

Middleborough Conservation Commission  
November 3, 2022

Unless specified everyone was present in the Select Board Meeting Room at the Middleborough Town Hall: Diane Stewart, Chair; Nancy Ockers, 1<sup>st</sup> Co-Vice Chair; Melissa Guimont, 2<sup>nd</sup> Co-Vice Chair (left at 9:06PM); Adam Guaraldi, via Zoom 7:14PM, and Edward Medeiros. Also present was Patricia Cassady, Agent, and Catherine Pipher, Clerk.

Excused absence: Peter Gately

Unexcused absence: Jacqueline Jones

Meeting started at 6:54PM. 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**

There was a Certificate of Compliance for off Fuller Street, DEP#SE220-1412. This was issued from DEP because it was a Superseding Order of Conditions.

There was a letter from the Attorney General's Office about the Open Meeting Law and Executive Meeting Minutes.

There are training opportunities for the Open Meeting Law and they give you some recent Open Meeting Law determinations for the Open Meeting Law.

Cassady said there was an e-mail from DEP regarding proposed regulations for Title 5 to help with Nitrogen pollution.

**Accounting**

A motion was made by Edward Medeiros, to release funds for Commerce Boulevard, DEP#SE220-1546, in the amount of \$630.00, 2<sup>nd</sup> by Nancy Ockers. Unanimously voted.

Peer Review for Everett Street, DEP#SE220-1525. The contract amount total was correct in the itemized section, the total amount was off by \$50.00. Barbato contacted the applicant and they submitted the additional amount. Barbato processed this account and it has been closed out.

A motion was made by Nancy Ockers, to authorize the Chair to sign the contract for Appraiser's Collaborative and to pay the \$2,000.00 retainer for Precinct and Thompson Street, 2<sup>nd</sup> by Melissa Guimont. Edward Medeiros abstained, the remainder in favor.

November 3, 2022

Page 2

A motion was made by Nancy Ockers, to have the \$2,000.00 retainer for the appraisal for Precinct and Thompson Street come from the Trust Fund, 2<sup>nd</sup> by Melissa Guimont. Edward Medeiros abstained, the remainder in favor.

Barbato wrote a memo to the Town Accountant stating that the initial payment for Signarama came from the Trust Fund. This was done because she did not know if the STM Warrant Article for the Morgan Property was carried over to the 2023 fiscal year. She now knows it has. She is requesting the Trust Fund be credited and the STM Warrant Article be debited.

A motion was made by Edward Medeiros, to send the memo to the Town Accountant requesting that the debit account number 01.951.076201.0.0 and credit account number 84.3240.14 each in the amount of \$384.95, 2<sup>nd</sup> by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to pay Signarama for the Morgan Property sign in the amount of \$460.95, 2<sup>nd</sup> by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to pay SRPEDD in the amount of \$578.89, 2<sup>nd</sup> by Nancy Ockers. Unanimously voted.

A motion was made by Edward Medeiros, to pay W.B.Mason, for office supplies in the amount of \$61.03, 2<sup>nd</sup> by Nancy Ockers. Unanimously voted.

### **Minutes**

A motion was made by Edward Medeiros, to accept the minutes from October 20, 2022, as presented, 2<sup>nd</sup> by Melissa Guimont. Unanimously voted.

### **Office Forms and Procedures**

Phyllis Barbato created the new meeting schedule for 2023. Medeiros said they might have to add a meeting between July 20, 2023 and August 17, 2023.

A motion was made by Edward Medeiros, to approve the 2023 schedule as presented, 2<sup>nd</sup> by Nancy Ockers. Unanimously voted.

There were e-mails about upcoming events regarding Forestry Management. Barbato went to a meeting on October 26<sup>th</sup>, via Zoom, and there was some information and she will put some notes in Dropbox for the Commission. Stewart said there is a brown bag lunch on November 17<sup>th</sup> regarding Forestry Management, in Norton from 11AM-4PM.

