

**HEARINGS, MEETINGS, LICENSES**

**5/02/16**



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 2, 2016 at 7:30 PM**, for the purpose of discussing an application filed by **B&T Realty Trust** for a **Special Permit** under the **Water Resource Protection District By-law** to allow for a portion of the proposed driveway to be located within the **25'** buffer to the bordering vegetated wetlands. Driveway is for a proposed single family home. **This property is shown as Assessors Map 100, Lot 4025, Zoning District - RR, WRPD District Z3.** Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Diane C. Stewart  
Stephen J. McKinnon  
BOARD OF SELECTMEN  
April 14 & 21, 2016  
The Middleboro Gazette Newspaper

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405  
Fax: 508-946-0058

**Town of Middleborough**  
**Massachusetts**  
**Board of Selectmen**

**APPLICATION FOR LICENSE OR LICENSING TRANSACTION**  
**(PLEASE TYPE OR PRINT CLEARLY)**

DATE 3/23/16  
NAME OF APPLICANT B & T Realty Trust  
ADDRESS OF APPLICANT P.O. Box 265 Middleboro, MA  
ASSESSORS MAP & LOT \_\_\_\_\_  
DAYTIME TELEPHONE 774-466-0299

NAME OF BUSINESS \_\_\_\_\_  
OWNER OF PROPERTY TO BE LICENSED B & T Realty Trust  
ADDRESS OF PROPERTY TO BE LICENSED Map 100 Lot 4025  
ASSESSORS MAP & LOT 100/4025

**TYPE OF LICENSE REQUESTED (Check One)**

2<sup>nd</sup> Hand \_\_\_\_\_  
Class I Automobile Dealer License \_\_\_\_\_  
Class II Automobile Dealer License \_\_\_\_\_  
Class III Automobile Dealer License \_\_\_\_\_  
Entertainment \_\_\_\_\_  
WRPD  \_\_\_\_\_  
Earth Removal Permit \_\_\_\_\_  
Liquor License \_\_\_\_\_  
Junk Dealer \_\_\_\_\_  
Other \_\_\_\_\_

Anticipated Start Date for Business: NA  
Days & Hours of Operation: NA

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?  
If yes, explain:

Signature [Signature]

DATE OF HEARING: \_\_\_\_\_

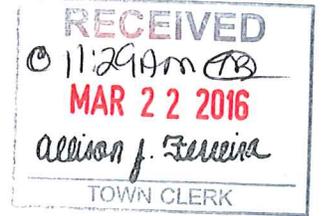
**Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3<sup>rd</sup> floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.**

**Dear Treasurer/Collector:**

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

*V. V. Maturano*



165 East Grove Street  
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

March 7, 2016

Board of Selectman  
Town of Middleboro  
10 Nickerson Avenue  
Middleboro, MA 02346

**RE: WRPD Special Permit for Benson Street Map 100, Lot 4025**

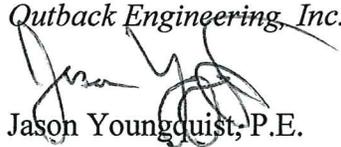
Dear Board Members,

On behalf of the applicant B&T Realty Trust, we are requesting a Special Permit per Section 8.2.9 (3) of the Water Resource Protection Districts By-Law to allow the construction of a driveway within twenty-five (25) feet of a fresh water wetland. The project is located at Benson Street (Map 100, Lot 4025), in the Water Resource Protection District Z3 overlay zone and involves the construction of a single family home with its associated driveway and grading. Due to the configuration of the existing wetlands, which create a peninsula of uplands, the upland portion of the property cannot be accessed without crossing a portion of the 25' no touch wetland buffer off Benson Street. The proposed driveway and minimal grading will result in 700 s.f. of disturbance in the 25' no touch buffer zone and 4,500 s.f. of disturbance within the wetland and all other work will remain outside the 25' no touch buffer zone. The proposed driveway will follow the existing topography and silt fence will be installed during construction to prevent sediment from entering the wetlands and any disturbed areas not used for the driveway will be loamed and seeded. This project has been issued an Order of Condition by the Middleboro Conservation Commission allowing the proposed work.

The proposed work within the 25' no touch buffer is for access to the upland portion of the lot where no other means of access are available. This work will require a Special Permit from the Board of Selectmen to allow the driveway construction as a limited project as defined by 310 CMR 10.53(3). The proposed work is in harmony with the intent of Water Resource Protection By-Law and will not impact the health and safety of the community or the quality or quantity of drinking water. The project will have no stored hazardous waste, sludge, deicing chemicals, fertilizers, or oil and will not have any adverse environmental impact on drinking water or the environment

I look forward to meeting with the Board to discuss this project. Please notify me of the hearing date and time so I may attend to answer any questions the Board may have. If you have any questions of comments please feel free to contact me at (508) 946-9231 ext. 207.

Sincerely  
*Outback Engineering, Inc.*

  
Jason Youngquist, P.E.

**PETITION APPLICATION FOR A WRPD SPECIAL PERMIT**

One (1) electronic copy of the petition & engineering plans must be filed with the Selectmen's office via email: [jshanley@middleborough.com](mailto:jshanley@middleborough.com) and Seven (7) complete paper sets of the petition application, including all required documents, such as engineering plans, must be filed with the Town Clerk at 20 Centre Street (former Eastern Bank building), 1<sup>st</sup> floor, Middleborough, MA. The Town Clerk's office will forward all petitions for a Special Permit to the Board of Selectmen's office.

I/We hereby petition your Board for a public hearing for a Special Permit, which is subject to Board of Selectmen approval under the Water Resource Protection District By-law.

**A. Location of property in question:**

Street address: Benson Street  
Map & Lot Map: 100 Lot: 4025  
Zoning District RR  
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)  
WRPD District Z3  
(Z1, Z2, Z3, Z4)

**B. To allow for:**

A portion of the proposed driveway to be located within the 25' buffer to the bordering vegetated wetlands.  
Driveway is for a proposed single family home.

**(As shown on the attached plan)**

*Example: To allow for an addition of 12' x 20' to the building at 1234 Nickerson Avenue, Map #, Zoning district, WRPD District (A or B), presently used as a residence for the purpose of a dental office by the owner occupant. There will be a maximum of three employees.*

**C. Submitted by:**

Timothy Harkness  
Printed full name (Individual)

[Signature]  
Signature (Individual)

P.O. Box 265 Middleboro  
Address

Daytime telephone

Outback Engineering Inc.  
Printed company name/engineering firm

[Signature] outback Eng.  
Signature (company/engineering rep.)

jyoungquist@outback-eng.com  
Email address

## CHECKLIST FOR SITE PLANS

(Applicant must initial each item or the application/petition will not be accepted.)

No.	Description	Initial	N/A
1.	One (1) electronic copy of the site plans must be filed with the Board of Selectmen's office via <a href="mailto:jshanley@middleborough.com">jshanley@middleborough.com</a> .	JY	___
2.	Seven (7) paper copies of the site plan must be filed with the Town Clerk's office, along with seven (7) paper sets of the petition application (see top of "Petition Application" form).	JY	___
	a. Show locus to reasonable scale (use corner of the site plan page).	JY	___
	b. Show existing and proposed street lines, number & name.	JY	___
	c. Show existing and/or proposed building, including accessory buildings.	JY	___
	d. Show driveway and driveway openings.	JY	___
	e. Show natural waterways (if any).	JY	___
	f. Show distance from structure to wetlands.	JY	___
	g. Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.		
	h. Show setback dimensions or distances from street and abutters.	JY	___
	i. Show the footage for all lines of the property and the total area (either in square footage or acreage).	JY	___
	j. Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	JY	___
	k. Show details for work done or proposed for any component outlined in No. 1(j) (above).	JY	___
1.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	JY	___

Note: If the site has no approval required other than a home lot, then a Land Surveyor stamp will be accepted.

