene Gagnon, Zenith Consulting Engineers. Gagnon said the owners are looking to relocate their well. The well is shallow and they are having pumping issues. The current well is not on the property. They would like to dig a new well closer to the house and is about 75' from top of bank from the Assawompset Pond. Gagnon said they have been in front of the Select Board because it is within 100' from the neighboring and on-site septic. Medeiros asked how they are proposing to get over to the well area. Gagnon said they will go in on the northwest side and will then tie into the house.

A motion was made by Edward Medeiros, to issue a Negative #3 Determination for 29 Lakeside Road, 2nd by Melissa Guimont. Unanimously voted.

Notice of Intent for 15 Quail Place, (M 091, L 694 & 1595), Margaret Chaves Trustee, (River Hawk Environmental) DEP#SE220-1570

Stewart read the legal ad into the record.

Present was Bob Rego, Riverhawk Environmental. Rego said they are proposing a well and a septic for an existing property. The existing septic is failing and they are looking to replace it. He said they recently were able to purchase the property where they can put the soil absorption system. He said this allows them to move the soil absorption system 400' from the pond. He said there is an intermittent stream which runs on the easterly side of the property. He said they are outside of the buffer zone to the intermittent stream. He said there will be some minor grading which passes through the 100' buffer. They would like to put the new well to the northeasterly side of the property. He said they are proposing to put up erosion controls. Cassady said she spoke to Kayla Davis from the Health Dept. and she said they are waiting on the Conservation Commission to approve it before she does. Cassady said the trash on the property needs to be removed. Medeiros said erosion controls are not on the plan near Pocksha Pond and he would like to see erosion controls go there. He would also like to know the direction of the trucks that are installing the well and septic. He does not want the trucks to go across the stream. The Commission said that they want Cassady to go out before the work starts.

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

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A motion was made by Edward Medeiros, to close the hearing, 2nd by Peter Gately. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions, with 3 Special Conditions, #1. Erosion control continues from the point closest to Pocksha Pond at the well and continues over to the driveway, #2. Put erosion control barrier approximately 100' long where they are going to hook into the force main closest to the Pond from the force main 20' away, and #3. Agree that the way they are going to install the septic system is on the route down Quail Place and up the proposed force main, 2nd by Melissa Guimont. Unanimously voted.

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Notice of Intent for 167 East Grove Street, (M 72, L 118), GTC Holdings, LLC, (River Hawk Environmental) DEP#SE220-1571**

Stewart read the legal ad into the record. Proof of mailing was received. Did not receive a DEP number at the time of this meeting. Stormwater Report and Analysis was submitted to DEP today.

Present was Bob Rego, Riverhawk Environmental. Rego said they are proposing the expansion of a Commercial property. He said Fall Brook is located off site and to the east of the property. He said portions of the proposed project are within the 200' Riverfront Area (RA) and 100' of the Bordering Vegetated Wetland (BVW). They are proposing to add some sections to the building which are outside of the 200' RA and 100' BVW. He said in order to manage the stormwater from this site they are proposing a rain garden in the existing gravel parking area. The rain garden will be within the 200' RA. They would also like to remove some parts of the gravel driveway for the rain garden. There is an outfall which will be located within the BVW buffer zone. There is about 4,000sq.ft. of existing disturbance of the riverfront and they are not disturbing anymore.

A motion was made by Edward Medeiros, to accept revised plans dated October 6, 2022, into the record, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to accept additional information in support of Notice of Intent, 2nd by Melissa Guimont. Unanimously voted.

Cassady said she went to the site on Tuesday. She said there is an existing rip rap drainage was there and half of the site is gravel. She said the wetland line is obvious based on topography and vegetation. Rego said the business in use will be changing and redeveloping to a marijuana business. Cassady said he might want to speak with the Water Dept. and Planning Dept. He said they are proposing a well for irrigation. Gately asked if they have a snow storage area and Rego said they are terminating the parking lot at the end of the building, but they will push it to the rear of the building in-between the rain garden and the back of the building. Gately said he would like to have that shown on the plan. Medeiros said he would like it to be noted that the parking will be gravel. Rego said it is currently gravel and they are not changing it. Medeiros said he wants the rain garden to be labeled on the plan. Medeiros said he would like to look up

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the previous plans and see if anything needs to be pulled back. Cassady said she could look into it. The Commission would like to see snow storage, rain garden, and the parking lot on the revised plans.