Stewart said there was an e-mail from an Engineer regarding wetland signs. Stewart said she would like to discuss this further and put it on an upcoming agenda.

**Notice of Intent for Plain Street Lot-1, (M 22, L 5271, 5839, & 5962), Frank McCutcheon, (Outback Engineering), DEP#SE220-1578**

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

Present was Jason Youngquist, Outback Engineering. Youngquist said this is a single-family home adjacent to a cranberry bog reservoir. The Commission went on a site walk on Sunday. The single-family home will have a driveway, septic, and associated grading. The proposed driveway will be utilizing the Middleborough Gas & Electric easement that comes down Plain Street. Youngquist said they will be improving the access road to make it suitable for the Fire Dept. Some wetland filling will be done, about 300sq.ft. on one side and about 300sq.ft. on another side. Youngquist said they will replicate the wetland with a 2:1 ratio, about 1,200sq.ft. of replication. They said they will be clearing the site for the house and septic, but they will be staying outside of the 25' buffer. Town water will be brought down off of Plain Street. Wetland flags were done by Greg Drake at Outback Engineering, within the past 3-4 months. DEP had comments stating that there were wetland changes that happened in 2004-2006. Cassady said which is interesting because in 2018 Plymouth County Mosquito Control did work out there to make sure water was still flowing. Mr. Cornell used to own this property, and Cassady was unsure of what his past filings entailed. Youngquist said that he had a filing in 2001-2003 and what they had mapped showed clearing out an intermittent stream. Youngquist said there was one in 2005 and he believes that filling was to clear the easement for Middleborough Gas & Electric. Cassady said they actually did not go to the site on Sunday because they were talking about the possibility of a peer review. The Commission said they would like to see a peer review done. Youngquist said this property is getting replicated around wetland flags 8-11. Youngquist said the house and septic are staked out.

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

A motion was made by Edward Medeiros, to get 3 peer review quotes, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: 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 November 17, 2022, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

---

## **Conservation Lands**

### **Morgan**

Stewart thanked Pipher for getting the sign done at the Morgan Property, she said they look great. Ockers said she would like to get similar signs at the other conservation lands.

### **Pratt Farm**

A motion was made by Edward Medeiros, to authorize the Chair to sign the contract with PARE Corp. for the Dam & Seawall Grant, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Cassady said the grant is for the design of the repair of the dam.

### **Oliver Estate Trails**

Cassady said she spoke with Cail, the BSU intern working on the trail map project via e-mail on October 24<sup>th</sup>. He said learning the GIS program was more difficult than he had expected. He said he went over to the Oliver property, mapped out the trail, plotted the stone culvert point, plotted the home as an area polygon, plotted the garden point, and plotted the parking area polygon. He asked if the Commission would like the vernal pool mapped out in polygon format as well. Cassady said he was going to be going out that Wednesday. She said he could get the vernal pools off of Mass Mapper for the appropriate locations.

### **Town Forest**

Cassady said she spoke with Peter Gately yesterday and he is still interested in the Town Forest having a better trail system.

---

### **Notice of Intent for Margot Rose Circle Lot-2, (M 16, L 4944), Fuller Street Development, LLC, (Outback Engineering), DEP#SE220-1573**

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

Present was Jason Youngquist, Outback Engineering. Youngquist said this lot is part of the Great Cedar Village subdivision and was already approved for the roadway and drainage systems. They also had an ORAD issued to approve the wetland line. He said the erosion control is up and has been inspected. This is a single-family home with associated septic and grading. Cassady said she went out to the site with Mike Redlon on Tuesday and pointed out the erosion control that need to be repaired. Cassady said they also looked at the front of the subdivision and there was a temporary drainage basin that was put in because there was some flooding across the street. Cassady said she is going to re-inspect next week.

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: 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 Margot Rose Circle Lot-2, DEP#SE220-1573, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont 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**

The engineer has requested to continue the hearing to December 1, 2022.

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

**Continuation of Notice of Intent for Harding Street (M47, L462), Liana Haddad, Raycon Construction, (Silva Engineering Associates, P.C.) DEP #SE220-1562**

The engineer has requested to continue to November 17, 2022.