## CHECKLIST FOR PROJECT WRITTEN NARRATIVE

No.	Description	Initial	N/A
1.	Provide a written narrative explaining how you see the project complying with the WRPD bylaws and regulations.	<u>JY</u>	___
2.	The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave.	<u>JY</u>	___
3.	If your petition requests alterations or additions to a building, or structure, you should bring detailed plans which show the proposed alterations or additions.	___	<u>JY</u>
4.	The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	___	<u>JY</u>
5.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	<u>JY</u>	___
6.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	<u>JY</u>	___
7.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers, or oil, that the appropriate methods have been provided to contain any spillage.	___	<u>JY</u>
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	___	<u>JY</u>

RECEIVED  
@ 11:29 AM (12)  
MAR 22 2016  
Allison J. Ferris  
TOWN CLERK



Middleborough Assessor's Office  
10 Nickerson Avenue  
Middleborough, MA 02346

## ABUTTER'S LIST CERTIFICATION PAGE\*

Date: January 29, 2016

Board of Selectmen

Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of Map 100 Lot 4025 located on Benson Street in Middleborough, MA 02346.

Ross Lawrence, Jr. Clerk  
Middleborough Board of Assessors

(This list consists of 2 pages with 20 lots)

\*Please note there is no additional charge for this page and it is intended to certify the information on the preceding or attached document (s).

parcel ID	Location	Owner name	C/O Owner	Mailing Address	City	State	Zip
	<b>LOCUS</b> MAP 100 LOT 4025 BENSON STREET	<b>OWNER NAME</b> LOGAN, WILLIAM R TRUSTEE ETAL	<b>APPLICANT NAME</b> LOGAN, WILLIAM R TRUSTEE ETAL	<b>PAGES</b> 1 OF 2			
	<b>REASON FOR PROJECT</b>	<b>NAME OF BOARD</b>	<b>CONTACT #</b> TIM HASHEM 774-406-0299	<b>DATE</b> 1/28/2016			
	WETLAND CROSSING	BOARD OF SELECTMEN					
100-1641	BENSON ST	CORREIA, MARK L & CATHERINE A		46 BENSON ST	MIDDLEBORO	MA	02346
100-2371	22 BENSON ST	CLARK, EDWARD T & MARY P		22 BENSON ST	MIDDLEBORO	MA	02346
100-2468	38 BENSON ST	CAREY, ROBIN A		38 BENSON ST	MIDDLEBORO	MA	02346
100-2482	36 BENSON ST	CAREY, ROBERT III & CINDRA		36 BENSON ST	MIDDLEBORO	MA	02346
100-3113	20 BENSON ST	CLARK, EDWARD JR & MARY PATRICIA		20 BENSON ST	MIDDLEBORO	MA	02346
100-3143	17 BENSON ST	CAMPBELL, CHRISTOPHER S		17 BENSON ST	MIDDLEBORO	MA	02346
100-3147	15 BENSON ST	KEMP, ALAN R & ANGELA K TRUSTEES		15 BENSON ST	MIDDLEBORO	MA	02346
100-3165	21 BENSON ST	SMITH, JESSE K & PETTINE, KRISTEN F		21 BENSON ST	MIDDLEBORO	MA	02346
100-3245	25 BENSON ST	LOGAN, WILLIAM R TRUSTEE ETAL		P O BOX 265	MIDDLEBORO	MA	02346
100-3246	29 BENSON ST	CLAPPI, MICHAEL J & SOUZA, VICTORIA		29 BENSON ST	MIDDLEBORO	MA	02346
100-3293	BENSON ST	MEDEIROS, EDWARD J TRUSTEE		P O BOX 306	MIDDLEBORO	MA	02346
100-6326	HIGHLAND ST (OFF)	DIXON, STEPHEN D & PATRICIA M TRS		126 HIGHLAND ST	MIDDLEBORO	MA	02346
101-2518	39 BENSON ST	SHAW, DAVID J		39 BENSON ST	MIDDLEBORO	MA	02346
101-3338	BENSON ST	MEDEIROS, ARTHUR & HELEN	C/O MEDEIROS, EDWARD	PO BOX 306	MIDDLEBORO	MA	02346



LOCUS	OWNER NAME	APPLICANT NAME	PAGES		City	State	Zip
MAP 100 LOT 4025 BENSON STREET	LOGAN, WILLIAM R TRUSTEE ETAL	LOGAN, WILLIAM R TRUSTEE ETAL	2 OF 2		MIDDLEBORO	MA	02346
REASON FOR PROJECT	NAME OF BOARD	CONTACT #	DATE				
WETLAND CROSSING	BOARD OF SELECTMEN	TIM HASHEM 774-406-0299	1/28/2016				
parcel ID	Location	Owner name	C/O Owner	Mailing Address	City	State	Zip
101-3493	BENSON ST (OFF)	BOZOIAN, THOMAS & JUDITH		63 BENSON ST	MIDDLEBORO	MA	02346
101-4347	BENSON ST (OFF)	LOGAN, WILLIAM R TRUSTEE ETAL		P O BOX 265	MIDDLEBORO	MA	02346
107-863	ROSE RIDGE LN (OFF)	TIMBERLAND REALTY TRUST		15 PINE ST	ACUSHNET	MA	02743
108-1942	87 SPRUCE ST	FULLER, JASON & HENRIQUES, DEBRA		87 SPRUCE ST	MIDDLEBORO	MA	02346
108-411	64 GATES PTH	ROSE, ROBERT R JR & TARA CHARTIER-		PO BOX 707	MIDDLEBORO	MA	02346
108-444	58 GATES PTH	MAHER, MATTHEW A & ERIN M		58 GATE'S PATH	MIDDLEBORO	MA	02346



## MEMORANDUM

TO: Rich Tabaczynski, Atlantic Design Engineers, Inc.  
Ruth Geoffroy, Planning Director  
Patricia Cassady, Conservation Commission Agent  
Robert Whalen, Building Commissioner  
Robert Buker, Health Officer  
Chris Peck, DPW Director

FROM: Colleen Lieb  
Acting - Executive Assistant to the Board of Selectmen

DATE: March 29, 2016

SUBJECT: **W.R.P.D. Application – filed by B&T Realty Trust  
Assessor's Map 100, Lot 4025, Zoning District-RR,  
WRPD District Z3.**

Attached is a W.R.P.D. application filed by the B&T Realty Trust for a Special Permit under the Water Resource Protection District By-law.

This application will be heard by the Board of Selectmen at its meeting on **May 2, 2016 at 7:30 PM.**

Please provide **remarks or concerns** regarding the request to the Selectmen's Office **by, or before, Noon on Wednesday, April 20, 2016.**

Thank you.

Attachments



April 20, 2016

Board of Selectmen  
Town Hall Building  
10 Nickerson Avenue  
Middleborough, MA 02346

**Re: *Initial Engineering Review***  
***WRPD Application – B&T Realty Trust***  
***Map 100, Lot 4025 – Benson Street***  
***ADE Job Number 2518.42***

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our initial engineering review of the site plans for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plan is revised dated 3/18/16 and is prepared by Outback Engineering for B&T Realty Trust of Middleborough, MA.

We have the following comments:

1. The project has apparently received an Order of Conditions from the Conservation Commission and has been considered a “limited project” as there is no other reasonable means of access to the upland area of the lot. A copy of the Order or other correspondence for the Conservation Commission should be provided to the Board.
2. The Board may want to consider requiring some sort of permanent visual barrier (fence, vegetation, signs, etc.) at the limit of the 25 foot no disturb zone to prevent further/future encroachment into it.
3. Calculations have not been provided to confirm the adequacy of the size of the (24” x 6’-2”) box culvert opening.
4. The application does not address the proposed wetland replication area, which is work proposed within the 25’ buffer. Per WRPD Bylaw Sections 8.2.8.3.i. (ii), wetlands replacement is allowed by Special Permit but the application and narrative does not mention it, and the area of 25 foot zone disturbance mentioned in the narrative does not include it.
5. The culvert label and detail indicates that it is 15 feet long but the Driveway Cross-Section shows it at 20 feet long. Please clarify.