A motion was made by Edward Medeiros, to continue the hearing to November 3, 2022, 2nd by Peter Gately. Unanimously voted.

Notice of Intent for 107 Rivers Edge Drive, (M 21, L 6478), Jeffrey O'Bryant, (Outback Engineering), DEP# SE220-1564

Stewart read the legal ad into the record.

Present was Jeff Youngquist, Outback Engineering. Youngquist said the septic has been installed and the silt fence is still up. There was an Emergency Certificate issued on September 15, 2022, because the septic had failed. The grass seed is down.

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 Peter Gately. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions, 2nd by Peter Gately. Unanimously voted.

Notice of Intent for Cedar Street Lot-1, (M 8, L 4377), Janyce Woodward, (Outback Engineering), DEP#SE220-1565

Stewart read the legal ad into the record.

Present was Jeff Youngquist, Outback Engineering. Youngquist said they had filed with Natural Heritage & Endangered Species Program (NHESP) for Lots 1 & 2 Cedar Street. Youngquist said originally everything was away from the 100' buffer. Once they filed with Natural Heritage, Natural Heritage wanted to push everything forward. Youngquist said Natural Heritage gave them a letter from July 27, 2022, which they will need to record. Stewart read the letter into the record.

A motion was made by Edward Medeiros, to accept plans submitted to NHESP dated July 1, 2022, 2nd by Melissa Guimont. Unanimously voted.

Youngquist said the houses are not staked out. The Commission said they would like would like to go out to the site. Youngquist said he can have the houses staked out by next week. He will call the office when they are done with staking out the houses and set up a date for the site visit.

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

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A motion was made by Edward Medeiros, to continue the hearing to November 3, 2022, 2nd by Melissa Guimont. Unanimously voted.

Notice of Intent for Cedar Street Lot-2, (M 8, L 4376), Marcus & Ameka Shanks, (Outback Engineering), DEP#SE220-1566

Stewart read the legal ad into the record. There is a letter from Natural Heritage for this property as well.

Present was Jeff Youngquist, Outback Engineering. Youngquist said the 2 lots for Cedar Street are the same. Youngquist said they had filed to Natural Heritage for Lot 1 & 2 Cedar Street. Youngquist said originally everything was away from the 100' buffer. Once they filed with Natural Heritage, Natural Heritage wanted to push everything forward. Youngquist said Natural Heritage gave them a letter from July 27, 2022, which they will need to record. Stewart read the letter into the record. The Commission would like to go on a site visit to this property.

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

A motion was made by Edward Medeiros, to accept plans submitted to NHESP dated July 1, 2022, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to continue the hearing to November 3, 2022, 2nd by Melissa Guimont. 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

Edward Medeiros recused himself.

The engineer would like to continue the hearing to November 3, 2022.

A motion was made by Melissa Guimont, to continue the hearing to November 3, 2022, 2nd by Peter Gately. 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

Edward Medeiros returned to the meeting.

Brian Madden has requested to continue to October 20th.

A motion was made by Edward Medeiros, to continue the hearing to October 20, 2022, 2nd by Peter Gately. 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

Present was Shane Oates, Center Mount Land Development, via Zoom. Stewart stated that this has been approved by the ZBA.

A motion was made by Melissa Guimont, to accept the letter from Amory Engineering dated September 14, 2022, into the record, 2nd by Edward Medeiros. Unanimously voted.

Stewart read the letter into the record.

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

Medeiros asked Oates, where the snow storage will go. Oates said it is on page 4 in the layout plan, and will go north of the parking lot. Medeiros told Oates to keep the snow at the 75' line.

A motion was made by Edward Medeiros, to close the hearing, 2nd by Melissa Guimont. Unanimously voted.