A motion was made by Edward Medeiros, to continue the hearing to November 17, 2022, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

The engineer has requested to continue to December 1, 2022.

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

**Request for Certificate of Compliance for Old Center Street, (M28, L3182), DEP#SE220-1483**

Cassady said she has requested an As-Built because some things were not completed. She said she would like to put this on the November 17<sup>th</sup> agenda.

**Request for Certificate of Compliance for 265 France Street, DEP#SE220-1424**

A motion was made by Melissa Guimont, to accept the As-Built dated April 13, 2021, into the record, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Kelly Busa, property owner, and Jason Youngquist, Outback Eng. Cassady went on a site visit to this property and saw some mowing and a swing set, set up behind the conservation signs, which are at the 30' line. Cassady said Mrs. Busa came to the office last week and Cassady said she told her to come to the meeting. Busa said she watched the video from the last meeting that they had from 2019 and she stated that she was opposed to having the conservation signs put up, the Commission pressed her, and they eventually agreed after 30 minutes of discussion. Busa said Guaraldi made the statement that they can mow the grass. She said they have been mowing it for years. She said as for the playground, they dug holes to put the posts in the ground for the conservation signs, it is also the only spot where there is shade for her daughter. She said the Commission said they would like to see people enjoy the wetlands and

sees no other enjoyment then children playing. She said they are not disrupting anything. She said by moving the play set

November 3, 2022

Page 6

they would need to bring in a loader of some sort because it is a heavy duty swing set. She said she is asking the Commission to leave the swing set and continue to mow. Stewart asked if they are selling the property and Busa said they are not, but the permit said it needs to be closed out within 3 years. Stewart said there is not supposed to be anything within the 25' no touch. Cassady said she is not sure if the mowing is within the 25' because the flags are no longer up. Busa said the wetlands are at the tree line. Stewart said according to the plan they have, it shows the wetland line is past the tree line. Youngquist said the field went up to the tree line and so did the wetlands. Ockers said that is why the Commission was so insistent on having the conservation signs because it is really hard to tell where the wetlands are, and it prevents things being placed within the 25'. Ockers said digging the hole for the posts for the signs was at the 30' which is the Commission's jurisdiction, the 25' is the Select Board's jurisdiction. Busa said the signs are pointless because they are not moving and feels they are more for future buyers to know not to put pools or sheds back there. Busa said the only reason why they know wetlands exist on the property is because they subdivided the property from their grandparents. She said they have cleaned up the site. Stewart asked how they assembled the swing set. Busa said they had a group of people come and assemble it. Stewart asked if it was cemented down and Busa said no, it is just sitting on top of the ground. Stewart said they ask people not to put anything in the 25' and she feels that they made it pretty clear. Busa said Guaraldi had said that the buffer is so people don't build in it, put debris in it, tree forts/tree houses, etc. Guaraldi said to clarify this, the WPA does specify about soil disturbance. Guaraldi said if the swing set is within the 50' it does not fall under the exemptions. Guaraldi said maintenance of mowing lawns is exempt, but only within the buffer zone. Guaraldi referenced 310 CMR 10.02(b)2e. Medeiros asked if any of this 25' was made into lawn or was it existing. Busa said it has been existing for years and the tree line has always been there. Medeiros said he would like to do a site visit. Busa said by wetland flag 11, there is a deeded right-of-way, which is near the swing set. Stewart said they can go to the site on Sunday, November 6<sup>th</sup> at 10AM. Guaraldi told Busa not to take this personally, the Commission is just looking out for the wetlands. Guimont said the Commission asked for a silt fence to be put up in 2019 and it was put up within the 25' buffer so they could build and protect the wetlands. Guimont said now there is a problem because the silt fence is no longer there, but there are signs. She said the signs are there for a reason, so people don't encroach, mow, or build. Guimont said she feels this is a violation.