6. Specify the bottom treatment of the open channel in the culvert, and also at the downstream end where grading of the stream channel is indicated.
7. The Driveway Cross-Section indicates a cleared width of  $\pm 20$  feet, but this is incorrect based on the width of the driveway, the height and slope of the fill, erosion control measures, etc. The cleared width would appear to be over 30 feet wide at the height of the wetland crossing. Please clarify.
8. The haybale/silt fence limits should be extended past the 25' buffer zone in all areas, instead of just ending at the wetland line, as presently shown.
9. The total area of 25' buffer zone disturbance should be clearly shown and labeled on the plans. The 700 SF listed in the narrative seems extremely low and appears to be closer to 6,000 SF (plus the replication area per Comment #4).
10. Is there any grading associated with the replication area? Please show on the plans as it may affect the amount of 25 foot buffer disturbance in this area.
11. The 100 foot buffer zone is missing in some areas on the plans.

Please call if you have any questions or comments.

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski'.

Richard J. Tabaczynski, P.E.  
Project Manager

CC: Outback Engineering, Inc.



**Town of Middleborough**  
20 Centre Street, Second Floor  
Middleborough, Massachusetts 02346

**Robert J. Whalen**  
**Building Commissioner**  
**Tel. 508-946-2426**  
**Fax 508-946-2305**

April 20, 2016

Middleborough Board of Selectmen  
Middleborough Town Offices  
10 Nickerson Ave  
Middleborough, MA 02346

RE: W.R.P.D. Application for B & T Realty Trust for a Special Permit located at Benson Street, Assessor's Map: 100 Lot: 4025, Zoning District Residence Rural, WRPD District Z3.

Honorable Board,

I have reviewed the plan submitted for B & T Realty Trust designed by Jason Youngquist, Professional Engineer of Outback Engineering, Inc for W.R.P.D. application for the location of a lot on Benson Street. This application is for a Special Permit under the Water Resource Protection District By-Law to allow the construction of a driveway for a single family dwelling within the twenty-five (25) feet of a fresh water wetland area.

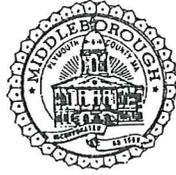
This use would be allowed under 310 CMR 10.53 (e) limited projects.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner  
Zoning Enforcement Officer

RJW/d

DEP 220 - 1262



# Town of Middleborough

## CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

PHONE: 1-508-946-2406  
FAX: 1-508-946-2309

### MEMORANDUM



TO: Board of Selectmen

CC: Ruth Geoffroy, Planning Director  
Robert Buker, Health Officer  
Robert Whalen, Building Commissioner  
Chris Peck, DPW Director

FROM: Patricia Cassady, Conservation Agent 

DATE: April 15, 2016

RE: W.R.P.D. Application: Filed by B&T Realty Trust Assessor's Map 100, Lot 4025,  
Zoning District -RR, WRPD District Z3

I have the following comments regarding the above-mentioned application:

- 1) An Order of Conditions was issued by the Conservation Commission on January 13, 2016 and is valid for 3 years till January 13, 2019. The plan of record matches the plan submitted with this WRPD application. The only difference is that the 25-foot no disturb zone was added.
- 2) This filing was submitted as a Limited Project under the Wetlands Protection Act (M.G.L. c. 131, Sec. 40 and regulation 310 CMR 10.53 (3)(e), which qualifies as one of the exemptions under the WRPD.
- 3) The applicant is required to do a wetland replication to compensate for the wetland crossing proposed.

Please let me know if you have any questions by contacting me at 508-946-2406 or [pssdy@middleborough.com](mailto:pssdy@middleborough.com)

Thank you  
pjc

FILE



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nicker-son Avenue, Middleborough, MA on **Monday, March 28, 2016 at 7:45 PM**, for the purpose of discussing an application filed by **Costello Dismantling Co., Inc.**, for an Earth Removal Permit for property located at **701 & 703 Wareham Street, Middleborough, MA, Assessors Map 110, Lots 3952 & 3985**. The reason for this request is to complete the removal of the final 20,000 cubic yards of material that remains on the site in order to grade the site to its final approval grades. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley, Chairman  
Leilani Dalpe

John M. Knowlton

Diane C. Stewart

Stephen J. McKinnon

BOARD OF SELECTMEN

March 17, 2016

The Middleboro Gazette Newspaper

Continued to May 2, 2016

7:30pm

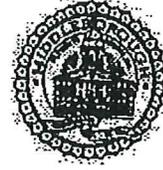
**From:** gary james  
**Sent:** Monday, April 25, 2016 3:48 PM  
**To:** Colleen Lieb  
**Subject:** RE: Costello Dismantling

Hi Colleen

I need to request a 2 week extension from the May 2 hearing. We are in the process of preparing the Conservation filing and we will not have this completed before your May 2 hearing date.

Please let me know if you will need anything further or if you have any questions.

Thanks Gary



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 2, 2016 at 8:00 PM**, for the purpose of discussing an application filed by the Town of Middleboro for a Special Permit under the Water Resource Protection District By-law to allow for the **reconstruction of the existing outfall pipe which drains the Plain Street municipal system and a portion of the Oak Point project**. This property is shown as Assessors Map 013, Lot 6384, Zoning District - RR, WRPD District Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Diane C. Stewart  
Stephen J. McKinnon  
BOARD OF SELECTMEN  
April 14 & 21, 2016  
The Middleboro Gazette Newspaper

# Water Resource Protection District Special Permit Application

Issued for:  
Board of Selectmen Review

Of

Drainage Outfall Improvements  
Off Plain Street  
Middleborough, MA

Prepared for

Town of Middleborough  
Department of Public Works  
48 Wareham Street  
Middleborough, MA 02346

Submitted to

Town of Middleborough  
Board of Selectmen  
10 Nickerson Avenue  
20 Center Street

Prepared by

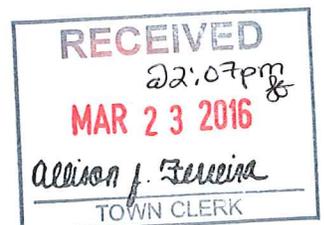


10 Main Street  
Lakeville, MA 02347

Tel: (508) 923-1010  
Fax: (508) 923-6309

**A&M PROJECT #1830-01B**

**March 22, 2016**



March 22, 2016

Town of Middleborough  
Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

RE: A&M Project #1830-01B  
WRPD Application  
55 Plain Street  
(Drainage Easement)  
Middleborough, MA

Dear Chairman Frawley and members of the Board of Selectmen:

On behalf of the Applicant, Town of Middleborough Department of Public Works, Allen & Major Associates is submitting this application for a Special Permit under the Water Resource Protection District bylaw. The application requests permission to make modifications to the existing stormwater outfall pipe which drains the Plain Street municipal system and a portion of the Oak Point project. The intent of the proposed construction is to remove the stone bleeder and allow the pipe to free flow towards the wetland resource area. The proposed work will occur within the twenty-five (25) foot no work buffer to a bordering vegetated wetlands. The property is located with Water Resource Protection District Z4 as illustrated on the Town of Middleborough Zoning Map. The work is permissible under section 3.d.iii for *"Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation and hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc."*

Application under the WRPD bylaws requires the following:

- a. Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewerage disposal facilities.

Included with this application, is the Stormwater Mitigation Plan off Plain Street (4 sheets) which include Drainage Modification Plan, sheet C-1, Existing Conditions Plan, sheet E-1, Notes and Details, sheet D-1 – D-2, dated March 21, 2016. These plans illustrate the extent of the proposed modifications to the existing outfall pipe.

- b. Pre and post development drainage characteristics for surface runoff and groundwater recharge, including calculations for all drainage designs;

The extent of the construction proposed in the WRPD does not require a pre- and post-development rate of runoff analysis. As part of the review by the other Town departments, the rates of runoff for the project have been submitted, reviewed, and approved. The basis for proposed modifications is focused

solely on the outfall pipe and not the upstream contributory areas. These can be provided if determined to be required compliance with the bylaw.

- c. Location of and distance to the public supply wells effected by the subject site;

There are no public water supply wells in the vicinity of this project that will be affected.

- d. Soil characteristics underlying the site and within the area between the site and the public supply wells;

As noted previously, there are no public water supply wells in the vicinity of the proposed work. The Plymouth County soil survey map lists the area as Birchwood sand, 3 to 8 percent slopes with a water table generally between 12 and 29 inches. The soils are classified as Hydrologic soil group B/D.

