

From: noreply@civicplus.com
Sent: Wednesday, August 16, 2023 7:12 PM
To: [Patricia Cassady](#)
Subject: Online Form Submittal: Contact Us Form - (Patricia J. Cassady)

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Contact Us Form - (Patricia J. Cassady)

Email from Town of Middleborough Website

Your Name	Anita M. Rodriguez
Your e-mail address	arodrig1@verizon.net
Your phone Number	508-942-3037
Subject	Letter regarding Lincoln Properties

Message Anita M. Rodriguez
Educational Consultant
76 Vernon Street
Middleborough, MA 02346
Arodrig1@verizon.net
508-942-3037

Diane C. Stewart, Chair
Conservation Commission
Town of Middleborough
20 Centre Street, 2nd Floor.
Middleborough, MA 02346

Re: Notice of Intent Application, Lincoln Logistics, Harding

Street, Middleborough, Massachusetts

Dear Ms. Stewart and Members of the Middleborough
Conservation Commission,

Thank you for the opportunity to present information to the Conservation Commission about issues and concerns related to the LPC Northeast, LLC (Applicant) Notice of Intent Application (NOI) for the proposed Lincoln Logistics Project on Harding Street, Middleborough, Massachusetts (Project). The Project is proposed for the following parcels in Middleborough: Map 027, Lots 5548, 6333, & 6491, Map 037, Lots 833, 1628, 2312, Map 038, Lots 1073, 1746, 2636, 2681, 4217, 4351, 4375, 4386, 4388, 4391, & 5965M, and Map 047, Lot 445 (the Site).

The categories of natural resources subject to protection under the Massachusetts Wetlands Protection Act 310 CMR 10.00 (WPA) potentially impacted by this Project include:

- Bordering Vegetated Wetland - 14,790 acres
- Land Under Water - 393 square feet
- Bank - 178 linear feet
- Riverfront Area – 59,970 linear feet
- Bordering Land Subject to Flooding - 19718 square feet

In addition to the above resources protected under the WPA, there are several natural resource functions of the Site that the Conservation Commission is charged with the responsibility of protecting, both under the WPA and the Town of Middleborough Conservation Commission 2023 Policy (the Policy), that have the potential to be impacted by this proposed Project, including:

- Flood Control
- Protection of Fisheries
- Protection of Ground Water Supply
- Protection of Public and Private Water Supply
- Protection of Wildlife Habitat

I urge the Conservation Commission to deny the Order of Conditions for this proposed Project based on the stated impacts to protected resources under the WPA, and the Commission's responsibilities to protect the listed natural resources under the WPA and the Policy, including but not limited to the following:

Bordering Vegetated Wetlands

The proposed Project involves permanent disturbance to several areas of existing Bordering Vegetated Wetland (BVW), including 14,790 square feet of permanent BVW impacts. According to the NOI, impacts to wetlands are "unavoidable" in

the proposed Project. This level of resource alteration is unacceptable. The Conservation Commission should deny the Order of Conditions based on its responsibility to protect these wetland resources under the Policy and the WPA.

Groundwater Supply, Public and Private Water Supply:

- According to MassMapper, a portion of the Site sits atop a medium-yield aquifer, and impacts to this water source were not addressed in the NOI nor were they addressed by any member representing Lincoln Properties at the Planning Board meeting on Tuesday, August 15, 2023 . The Conservation Commission should deny the Order of Conditions based on its responsibility to protect groundwater supply and public and private water supply under the Policy and the WPA.

- The Site contains four potential vernal pools, two of which are in the proposed Project footprint. I urge the Conservation Commission to order the Applicant to survey the potential vernal pools during the 2024 breeding season for potential vernal pool certification, and not to issue an Order of Conditions until after the survey. I urge you to order the Applicant to conduct this survey based on the Conservation Commission's responsibility of protection of wildlife habitat and protection of groundwater supply under the Policy and the WPA.

Wildlife Habitat

- The entire Site is mapped Priority Habitat for the Eastern Box Turtle, and according to the Applicant the Project would likely result in a "Take" of this state-listed rare species. The entire Site is also mapped as Core Habitat and the majority of the Site is mapped as Critical Natural Landscape on Bio map 3. I urge you to deny the Order of Conditions based on the Conservation Commission's responsibility to protect wildlife habitat under the Policy and the WPA.