The Commission would like to go on a site visit on Sunday, November 6<sup>th</sup>, at 10AM, and put this on the November 17<sup>th</sup> agenda.

**-----  
Notice of Intent for Margot Rose Circle Lot-3, (M 16, L 4944), Fuller Street Development, LLC, (Outback Engineering), DEP#SE220-1574**

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

Jason Youngquist, Outback Engineering. Youngquist said this is a single-family home in a subdivision. Erosion controls are in. Cassady asked about the roof drains, and Youngquist said

that it is through the Planning Board and that they wanted them. There are 4 conservation signs proposed. Medeiros said they looked at this site on Sunday.

November 3, 2022

Page 7

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Melissa Guimont, to issue a Standard Order of Conditions for Margot Rose Circle Lot-3, DEP#SE220-1574, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Abstained, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Adam Guaraldi abstained, the remainder in favor.

**-----  
Notice of Intent for Caleb Drive Lot-4, (M 16, L 4944), Fuller Street Development, LLC,  
(Outback Engineering), DEP#SE220-1575**

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

Jason Youngquist, Outback Engineering. Youngquist said this is a single-family in a subdivision. A corner of the house is within the 100' buffer, the septic is outside the 100', and there will be some grading done in the 100'. There is a filter berm installed in the front of the house during construction.

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: 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 Margot Rose Circle Lot-4, DEP#SE220-1575, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

**-----  
Notice of Intent for Caleb Drive Lot-5, (M 16, L 4944), Fuller Street Development, LLC,  
(Outback Engineering), DEP#SE220-1576**

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

Jason Youngquist, Outback Engineering. Youngquist said this is a single-family home in a subdivision. Septic is in front of the house. Grading and well are within the 100'.

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

November 3, 2022

Page 8

A motion was made by Edward Medeiros, to issue a Standard Order of Conditions for Caleb Drive Lot-5, DEP#SE220-1576, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

Cassady said she received a letter from Outback Engineering requesting to withdraw the filing because they are now out of the 100' buffer. She said she would like to go out and look at the site to confirm no work will be within the 100' buffer.

A motion was made by Nancy Ockers, to accept the request to withdraw, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

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

Cassady said she received a letter from Outback Engineering requesting to withdraw the filing because they are now out of the 100' buffer. She said she would like to go out and look at the site to confirm that no work will be within the 100' buffer.

A motion was made by Edward Medeiros, to accept the request to withdraw, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

-----  
**Notice of Intent for Caleb Drive Lot-6, (M 16, L 4944), Fuller Street Development, LLC, (Outback Engineering), DEP#SE220-1577**

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

Jason Youngquist, Outback Engineering, and Brian Madden, LEC, via Zoom. Youngquist said this is a single-family home in a subdivision. The corner of the garage is within the 100' and the well is within 50'. He said there is a filter berm in the front of the property. Roof drains that are part of the subdivision design. The drainage basin is on this property and sits on the easement. Cassady said a portion of this is within the Natural Heritage boundary. Cassady asked if they got a letter for this lot, and Youngquist said the letter from Natural Heritage is in the Notice of Intent. There was a turtle sweep done for this property. Madden said they did a turtle sweep over all of the lots. Cassady asked if they had a conservation maintenance plan developed or if there was a conservation restriction. Youngquist said there was not. Stewart asked what the result of the turtle sweep was and Madden said they found 5 Eastern Box Turtles. The construction area

had protection barriers put up so all of the turtles that were found were put outside of the limit of work. Now turtles will not be able to enter.

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

November 3, 2022

Page 9

A motion was made by Nancy Ockers, to close the hearing, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: 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 issue a Standard Order of Conditions for Caleb Drive Lot-6, DEP#SE220-1577, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont 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 motion was made by Melissa Guimont, to accept the revised plans dated October 24, 2022, into the record, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

A motion was made by Nancy Ockers, to accept the peer report dated November 1, 2022, into the record, 2<sup>nd</sup> by Edward Medeiros. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Brian Madden, LEC, via Zoom. Madden said this is the old drive in site on Rt.44, north of Clayton Road. He said there are bordering vegetated wetlands associated with Poquoy Brook and Puddingshear Brook, along with a number of intermittent streams. He said there are a number of isolated vegetated wetlands. He said this was peer reviewed and they did make some changes. Madden said the revised plan wetlands are accurate and were reviewed by the peer reviewer. Stewart read the peer review report into the record.