- e. provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare

The reconstruction of the outfall pipe has been designed to reduce the exit velocity under 2 feet per second. In order to achieve this, within the box culvert are "roughness elements". These elements are designed to increase the friction acting on the stormwater thus reducing the velocity. Each block will disrupt the flow of water, removing a portion of its energy. The calculation for the size and number of blocks is included herein and is based on the Federal Highway Administration Hydraulic Engineering Circular (HEC)-14. The exit velocity of the stormwater from the box culvert is calculated at approximately 1 foot per second. Additional rip-rap stone has been specified from the culvert exit to the wetland and/or drainage easement limit as shown on the drawings to further reduce the exit velocity. During construction, best management practices will be used to prevent erosion including silt fence and straw wattles. A&M believes that no additional provisions are necessary.

- f. A stormwater management plan as outlined by DEP Stormwater Management Standards and any additional requirements of the Town of Middleborough.

The extent of the construction proposed in the WRPD does not require a pre- and post-development rate of runoff analysis. As part of the review by the other Town departments, the rates of runoff for the project have been submitted, reviewed, and approved. The basis for proposed modifications is focused solely on the outfall pipe and not the upstream contributory areas. These can be provided if determined to be required compliance with the bylaw.

- g. A plan with calculations for any spill containment structures required herein;

N/A.

- h. Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Districts or otherwise impact the water resources of the Town;

The modification to the existing outfall will occur in previously altered or disturbed areas within an existing drainage easement. Temporary stripping of existing topsoil is being proposed as well as the removal of one spruce tree to accommodate the proposed work. The potential loss of an additional spruce tree may occur and will only be determined in the field once the limit of work is established. The

Contractor will be required to implement and install erosion control measures as detailed on the plans to protect the resource areas as well as down gradient areas. All disturbed areas will be restored to their existing conditions. The proposed work will not reduce the overall quality and quantity of water available in the WRPD.

- i. Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site.

The modification to the existing outfall will occur in previously altered or disturbed areas within the existing drainage easement. No changes in the drainage patterns will result due to this project.

- j. Methods to prevent against loss of recharge such as preservation of ground cover, infiltration of pollution, alternative runoff, minimization of laws, making area of natural vegetative areas.

The modification to the existing outfall will occur in previously altered or disturbed areas within the existing drainage easement. No changes in the drainage patterns will result due to this project. The up gradient stormwater management systems have been previously designed to mitigate against the loss of recharge in accordance with the Massachusetts Stormwater Handbook. Minimal removal of vegetation is planned. The proposed mitigation does result in increased potential for pollutant infiltration.

- k. The SPGA may require additional information including but not limited to calculations, on-site testing, groundwater monitoring, groundwater modeling, etc. necessary to evaluate impacts from the proposed project.

To be determined upon Board review.

A&M believes that this application is in keeping with the provisions of the special permit requirements, which determine that the project is:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

Enclosed is a check in the amount of \$50.00 for the WRPD Special Permit, WRPD application and checklist and site plans. A Notice of Intent (NOI) for the proposed modifications has been submitted to the Conservation Commission and a public hearing is scheduled for April 7, 2016. A copy of the NOI is attached hereafter. A&M looks forward to discussing this project at the next available Board of Selectmen public hearing. Please notify us to the date and time of the hearing for the proposed filing. Thank you for your time and consideration. If you have any questions regarding this submittal or require additional information please contact me at (508) 923-1010.

Very truly yours,

A&M Project #1830-01B

March 22, 2016

**ALLEN & MAJOR ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read 'P. Cordeiro', written over a horizontal line.

Philip Cordeiro, P.E.  
Branch Manager

CC: Town of Middleborough DPW  
Hometown Oak Point  
A&M File: 1830-01B

Enclosure

*WPRD Special Permit Application*

**INSTRUCTIONS for filing Petition for Public Hearing re WRPD Special Permit**

The petitioner is to file **ONE (1) electronic copy** and **SEVEN (7) paper copies** of the **ENTIRE** application & site plans, including a Certified Abutter's list (which may be obtained at the Assessors' office, Town Hall, 10 Nickerson Ave.) and a non-refundable filing fee of fifty (\$50) dollars, payable to the Town of Middleborough, **at the Town Clerk's office** located at the Town Hall Annex, **20 Centre Street**. The Town Clerk's office will forward the petition packet to the Board of Selectmen's office.

All applications/petitions received must be complete before they can be acted upon by the Board of Selectmen. The Board reserves the right to either, refuse to accept, or return for additional information, any petition which is not completed according to these directions. The Board additionally reserves the right to seek review of the petitioner's application by an outside consultant (reference regulation "Outside Consultants – Special Account").

- A. The petitioner must prove, in writing, at the time of filing, that the proposed use:
  1. Is in harmony with the purpose and intent of the WRPD Bylaw and will promote the purposes of the Water Resource Protection Districts;
  2. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
  3. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge areas; and
  4. Will not adversely affect any existing or potential water supply.
- B. The petitioner is responsible for the cost of the legal publication of hearing notice in the Middleboro Gazette newspaper. The hearing notice for a WRPD Special Permit public hearing is required to be published twice. The fee is not determined until layout by the newspaper, and therefore, is not due at time of petition submittal. The Board of Selectmen's office staff will notify the petitioner of the amount due, once it is known.
- C. The petitioner will be notified of the date, time, and place of the public hearing by the Board of Selectmen's office staff. The office staff will provide the petitioner with a public hearing notice. The petitioner will make

the necessary copies and mail this notice to each abutter on the Certified Abutter's list via Certified, Return Receipt requested mail.

The petitioner collects the green receipt cards as they are received back from the abutters, and the receipts proving the certified letters were sent, and brings them to the public hearing to turn into the Selectmen's Executive Assistant.

- D. The petitioner or a representative must attend the public hearing. The petitioner should bring to the hearing any documents, plans, witnesses, other information, or materials, that will be necessary to substantiate the request.
- E. After the public hearing, you will receive a letter from the Board of Selectmen's office advising you that your application, Certificate of Granting and the Report of the hearing has been filed with the Town Clerk. This information is a matter of public record and may be seen at the Town Clerk's Office. The letter will indicate if your petition was granted. If any stipulations were voted by the Board, they will be included in the report.
- F. Anyone who may wish to appeal the decision of the Board may do so, provided an action is taken to the Superior Court sitting in Plymouth County, Massachusetts, or the Land Court, within twenty (20) days after the hearing decision has been filed.
- G. After the twenty day appeal period has expired, you will be mailed a Certificate of Granting of Special Permit, a copy of the Report of the Hearing, and a letter from the Town Clerk. These forms must be filed with the Plymouth Registry of Deeds, Russell Street, Plymouth, Massachusetts. You are required to provide proof (copy) of this filing to the Board of Selectmen's office.

**Please feel free to contact the Board's Executive Assistant, Jackie Shanley, in the Selectmen's office at 508 946-2405 with any questions.**

## CHECKLIST FOR SITE PLANS

(Applicant must initial each item or the application/petition will not be accepted.)

No.	Description	Initial	N/A
1.	<b>One (1) electronic copy</b> of the site plans must be filed with the Board of Selectmen's office via <a href="mailto:jshanley@middleborough.com">jshanley@middleborough.com</a> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	<b>Seven (7) paper copies</b> of the site plan must be filed with the Town Clerk's office, along with <b>seven (7) paper sets</b> of the petition application (see top of "Petition Application" form).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a.	Show locus to reasonable scale (use corner of the site plan page).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Show existing and proposed street lines, number & name.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Show existing and/or proposed building, including accessory buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Show driveway and driveway openings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Show natural waterways (if any).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Show distance from structure to wetlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.	<input type="checkbox"/>	<input type="checkbox"/>
h.	Show setback dimensions or distances from street and abutters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: If the site has no approval required other than a home lot, then a Land Surveyor stamp will be accepted.