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions, with 1 Special Condition, that the snow storage area not go beyond the 75' wetland line, 2nd by Melissa Guimont. Unanimously voted.

Request for Certificate of Compliance for 106 Highland Street, DEP#SE220-879

Cassady said she went out to the site on October 4, 2022. The colonial home has been existing for a while, yard is well established, and the wetlands do not look impacted. Cassady said she recommends issuing the Certificate of Compliance.

A motion was made by Peter Gately, to issue a Certificate of Compliance for 106 Highland Street, DEP#SE220-879, 2nd by Edward Medeiros. Unanimously voted.

Conservation Lands:

Pratt Farm

Trail Map – Cassady said she has been in touch with Joe Osborne. She sent him the information of the trails that have names. She wasn't sure of exact color coding yet but it will be looked into. Gately said he would like symbols out there as well. Cassady said he is working with the college to get the information he had from before. Cassady said she will speak to Osborne about doing symbols.

Survey Encroachment – Cassady said there has been communications between Bob Mather, Shirin Everett, and the Andrews attorney, about preparing the deeds.

Small Dam – Cassady said she received a quote for just the culvert to be redone and it would cost \$200,000.00 - \$250,000.00. Cassady said she spoke with Gately yesterday about getting a

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contractor to come in and dig up the old culvert and possibly put a new concrete culvert in. Cassidy said they would have to do a request for proposal and get a couple of quotes. Medeiros suggested using plastic for the culvert. He said it's stronger, less coverage, and it does not rot. Medeiros said if the Commission would like to supply the material and file the Notice of Intent, he thinks a few contractors would go down and voluntarily help repair the culvert. Medeiros feels the contractors will donate their time. Medeiros said they can get 3 quotes for the pipe, and Stearns Irrigation sells the plastic by the foot. Cassidy asked Medeiros to give her the specifications for this. He said it usually cost \$50-\$100 per foot. Medeiros said he has the booms from Camp Yomechas that they could use when they do the work. Medeiros said they could get one contractor to set everything up, one contractor to come in and dig it and put it in, and one contractor to back fill it. Medeiros said he feels he can get 3 contractors to do this work. He said he would be happy to help if the Commission can supply the materials.

Cassidy said David Cassidy went out and mowed a couple of weeks ago. She said the grass was so long on the Sachem Street side that the mower was not cutting the grass, it was just pushing it down. She said because it was damp when he mowed it, it kept stalling the tractor. Medeiros said he knows the tractor is pretty old and feels that the Peirce Trustees might be able to help in funding a new tractor and mower attachment.

A motion was made by Edward Medeiros, to have Cassidy write a letter to the Peirce Trustees with the Conservation Commissioners signatures, to get help fund a new tractor and brush hog attachment, 2nd by Peter Gately. Unanimously voted.

Medeiros said they should talk to Paul Letendre about what kind of tractor to get.

Pratt Farm Clean Up – Gately said he and Nancy Ockers cleaned up through the rain. Gately said they really need more people to help clean up. Cassidy said she has a proposition and said maybe they could put in for a part-time land stewardship person in the FY2024 budget. She said maybe they could organize a stewardship group for monitoring and maintenance. Cassidy said we have Conservation Restrictions that we should be going out and monitoring and there is not enough time to do it. Medeiros asked how many hours they would ask for and Cassidy said probably 19 hours. She said even if they don't want to fund someone to do it year round, maybe they could get someone for the summer months. Medeiros said he doesn't mind asking for someone to work the 19 hours year round because they could do paper work all winter.

A motion was made by Edward Medeiros, to put in the FY 2024 budget, and request for a part-time person (19 hours), to do compliance to our Open Space properties, and stewardship to maintain the properties, and a winter project of getting grants, 2nd by Peter Gately. Unanimously voted.

Medeiros said we should present the properties that are Open Space and owned by Conservation to the Town when they request the part-time person.

Tarragon

Cassady said the Conservation Commission is invited to go to the Select Board meeting on October 17th. Medeiros said he will attend.