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, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: 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 an ORAD, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

-----  
**Continuation of Notice of Intent for Precinct Street – Lot 2, (M 23, L 2985), Demon Realty Trust, (Zenith Consulting Engineers, LLC) DEP#SE220-1567**

Edward Medeiros recused himself.

November 3, 2022

Page 10

A motion was made by Nancy Ockers, to accept revised plans dated November 2, 2022, into the record, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Stewart said Cassady went out to the site and in her report stated that the silt fence was down along the road, discussed the impacts on the wetlands from the water line, the flag 3 series in between lots 5 and 6, there is an As-Built coming, the high water table on lot 2, and there was a disturbed area in the wetlands from perc's. Medeiros, spoke as a citizen, said that the revised plans were done because the wetland flags were not labeled correctly. Medeiros said the Commission went to the site on Sunday and the foundations were staked out. The engineer went out on Monday to stake where the septic would be going. Cassady said she saw the septic staked out today. Cassady said she did receive the As-Built for the water line and there will need to be some restoration done. Medeiros said he feels the restoration could be done as fast as they can approve it. Medeiros said it needs to be done on various lots, but is being done under a different filing. The water line was a different filing from the lots. Stewart asked if any of the work being done is within the buffer. Stewart said he should hold off on the lots or add the restoration to their plans. Cassady said this is under a separate file number. The restoration will need to happen on lots 1, 2, 5, & 6. Lots 1, 5, & 6 have already been permitted. Medeiros said the waterline is done and they have done an As-Built about 2 weeks ago. Medeiros said they were supposed to alter 3,700sq.ft. and they altered 5,900sq.ft. so they would need to go back to the Select board to have that plan revised. They were originally supposed to disturb 1,400ft. of wetlands and now they have disturbed 2,380ft. Medeiros said they are going to go in and remove all the fill that got brought in. Medeiros does not have a plan yet because he is looking for direction from the Commission. He said he feels they should put a wetlands mix in and plantings. Medeiros said he felt 1 plant for every 100sq.ft. should work. He suggest sweet pepper bush, cinnamon fern, or high bush blueberry. He said they would rather not put any trees because they would not like the root system near the water line. Everything done was within about 10ft. off the roadway. Cassady said they will have to come back under the waterline permit and request an amendment. Stewart said she prefers they amend the water line permit before any other permits are issued for this property. Ockers said it does seem better to clean up one issue before doing anything else. Guimont asked if Medeiros had fixed the silt fence and Medeiros said it has been stabilized but they are going to have to put up a new silt fence when they restore everything. Medeiros said lots 3 & 4 have nothing to do with the disturbance. Medeiros said it would be a 2 year growing period when they do the restoration in order to get their Certificate of Compliance. Medeiros said they could put a deed restriction on that area that needs to be restored.

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

Stewart asked when the amendment will come in. Medeiros said he wants to know what the Commission wants for the restoration and once they let him know, he could get everything in for the next meeting.

November 3, 2022  
Page 11

A motion was made by Nancy Ockers, to continue the hearing to November 17, 2022, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

-----  
**Continuation of Notice of Intent for Precinct Street – Lot 3, (M 23, L 2968), Demon Realty Trust, (Zenith Consulting Engineers, LLC) DEP#SE220-1568**

A motion was made by Melissa Guimont, to accept revised plans dated November 2, 2022, into the record, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Present was Edward Medeiros, citizen. Cassidy said the silt fence is down along the road, discussed the impact to the wetlands, discussed impact near flag 3 series from waterline, impact in between lots 5 & 6, As-Built is coming, and high water table on lot 2. Medeiros said the revised plans were done because the wetland flags were labeled incorrectly. The foundation was staked out and looked at on Sunday. Monday the septic was staked out. There is no disturbance on this lot from the waterline. Medeiros said he would like to see this approved but understands if the Commission would like to wait.