## CHECKLIST FOR PROJECT WRITTEN NARRATIVE

No.	Description	Initial	N/A
1.	Provide a written narrative explaining how you see the project complying with the WRPD bylaws and regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	If your petition requests alterations or additions to a building, or structure, you should bring detailed plans which show the proposed alterations or additions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers, or oil, that the appropriate methods have been provided to contain any spillage.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**PETITION APPLICATION FOR A WRPD SPECIAL PERMIT**

**One (1) electronic copy** of the petition & engineering plans must be **filed with the Selectmen's** office via email: [jshanley@middleborough.com](mailto:jshanley@middleborough.com) and **Seven (7) complete paper sets** of the petition application, including **all required documents**, such as engineering plans, must be **filed with the Town Clerk** at 20 Centre Street (former Eastern Bank building), 1<sup>st</sup> floor, Middleborough, MA. The Town Clerk's office will forward all petitions for a Special Permit to the Board of Selectmen's office.

I/We hereby petition your Board for a public hearing for a Special Permit, which is subject to Board of Selectmen approval under the **Water Resource Protection District By-law**.

**A. Location of property in question:**

Street address: 55 Plain Street (Drainage Easement)  
Map & Lot 13-6384  
Zoning District Residence Rural  
**(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)**  
WRPD District Z4  
**(Z1, Z2, Z3, Z4)**

**B. To allow for:**

To allow for the reconstruction of the existing outfall pipe which drains the Plain Street municipal system and a portion of the Oak Point project. The application is made on behalf of the Department of Public Works.

**(As shown on the attached plan)**

*Example: To allow for an addition of 12' x 20' to the building at 1234 Nickerson Avenue, Map #, Zoning district, WRPD District (A or B), presently used as a residence for the purpose of a dental office by the owner occupant. There will be a maximum of three employees.*

**C. Submitted by:**

Philip Cordeiro, PE  
Printed full name (Individual)

\_\_\_\_\_  
Signature (Individual)

10 Main Street, Lakeville, MA 02347  
Address

508-923-1010  
Daytime telephone

Allen & Major Associates, Inc.  
Printed company name/engineering firm

 3-22-16  
Signature (company/engineering rep.)

pcordiero@allenmajor.com  
Email address

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405  
Fax: 508-946-0058

**Town of Middleborough**  
**Massachusetts**  
**Board of Selectmen**

**APPLICATION FOR LICENSE OR LICENSING TRANSACTION**  
**(PLEASE TYPE OR PRINT CLEARLY)**

DATE March 21, 2016  
NAME OF APPLICANT Town of Middleborough DPW  
ADDRESS OF APPLICANT 48 Wareham Street  
ASSESSORS MAP & LOT 13 Lot 6384  
DAYTIME TELEPHONE 508-946-2480

NAME OF BUSINESS \_\_\_\_\_  
OWNER OF PROPERTY TO BE LICENSED Daniel Harrington  
ADDRESS OF PROPERTY TO BE LICENSED 55 Plain St (Easement)  
ASSESSORS MAP & LOT 13 Lot 6384

*TYPE OF LICENSE REQUESTED (Check One)*

2<sup>nd</sup> Hand \_\_\_\_\_  
Class I Automobile Dealer License \_\_\_\_\_  
Class II Automobile Dealer License \_\_\_\_\_  
Class III Automobile Dealer License \_\_\_\_\_  
Entertainment \_\_\_\_\_  
WRPD  \_\_\_\_\_  
Earth Removal Permit \_\_\_\_\_  
Liquor License \_\_\_\_\_  
Junk Dealer \_\_\_\_\_  
Other \_\_\_\_\_

Anticipated Start Date for Business: N/A  
Days & Hours of Operation: N/A

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?  
If yes, explain:

No

Signature [Handwritten Signature]

DATE OF HEARING: TBD

**Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3<sup>rd</sup> floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.**

**Dear Treasurer/Collector:**

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

[Large Handwritten Signature]

*Copy of Check*

592

53-7282/2113

03

ALLEN & MAJOR ASSOCIATES, INC  
10 MAIN ST  
LAKEVILLE, MA 02347-1674

3/21/14

Date

\$ 50.00

Dollars



Security Features Details on back

Pay to the Order of Town of Middleboro

Fifty and No/100

**Bridgewater Savings**

Bridgewater Savings Bank  
Bridgewater, MA

For Project 1830-01 B NOI

*[Signature]*

MP

⑆ 2 1 1 3 7 2 8 2 8 ⑆ 1 0 0 3 2 6 4 1 7 ⑆ 0 5 9 2

MITCHELL CUSTOMER CREATIONS

Richard Clarke

*Certified Abutters List*



Middleborough Assessor's Office  
10 Nickerson Avenue  
Middleborough, MA 02346

## ABUTTER'S LIST CERTIFICATION PAGE\*

Date: March 15, 2016

BOARD OF SELECTMEN

Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of Map 013 Lot 6384 located at 55 Plain Street in Middleborough, MA 02346.

\_\_\_\_\_  
Ross Lawrence, Jr. Clerk  
Middleborough Board of Assessors

(This list consists of 1 page with 14 lots)

\*Please note there is no additional charge for this page and it is intended to certify the information on the preceding or attached document (s).



LOCUS		OWNER NAME	APPLICANT NAME	PAGES			
MAP 013 LOT 6384 55 PLAIN STREET		HARRINGTON, DANIEL	HOMETOWN OAK POINT LLC	1 OF 1			
REASON FOR PROJECT		NAME OF BOARD	CONTACT #	DATE			
DRAINAGE IMPROVEMENTS ON EXISTING OUTFALL PIPE		SELECTMEN	PAUL MATOS 508-923-1010	3/15/2016			
parcel ID	Location	Owner name	C/O Owner	Mailing Address	City	State	Zip
005-4819	PLAIN ST	HOMETOWN OAK POINT I LLC		150 N. WACKER DRIVE	CHICAGO	IL	60606
005-5665	OAK POINT DR	HOMETOWN OAK POINT II LLC		150 N. WACKER DRIVE	CHICAGO	IL	60606
013-5672	63 PLAIN ST	WOJNAROWSKI, MACIE J ETAL		63 PLAIN ST	MIDDLEBORO	MA	02346
013-6392	59 PLAIN ST	PETERSEN, BRIAN & KORRIN		59 PLAIN ST	MIDDLEBORO	MA	02346
013-6442	17 WILLOWTREE LN	COSTA, ROBERT A ETAL		17 WILLOWTREE LN	MIDDLEBORO	MA	02346
013-6496	34 WILLOWTREE LN	WITKOWSKI, PAUL & DIANNE		34 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5744	37 WILLOWTREE LN	DAVIS, CHARLES L II & ANDREA J		37 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5748	47 WILLOWTREE LN	ODDO, GREGG G		47 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5753	63 WILLOWTREE LN	SWAIL, MICHAEL P & KIMBERLY		63 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5786	51 WILLOWTREE LN	KELLY, JUSTIN C & DALISSA R		51 WILLOWTREE LN	MIDDLEBORO	MA	02346
022-1515	51 PLAIN ST	MEALEY, KEVIN C & SANDRA L		51 PLAIN ST	MIDDLEBORO	MA	02346
022-2481	PLAIN ST	HASEOTES, V S & SONS		PO BOX 8000	CUMBERLAND	RI	02864
022-773	PLAIN ST	GALLAGHER, DONALD J		23 BROWNELL AVE	DARTMOUTH	MA	02747-3732
023-1032	THOMPSON ST (OFF)	UNKNOWN OWNER		UNKNOWN ADDRESS			

# MEMORANDUM

TO: Rich Tabaczynski, Atlantic Design Engineers, Inc.  
Ruth Geoffroy, Planning Director  
Patricia Cassady, Conservation Commission Agent  
Robert Whalen, Building Commissioner  
Robert Buker, Health Officer  
Chris Peck, DPW Director

FROM: Colleen Lieb  
Acting - Executive Assistant to the Board of Selectmen

DATE: March 29, 2016

SUBJECT: **W.R.P.D. Application – filed by the Town of Middleborough  
Assessor's Map 13, Lot 6384, Zoning District-RR,  
WRPD District Z4.**

Attached is a W.R.P.D. application filed by the Town of Middleboro for a Special Permit under the Water Resource Protection District By-law.

This application will be heard by the Board of Selectmen at its meeting on **May 2, 2016 at 8:00 PM.**

Please provide **remarks or concerns** regarding the request to the Selectmen's Office **by, or before, Noon on Wednesday, April 20, 2016.**

Thank you.