Oliver Estate

Cassady said she met with Cail Lee and Joe Osborne at the Oliver Estate. She said Osborne is mentoring Lee and going over the GIS. She said he will be going through the University for funding for the internship.

Cassady said she sent a Thank You letter to Wildlands Trust for helping with the trails in August.

Nemasket River Village

Cassady said Middleborough Gas & Electric mowed their right-of-way area and made the path really wide. Cassady said she took pictures and sent them to the Native Land Conservancy and the Archeological Conservancy. The Native Land Conservancy did have a question about how Conservation will control vegetation on the rest of the property. They suggested doing control burns or goat grazing. The Archeological Conservancy asked about the curation. Cassady said she is going to go to the Peirce Trustees about this.

Edward Medeiros recused himself.

Agent:

Ch.61A Thompson and Precinct Street

Cassady said they do not need to vote on the appraisals tonight because they do not have quorum. She said she received 3 quotes for appraisals for the box turtle fund grant:

#1. Land Vest	\$6,850.00
#2. Realworth	\$3,500.00
#3. Appraisers Collaborative	\$4,000.00

Cassady said they can discuss this on the next meeting. Edward Medeiros spoke as a resident, and asked where they are getting the funding from for the appraisal. Cassady said they can ask the Taunton River Stewardship Council, the Trust Fund, or Peirce Trustees. Medeiros said when he originally did this the thought was that this was going to be done within 1 year. He said he would like this to go as quickly as possible and he has already started building. Cassady said they haven't had a lot of applications for the Box Turtle Grant and feels that they will be the first. Cassady said the cheapest appraisal will take the longest and would not be able to start until January. Medeiros said he wants the appraisal done and a letter to Nature Conservancy (funding source) asking them if they can write a letter stating whether or not they can commit to fund this voted on at the next meeting. Stewart said they can put this on the next meeting to vote on the appraisal and funding source.

Picone & Special Town Meeting

Town meeting was on Monday and all 3 warrants passed unanimously. Cassidy spoke with Picone's attorney, Green Smith Farm attorney, and Town Counsel. Cassidy said she put up a doodle poll trying to set up a meeting with everyone involved in this project. Not everyone seems to be able to do the same day/time. Cassidy said she is going to add a couple of more days to the doodle poll.

Cassidy said they also had a warrant article to convey the Plymouth Street property. Cassidy said it was conveyed to Conservation from the Select Board and now they will need to do a deed.

Cassidy said the matching funds from the Dam & Seawall Grant for the large dam at Pratt Farm were also approved.

Precinct Street

Medeiros spoke as a citizen, and stated that he has a vested interest in this property, and will work on getting the As-Built to Conservation.

Nemasket River Sediment

Cassidy said the last communications with SRPEDD stated that they would not see a permit application this fall because they need to go through Army Corps. and other applications.

Cedar Street

Cassidy said a letter came in from Nancy Wise, who inherited the property, stating that she wants to sell the property. The property is 32 acres but is land locked. Edward Medeiros is an abutter and he stated that he will make them an offer.

Mail/Correspondence

There was an email regarding temporary occupancy at 178 Marion Road.

Email regarding a building permit for 346 Marion Road and Cassidy said they will need to file with Natural Heritage.

Email regarding the grant application for the forest stewardship program.

Email regarding the Select Board hosting a meeting Tarragon Lane.
Harvestwood Conservation Report from PMP Associates.

Memo regarding 7 Eddy Street stating that the property is not within the wetlands.

Memo regarding 44 Bedford Street and stating that they received an Order of Conditions from Conservation on April 26, 2022.

Memo regarding 122 Precinct Street and stating that there are wetlands on the property.

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Memo regarding 473 Wareham Street stating that they have an Order of Conditions with the Conservation Dept. and the restoration was approved.South Cost Rail Updates.

A motion was made by Edward Medeiros, to adjourn the meeting at 9:47PM, 2nd by Peter Gately. Unanimously voted.

Respectfully Submitted By:

Catherine Pipher
Minutes Clerk

DATE APPROVED: October 20, 2022