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

A motion was made by Melissa Guimont, to continue the hearing to November 17, 2022, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

-----  
**Continuation of Notice of Intent for Precinct Street – Lot 4, (M 23, L 3018), Demon Realty Trust, (Zenith Consulting Engineers, LLC) DEP#SE220-1569**

Present was Medeiros, citizen. The waterline was not an issue on this lot and there were no revisions to the plan. The foundation and septic were staked out.

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

A motion was made by Nancy Ockers, to continue the hearing to November 17, 2022, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

-----  
**Agent**  
**Ch.61A Thompson and Precinct Street**

Cassady said she started filling out the application for the box turtle grant. Cassady said she had to look up property use details, current uses, and proposed uses. She also had to work on the biodiversity and natural resource information. She said the Nature Conservancy has a mapping for resiliency. She said the project is in bio map 2 critical natural landscape. She said the project is also within Natural Heritage endangered species priority habitat and estimated habitat.

November 3, 2022

Page 12

A motion was made by Nancy Ockers, to authorize Cassady to sign and submit the application for the grant, 2<sup>nd</sup> by Melissa Guimont. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Nancy Ockers Aye, and Diane Stewart Aye. Unanimously voted.

Cassady said she will be sending a letter to the Peirce Trustees to see if she can get reimbursed for the appraisal retainer.

#### **415 Plymouth Street – Picone**

Cassady said they had a Zoom call on October 26<sup>th</sup> with all of the partners and their attorneys. She said they discussed outstanding issues that need to be ironed out between both sides of the project. There is an issue with lot 1946 because it was not in the Ch.61A notice. This lot needs to be part of the excluded lot because it will be going to the farmer's portion, where they would building a house for on-site farming. Cassady said she is going to walk this tomorrow with Kevin Smith, organic farmer. Cassady said he will have to do permitting with conservation for a driveway crossing. Cassady said Question 1 on the ballot came up and the owners are worried about the taxation. The Wildlands Trust attorney is going to look into this because he thinks there might be an exemption for a property that is being sold and put into conservation. However, if they are not exempt they want to close by the end of this year before it takes effect. Cassady said this could be problematic with the agricultural grant money because they are not going to be ready to close until March 2023. Kimberly French, Community Preservation Committee Chair was at the Zoom meeting to and she said to make sure the conservation restriction on the town's portion allows for the agricultural use and the trails. Scott MacFaden is drafting the CR, because Wildlands Trust will hold it. Cassady said the river walk that has been proposed along the Nemasket River, the easement would need to be put in immediately. Cassady said she doesn't know when the river walk would make it across Rt.44, but she feels it is good to do it now. The farmer had concerns about safety with the easement, and Cassady said they discussed putting up a split rail fence. Cassady said tomorrow at 10AM she is going to meet with Kevin Smith and at 10:30AM she is going to meet with Courtney Rocha, MVP Grant Coordinator.

#### **Precinct Street**

Cassady said she spoke with Medeiros today about putting in shrubs and wetland seed mix. She suggest having 2'-5' between each shrub. Ockers has concerns about the rip rap. Medeiros said the rip rap is for scouring and none of it is in the wetlands, it is at the 25' and Chris Peck asked him to put it there. Medeiros said they would deal with the Select Board about this issue. Medeiros said they have put stump grindings into the wetlands that they will be pulling back. Medeiros said he would like an idea of how many shrubs the Commission would like him to put

in. 1,480ft. of disturbance was in the original filing and 2,380ft. were actually disturbed. Medeiros said the original filing they were not going to restore another area, they were just going to put it back the way it was, but he is willing to restore the entire 2,380ft. that they have now disturbed. Medeiros was thinking that they could put in about 24 shrubs, however, it doesn't go in more than 10-15ft. at any point. Medeiros said maybe they could put in 1 shrub per 35-50ft. Cassady suggested that whoever is doing the CAD, layout the plants. Cassady said she thinks