Attachments

*Notice of Intent*

# Notice of Intent

Issued for:  
Conservation Commission  
Review

Of

Drainage Outfall Improvements  
Off Plain Street  
Middleborough, MA

Prepared for

Town of Middleborough  
Department of Public Works  
48 Wareham Street  
Middleborough, MA 02346

Submitted to

Town of Middleborough  
Conservation Commission  
20 Center Street  
Middleborough, MA 02346

Prepared by



10 Main Street  
Lakeville, MA 02347

Tel: (508) 923-1010  
Fax: (508) 923-6309

**A&M PROJECT #1830-01B**

**March 22, 2016**

## **TABLE OF CONTENTS**

---

**WPA Form 3 – Notice of Intent**

**Wetland Fee Transmittal Form**

**Copies of State and Local Checks**

**Project Narrative**

**Affidavit of Service**

**Notification to Abutters**

**Certified Abutters List**

**BVW Data Forms**

**WPA Form 9 – Enforcement Order**

**Calculation Sheets**

**Roughness Elements**

**Roughness Element Anchor Bolt**

**Splash Plate**

**Figures**

**USGS Topographical Map**

**Aerial Photograph**

**FEMA Flood Map**

**Natural Heritage Map**

**Plain Street Drainage Easement**

**Plain Street Design Documents**

**Allen & Major Associates, Inc. Site Development Drawings dated March 21, 2016**

***WPA Form 3 – Notice of Intent***



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

55 Plain Street (Drainage Easement) \_\_\_\_\_ Middleborough \_\_\_\_\_ 02346  
 a. Street Address b. City/Town c. Zip Code  
 Latitude and Longitude: 41d 56' 11.29" 70d 54' 15.30"  
 d. Latitude e. Longitude  
 13 6384  
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Christopher \_\_\_\_\_ Peck \_\_\_\_\_  
 a. First Name b. Last Name  
 Town of Middleborough Department of Public Works \_\_\_\_\_  
 c. Organization  
 48 Wareham Street \_\_\_\_\_  
 d. Street Address  
 Middleborough \_\_\_\_\_ MA \_\_\_\_\_ 02346  
 e. City/Town f. State g. Zip Code  
 508-946-2480 508-946-2484 cpeck@middleborough.com  
 h. Phone Number i. Fax Number j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

Daniel \_\_\_\_\_ Harrington \_\_\_\_\_  
 a. First Name b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 55 Plain Street \_\_\_\_\_  
 d. Street Address  
 Middleborough \_\_\_\_\_ MA \_\_\_\_\_ 02346  
 e. City/Town f. State g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

Philip \_\_\_\_\_ Cordeiro \_\_\_\_\_  
 a. First Name b. Last Name  
 Allen & Major Associates, Inc. \_\_\_\_\_  
 c. Company  
 10 Main Street \_\_\_\_\_  
 d. Street Address  
 Lakeville \_\_\_\_\_ MA \_\_\_\_\_ 02347  
 e. City/Town f. State g. Zip Code  
 508-923-1010 508-923-6309 pcordeiro@allenmajor.com  
 h. Phone Number i. Fax Number j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$802.00 \_\_\_\_\_ \$388.50 \_\_\_\_\_ \$413.50 \_\_\_\_\_  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

**A. General Information (continued)**

6. General Project Description:

See attached cover letter.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input checked="" type="checkbox"/> Utilities                      | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Plymouth

a. County

17600

c. Book

b. Certificate # (if registered land)

282

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Middleborough

City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b> _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4.  Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

**C. Other Applicable Standards and Requirements**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

- 1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

October 1, 2008  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

- 1.  Percentage/acreage of property to be altered:  
(a) within wetland Resource Area \_\_\_\_\_ percentage/acreage  
(b) outside Resource Area \_\_\_\_\_ percentage/acreage
- 2.  Assessor's Map or right-of-way plan of site

- 2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*  
(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)  
(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

**C. Other Applicable Standards and Requirements (cont'd)**

(c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm)).  
 Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1.  Project is exempt from MESA review.  
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.  
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a.  Not applicable – project is in inland resource area only b.  Yes  No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
 Southeast Marine Fisheries Station  
 Attn: Environmental Reviewer  
 1213 Purchase Street – 3rd Floor  
 New Bedford, MA 02740-6694  
 Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
 North Shore Office  
 Attn: Environmental Reviewer  
 30 Emerson Avenue  
 Gloucester, MA 01930  
 Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

## C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
 a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
 a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
 a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:  
 1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
 2.  A portion of the site constitutes redevelopment  
 3.  Proprietary BMPs are included in the Stormwater Management System.  
 b.  No. Check why the project is exempt:  
 1.  Single-family house  
 2.  Emergency road repair  
 3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

## D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Middleborough

City/Town

**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Stormwater Mitigation Plan off Plain Street Middleborough, MA

a. Plan Title

Allen & Major Associates, Inc.

Phil Cordeiro, PE

b. Prepared By

c. Signed and Stamped by

March 21, 2016

varies

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

590

2. Municipal Check Number

3/21/16

3. Check date

589

4. State Check Number

3/21/16

5. Check date

Allen & Major Associates, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

\_\_\_\_\_  
MassDEP File Number

\_\_\_\_\_  
Document Transaction Number

\_\_\_\_\_  
Middleborough  
City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

\_\_\_\_\_  
1. Signature of Applicant

\_\_\_\_\_  
2. Date

\_\_\_\_\_  
3. Signature of Property Owner (if different)

\_\_\_\_\_  
4. Date

\_\_\_\_\_  
5. Signature of Representative (if any)

\_\_\_\_\_  
6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

***Wetland Fee Transmittal Form***



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

55 Plain Street (Drainage Easement) Middleborough  
 a. Street Address b. City/Town  
 589 \$388.50  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Christopher Peck  
 a. First Name b. Last Name  
 Town of Middleborough Department of Public Works  
 c. Organization  
 48 Wareham Street  
 d. Mailing Address  
 Middleborough MA 02346  
 e. City/Town f. State g. Zip Code  
 508-946-2480 508-946-2484 cpeck@middleborough.com  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Daniel Harrington  
 a. First Name b. Last Name  
 c. Organization  
 55 Plain Street  
 d. Mailing Address  
 Middleborough MA 02346  
 e. City/Town f. State g. Zip Code  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees (continued)**

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat. 2.g (storm drain discharge)	1	\$500.00	\$500.00
Cat. 6 (Flags GC8 - A4)	1	\$2.00 per ft x 151 ft	\$302.00

Step 5/Total Project Fee: \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	\$802.00
State share of filing Fee:	a. Total Fee from Step 5 \$388.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$413.50
	c. 1/2 Total Fee plus \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

***Copies of State and Local Checks***

ALLEN & MAJOR ASSOCIATES, INC  
10 MAIN ST  
LAKEVILLE, MA 02347-1674

591  
53-7282/2113  
03

3/21/14  
Date

Pay to the order of South Coast Media Group \$ 78.49  
Seventy Eight and 49/100 Dollars

**Bridgewater Savings**

Bridgewater Savings Bank  
Bridgewater, MA  
or Project 1830-01B NOI  MP

⑆ 211372828⑆ 100 326 417⑈ 0591

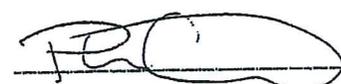
ALLEN & MAJOR ASSOCIATES, INC  
10 MAIN ST  
LAKEVILLE, MA 02347-1674

592  
53-7282/2113  
03

3/21/14  
Date

Pay to the order of Town of Middleboro \$ 50.00  
Fifty and 00/100 Dollars

**Bridgewater Savings**

Bridgewater Savings Bank  
Bridgewater, MA  
or Project 1830-01B NOI  MP

⑆ 211372828⑆ 100 326 417⑈ 0592

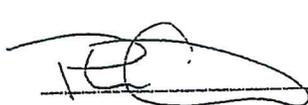
ALLEN & MAJOR ASSOCIATES, INC  
10 MAIN ST  
LAKEVILLE, MA 02347-1674

589  
53-7282/2113  
03

3/21/14  
Date

Pay to the order of The Commonwealth of Massachusetts \$ 388.50  
Three Hundred Eighty Eight and 50/100 Dollars