All of the natural resource conservation measures proposed in the NOI, including the conservation restriction on a portion of the Site, improvement in culverts under Puddingshear Brook for stream flow and box turtle crossing, and enhancement of nesting habitat for the box turtle could be achieved without the proposed Project. The proposed Project is unnecessary to these conservation measures. The proposed Project results in a net loss of wildlife habitat. The Conservation Commission should deny the Order of Conditions under its duty to protect wildlife habitat under the Policy.

- The Conservation Commission should review the Operation and Maintenance Plan for the barrier system to exclude wildlife from the development footprint before a vote on an Order of Conditions.

Fisheries

- The NOI includes several potential impacts to two Coldwater Fisheries Resources, Puddingshear Brook and Poquoy Brook. The Conservation Commission should deny the Order of Conditions based on its responsibility to protect Fisheries under the Policy and the WPA.

In the Community Conservation Plan the community vision states that “the residents of Middleborough desire a community that retains its small-town character and serves the needs of families, seniors, young adults, and single peoples whether new or long-time residents.” “Middleborough has wide swaths of undeveloped forests, wetlands, wildlife habitats, river corridors, lakes and ponds, farms, fields, and scenic vistas. Protecting this open space provides a beautiful and forever-changing natural setting in which residents live their lives.” Nature based solutions to climate related threats, most particularly flooding, include protecting open space, forest, and wetlands. You are well informed or should be that Vernon Street and surrounding areas are experiencing more and more water problems as a result of environmental changes both by nature as well as by development. It is not that I’m against development but rather purposeful development that enhances our community in a safe, healthy, and sound environmental approach. You as a committee value open space projects that support the Taunton and Nemasket River watersheds. Does this Project align to what the neighborhood wants for its community? I’ve been told that assistance in repairing or changing the current water conditions on Vernon Street would be an issue as it is a country road. I ask you can this country road take massive eighteen wheelers and hundreds of more cars as a result of employees during an emergency evacuation? Should there ever be an ammonia leak should any of the warehouses whether upon completion or during potential changes of warehouse needs become one for the storage of items requiring refrigeration or freezing, how does the town ensure safety for both the residents within the area as well as the hundreds of employees as all try to evacuate the area by car and trucks? How would one be able to exit off Richmond Street to route 44 in a safe and timely manner?

As far as health issues go beyond potential contamination of personal wells, the particles from diesel fuel are a major concern. Diesel engines can operate for 30 years or more, millions of older, dirtier engines are still in use. Reducing exposure to diesel exhaust from these engines is especially important for the health and safety of all, including the environment. On the human health side, diesel engines can

lead to serious health problems such as asthma and various types of respiratory illnesses as well as worse the condition of those with heart and lung disease, especially in children and the elderly. How are we protecting our residents, our children, the very commodity of our community? On the environmental side emissions from diesel engines contribute to the production of ground level ozone. Acid rain is produced which affects soil, bodies of water including the streams which provide us our well water and the human food chain. These emissions also contribute to property damage and reduced visibility. Again, I ask you and this is good for Middleborough? Is this what you think people voted on to do to their community? Now is the time to educate the community on what is a healthy and sound use of this land. I foresee major law suits against the town should wells be contaminated or dry up as a result of your approval of this Project. North Middleborough residents are proud and intelligent people who will continue to support the values, beliefs, and goals of this town. Should irreputable damage occur in any fashion whether it be health and safety, increased traffic conditions, well water contamination or depletion of water, any form of pollution including noise, air and water, as well as negative impact to our wildlife you can rest assure that a potential class action suit could be a very real possibility. Please understand this is not a threat but rather a right that we as residents would have. Our actions are a result of the passion and dedication we have to the town we chose to raise our families in, to continue our lives in and hopefully leave to our children and grandchildren. Would the approval of this Project and the limited taxes it would provide our town supersede the wants and needs of the residents of North Middleborough?

Because of the documented and stated impacts to resource areas protected under the Town's Conservation Commission Policy and the Massachusetts Wetlands Protection Act 310 CMR 10.00, as well as the other topics I have addressed in this communication to your committee members, I urge you not to issue an Order of Conditions for this proposed Project.

Respectfully,
Anita M. Rodriguez

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