November 3, 2022  
Page 13

some of the rip rap is there because of a culvert, but some of the rip rap is in the 25' and shouldn't be. Cassady said there is rip rap in the vernal pool on lot 6. Medeiros said the rip rap does help the water flow and Chris Peck suggested it. Only 1 culvert was shown on the As-Built and there should be 2. There is a culvert near WF 3-2. Guaraldi said each individual area needs its own assessment as to whether it needs rip rap or not. Medeiros said he feels rip rap should stay in for at least the first 2-5ft. along the roadway. Stewart said she would like to see as much of the rip rap gone as feasible. Medeiros said he will be working on the amendment to try to get it in for the December 1<sup>st</sup> meeting.

### **Nemasket River Sediment**

Edward Medeiros returned to the meeting.

Cassady said she sent a letter for the MBTA bridge maintenance. Cassady said they had a Nemasket River Sediment Solutions meeting on November 1<sup>st</sup> via Zoom. She said they discussed the sediment and vegetation issues. There will be some permitting coming soon for sediment removal, after the Assawompset Dam.

### **River Herring Network Meeting**

Cassady said the Massachusetts Herring Annual Meeting was held at the Lakeville Library on October 25<sup>th</sup>. Cassady said it was put on by the Woods Hole Sea Grant. She said it was very informative and they were trying to figure out when the fry, juvenile herring, migrate. Middleborough had about 200,000-300,000 herring count, which is down from past years.

### **7 Winter Street (DEP#SE220-1469)**

Cassady said she had a hard time getting them to put up the silt fence. She said they did put up the silt fence, but needs to also put in wattles and a tracking pad. She said she did contact the owner again.

### **SNEP Bylaw Workshop**

Cassady said there were several presentations last Thursday. Cassady said they have a tool that you input your town's bylaws into, to help improve bylaws. She said the tool would take about 30-40 hours. She said she is working with the Planning Department on the Open Space Residential Development Bylaw.

### **FY2024 Budget**

Cassady said she wanted the Commission to look at the Stewardship roles from other towns and decide what they would like to do for the FY2024. Cassady said she would like the Commission to think about what they would like to fund for the next budget.

---

**Conservation Commissioner Reports**  
**Open Space and Recreation**

November 3, 2022  
Page 14

Cassady said she did receive the Americans for Disabilities inspections. Leann Bradley went out and did some last weekend, and Cassady thanked her for doing that. Caroline Gravlin, Judy Bigelow-Costa, and Laurene Gerrior, from the CPC Committee, will be doing more inspections.

**CPC**

Ockers said they went on a few site visits. She said they have groups putting in Step 1 applications and some groups have started to put in applications for Step 2.

---

**Mail/Correspondence**

There were South Coast Rail Updates.

There is a public meeting, joining in-person and via Zoom, on November 14, 2022, to discuss the Town's Hazard Mitigation Plan.

There is a Memo regarding Everett Street from Kayla Smith, Health Officer.

There are e-mails stating that the owner from Christina Estates is paving the roadway.

There is an observation report from PMP regarding John Perkins Way.

There is an observation report from PMP regarding Harvestwood .

There was a site visit done at 277 Wareham Street, regarding a possible septic failure.

There was a site visit done at 278 Wareham Street, regarding a possible septic failure.

There was a building permit application submitted for 346 Marion Road.

There was an e-mail regarding waste tanks and septic at 28 Montello Street, a dog kennel.

---

A motion was made by Edward Medeiros, to adjourn at 9:50PM, 2<sup>nd</sup> by Nancy Ockers. Roll call vote: Adam Guaraldi Aye, Melissa Guimont Aye, Edward Medeiros Aye, Nancy Ockers Aye, and Diane Stewart. Unanimously voted.

-----  
Respectfully Submitted By:

Catherine Pipher  
Minutes Clerk

**DATE APPROVED:** November 17, 2022