**Bridgewater Savings**

Bridgewater Savings Bank  
Bridgewater, MA  
or 1830-01B NOI  MP

⑆ 211372828⑆ 100 326 417⑈ 0589

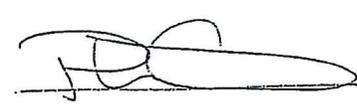
ALLEN & MAJOR ASSOCIATES, INC  
10 MAIN ST  
LAKEVILLE, MA 02347-1674

590  
53-7282/2113  
03

3/21/14  
Date

Pay to the order of Town of Middleboro \$ 413.50  
Four Hundred Thirteen and 50/100 Dollars

**Bridgewater Savings**

Bridgewater Savings Bank  
Bridgewater, MA  
For Project 1830-01B NOI  MP

⑆ 211372828⑆ 100 326 417⑈ 0590

*Project Narrative*

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## **Project Narrative**

### **Existing Conditions**

The project locus is approximately 350 feet off the sideline of Plain Street in Middleborough on the property of Daniel Harrington of 55 Plain Street. As a condition of the project Special Permit in effect at the time of construction, Oak Point Associates was required to provide improvements to Plain Street. This work included repaving of the roadway and installation of a closed drainage system to convey stormwater to receiving waters, in this case Beaver Dam swamp. The phase 1 roadway improvements to Plain Street were designed and constructed in 2003 under the purview of the Department of Public Works and the Board of Selectmen. The outfall from the drainage system is a 42 inch reinforced concrete pipe installed adjacent to the Harrington property line. This pipe is also the discharge point for the Watershed 10 post-development area of the Oak Point project, specifically a portion of Phase 7 Section 2 and a future phase of the project. The drain line and maintenance are allowed under an easement granted to the Town of Middleborough recorded with the Plymouth County Registry of Deeds as Plan 942 of 2003. The easement agreement is recorded in Book 27226 page 127. A portion of the easement extends onto the adjacent property of Robert Costa of 17 Willow Tree Lane. This easement agreement is recorded in Book 27226 Page 129 as issued to the CMG Group LLC. as the previous owner of the lot.

### **Resource Areas**

The wetland resource area for this work was flagged by Nicole Hayes, senior scientist from Goddard Consulting, on February 9, 2016. During the walk, wetland flag series GC-1 through GC-15 were marked (approximately 272 linear feet). A second visit conducted on March 7, 2016 added flag series A1 through A8 (approximately 108 linear feet). These areas are identified as Bordering Vegetated Wetland (BVW) described by the attached letter and delineation forms.

The proposed project is to provide improvements to the outfall pipe. The area of work most pertinent to this Notice of Intent application occurs between wetland flags A-4 through GC-8, approximately 151 linear feet.

### **Proposed Project**

In this Notice of Intent (NOI), the proposed project consists of reconstruction of the existing outfall pipe which drains the Plain Street municipal system and a portion of the Oak Point project. The application is made on behalf of the Department of Public Works and the property owner.

In 2003, roadway improvements drawings were prepared by A&M and submitted to the Town of Middleborough for Phase 1 reconstruction of Plain Street. As indicated on the site plan drawings dated April 23, 2003 the 42" outlet pipe was to be installed as an at grade pipe with a flow dissipater (rip-rap) outlet prior to discharge to the wetland resource area. In September 2003, a design change was made to embed the pipe in 12-15" diameter rip-rap stone bleeder outlet. The field change appears to have been driven by the inability to daylight the pipe within the defined limits of the drainage easement. This assumption is based on A&M's 2016 review of items that may have occurred in 2003 as no clear documentation exists on the reason for the change.

As part of a review of the stormwater systems for the project with the Town of Middleborough Planning Board, updated calculations entitled "Oak Point – Watershed #10 Stormwater Management Summary " dated March 4, 2015 revised through March 30, 2015 were prepared and approved by planning staff and the Planning Board. The intent of the watershed analysis was to incorporate modifications to stormwater basins 18 and 20 of the Oak Point project. The scope of the modifications also included additional work within Plain Street to upsize approximately 75 feet of drain pipe to 42" reinforced concrete pipe, add offline low-flow drainage bypass structures, and replace a Stormceptor water quality unit within Plain Street. This work was completed in 2015. In the approved drainage calculations, the outfall condition of the pipe was not modeled with the stone bleeder restriction that limits conveyance of the stormwater flows. The model used was consistent with the 2006 approved definitive site plan drawings and calculations but also lacked the bleeder restriction at the outfall.

The intent of the proposed construction is to remove the stone bleeder and allow the pipe to free flow towards the wetland resource area with the stormwater energy dissipated. All of the proposed work will be within 100 feet of the bordering vegetated wetlands. A portion of the work will occur within 25 feet to the BVW. This will necessitate a special permit under the Water Resource Protection District (WRPD 4) issued by the Board of Selectmen. The work is permissible under

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section 3.d.iii for *“Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation and hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.”*

The proposed work shall take place entirely within the drainage easement held by the Town. There is an existing encroachment into the easement and the Harrington property by the rear yard of Costa. This includes a boulder retaining wall, chain link fence, and portion of lawn area enclosed by the fence. A&M has notified the DPW, Harringtons, and Costas regarding the encroachment. The plans presented herein assume the encroachment to be an existing condition that should be restored, however, Mr. Harrington may elect to require the encroachment to be removed or otherwise addressed upon consultation with his attorney.

The scope of the project shall include:

1. Establish a stone tracking pad at the intersection with Plain Street to prevent tracking of sediment and material onto public roadways.
2. Install a silt fence and straw wattle barrier along the limit of work as shown on the design drawings.
3. Remove an existing spruce tree as denoted on the plan. The root system will be impacted by construction that affects the long term survivability of the tree. Provide appropriate tree protection for an additional spruce tree that is close to the work limits. Once the work is laid out in the field, if the tree cannot be saved A&M shall coordinate with the Conservation Agent to determine if the tree can be removed.
4. Remove and stockpile the existing chainlink fence on the Costa property and provide appropriate construction fencing for safety.
5. Remove the existing stone boulder retaining wall.
6. Remove and stockpile loam. Stockpiling of materials will occur off property based on the limited width of the easement, proximity to wetlands, and private property.
7. Remove and stockpile existing rip-rap bleeder stone. The stone will be washed and cleaned for reuse.
8. Remove and excavate subsoil. The total excavation anticipated between items 7 and 8 shall be approximately 75 yards.
9. Remove the existing stone headwall (adjacent to wetland flags A2-GC3).
10. Remove and dispose of existing 42” concrete flared end section.
11. Install 27 linear feet of 42” RCP concrete pipe.
12. Install 12” gravel base for box culvert.
13. Furnish and install 35 linear feet of 6’ x 11’ four side concrete box culvert with velocity roughness elements.
14. Regard adjacent areas to box culvert elevation per the design drawings. Provide loam and seed and rip-rap per drawings.
15. Provide rip-rap stone bedding at box culvert using clean, washed stone. Grade to existing.
16. Replace chain link fence on Costa property and provide protective fencing on top of box culvert and discharge point.
17. Provide final cleanup including loaming and seeding of disturbed lawn areas.

Given the proximity to the wetlands, the contractor may anticipate water during excavation. If this occurs, the contractor shall work with A&M and the conservation agent to provide appropriate dewatering practices. The Contractor shall comply with 2012 CGP, Federal, State, and Local maintenance requirements and at a minimum, the requirements in CGP Part 2.1.3.4: “With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer’s specifications.”

The construction outlined above is intended to provide a free flowing outfall through a stabilized path. The use of the box culvert sections accommodates the previous retaining wall of the Costa property and limits the amount of disturbance to the wetland buffer zone that would otherwise occur outside of the easement. The box culvert assembly will receive the stormwater flows as outlined in the Watershed 10 stormwater reported as appended by the as-built condition of stormwater basins 18 and 20 issued to the Planning Department. This outflow is 77.65 cubic feet per second at a velocity of 8.08 feet per second. In order to minimize erosion potential at the BVW, A&M’s maximum permissible velocity should be under 2 feet per second. In order to achieve this, within the box culvert are “roughness elements”. These elements are designed to increase the friction acting on the stormwater to reduce the velocity. Each block will disrupt the flow of water

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thus removing a portion of its energy. The calculation for the size and number of blocks is included herein and is based on the Federal Highway Administration Hydraulic Engineering Circular (HEC)-14. The exit velocity of the stormwater from the box culvert is calculated at approximately 1 foot per second. Rip-rap stone has been specified from the culvert exit to the wetland and/or drainage easement limit as shown on the drawings to further mitigate any increase in runoff. No new stormwater calculations are proposed as part of this project. The basis for design is focused solely on the outfall pipe and not the upstream contributory areas.

An inspection manhole has been provided on the first culvert section. A chain-link fence shall be installed along the top of the culvert to prevent climbing while an additional fence shall be installed across the end of the box section to prevent humans or animals from entering the structure. It is the intent of the design to leave the box culvert exposed to alert anyone in the area of the structure to prevent accidental falls.

No work is proposed within the BVW area.

### **Environmental Due Diligence**

Additional due diligence was completed by consulting the latest Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) map dated July 17, 2012. The property is located within Zone X (“areas of 0.2% annual chance flood”). There are no 100 Year Floodplains on or directly adjacent to the site. A review of the latest Massachusetts Natural Heritage Atlas; 13<sup>th</sup> Edition, reveals that there are no Estimated Habitats, Priority Habitats or Certified Vernal Pools onsite or directly adjacent to the site (See Exhibit 4 Priority & Estimated Habitats). The site is not located within any Areas of Critical Environmental Concern (ACEC) and a review of the most recent Town of Middleborough Zoning Map indicates the property is within area Water Resource Protection District (WRPD) Zone 4.

### **MA Stormwater Performance Standards**

No new development or stormwater conveyances are created as a result of this project. For this activity, A&M is seeking exemption from the Stormwater Standards as the proposed work should be considered an “emergency repair to roads or their drainage systems”. As outlined by discussions with the Middleborough Planning Board, a higher event storm may lead to a surcharged condition of Plain Street or the Oak Point development through the municipal system.

### **Conservation Regulatory Review**

In February 2016, Hometown Oak Point and A&M engaged in some construction activity at the pipe outfall location. This work included removal of some rip-rap stone to provide some open area for free flow of the pipe. This activity was not regulated by the Conservation Commission and as such an Enforcement Order (EO) was issued by the Commission on February 12, 2016. The EO required an immediate cease and desist on any activity and to supplement the area with additional erosion protection. The purpose of the Notice of Intent is to address the work covered under the EO. A&M requests that the attached site plans be used to satisfactorily address the EO and any conditions of the EO become part of an Order of Conditions issued in due course.

### **Narrative Conclusion**

The applicant respectfully submits the proposed project for the review of the Town of Middleborough Conservation Commission. The proposed project will be of benefit to both the residents of Oak Point and the adjacent BVW resource. The project has avoided all disturbance to both the BVW and limited the disturbance to the 25-foot WRPD buffer. Through careful site design, the adverse impacts have been minimized and the interests of the Massachusetts Wetlands Protection Act and the Town of Middleborough wetlands policies have been protected.

*Affidavit of Service*

**AFFIDAVIT OF SERVICE**

**Under the Massachusetts Wetlands Protection Act**

I, Phil Cordeiro hereby certify under the pains and penalties of perjury that on or before March 22, 2016 I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification in connection with the following matter:

A Notice of Intent (NOI) application was filed under the Massachusetts Wetlands Protection Act by Allen & Major Associates, Inc. c/o the Town of Middleborough DPW with the Middleborough Conservation Commission on

March 22, 2016 for a property located at  
date  
55 Plain Street (Drainage Easement), Middleborough, MA 02346

The form of notification and the list of abutters to whom it was given and their addresses are attached to this Affidavit of Service.

  
\_\_\_\_\_  
Signature

3-22-16  
\_\_\_\_\_  
date

*Notification to Abutters*

## Notification to Abutters Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is Town of Middleborough DPW
- B. Property is owned by: Daniel Harrington
- C. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Middleborough, Massachusetts seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- D. The address of the lot where the activity is proposed is 55 Plain Street within the existing Drainage easement
- E. Assessors Map and Lot Number: Map 13 Lot 6384
- F. Copies of the Notice of Intent may be examined at Middleborough Conservation Commission between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.
- G. Brief description of project: Upgrade to existing drainage outfall
- H. Copies of the Notice of Intent may be obtained from either (check one) the Applicant  or the applicant's representative , by calling this telephone number 508-923-1010 between the hours of 9:00 and 5:00 on the following days of the week:  
Monday - Friday
- I. Information regarding the date, time, and place of the public hearing may be obtained from the Middleborough Conservation Commission by calling 508-946-2406 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

NOTE: Notice of the public hearing, including its date, time, and place, will be Published at least five (5) days in advance in the Middleborough Gazette.

NOTE: You may contact the Department of Environmental Protection Regional office at 508-946-2800 for more information.

***Certified Abutters List***



Middleborough Assessor's Office  
10 Nickerson Avenue  
Middleborough, MA 02346

## ABUTTER'S LIST CERTIFICATION PAGE\*

Date: March 15, 2016

BOARD OF SELECTMEN

Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of Map 013 Lot 6384 located at 55 Plain Street in Middleborough, MA 02346.

Ross Lawrence, Jr. Clerk  
Middleborough Board of Assessors

(This list consists of 1 page with 14 lots)

\*Please note there is no additional charge for this page and it is intended to certify the information on the preceding or attached document (s).



LOCUS		OWNER NAME	APPLICANT NAME	PAGES			
MAP 013 LOT 6384 55 PLAIN STREET		HARRINGTON, DANIEL	HOMETOWN OAK POINT LLC	1 OF 1			
REASON FOR PROJECT		NAME OF BOARD	CONTACT #	DATE			
DRAINAGE IMPROVEMENTS ON EXISTING OUTFALL PIPE		SELECTMEN	PAUL MATOS 508-923-1010	3/15/2016			
parcel ID	Location	Owner name	C/O Owner	Mailing Address	City	State	Zip
005-4819	PLAIN ST	HOMETOWN OAK POINT I LLC		150 N. WACKER DRIVE	CHICAGO	IL	60606
005-5665	OAK POINT DR	HOMETOWN OAK POINT II LLC		150 N. WACKER DRIVE	CHICAGO	IL	60606
013-5672	63 PLAIN ST	WOJNAROWSKI, MACIE J ETAL		63 PLAIN ST	MIDDLEBORO	MA	02346
013-6392	59 PLAIN ST	PETERSEN, BRIAN & KORRIN		59 PLAIN ST	MIDDLEBORO	MA	02346
013-6442	17 WILLOWTREE LN	COSTA, ROBERT A ETAL		17 WILLOWTREE LN	MIDDLEBORO	MA	02346
013-6496	34 WILLOWTREE LN	WITKOWSKI, PAUL & DIANNE		34 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5744	37 WILLOWTREE LN	DAVIS, CHARLES L II & ANDREA J		37 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5748	47 WILLOWTREE LN	ODDO, GREGG G		47 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5753	63 WILLOWTREE LN	SWAIL, MICHAEL P & KIMBERLY		63 WILLOWTREE LN	MIDDLEBORO	MA	02346
014-5786	51 WILLOWTREE LN	KELLY, JUSTIN C & DALISSA R		51 WILLOWTREE LN	MIDDLEBORO	MA	02346
022-1515	51 PLAIN ST	MEALEY, KEVIN C & SANDRA L		51 PLAIN ST	MIDDLEBORO	MA	02346
022-2481	PLAIN ST	HASEOTES, V S & SONS		PO BOX 8000	CUMBERLAND	RI	02864
022-773	PLAIN ST	GALLAGHER, DONALD J		23 BROWNELL AVE	DARTMOUTH	MA	02747-3732
023-1032	THOMPSON ST (OFF)	UNKNOWN OWNER		UNKNOWN ADDRESS			

***BVW Data Forms***

February 3, 2016

Allen and Major Assoc.  
10 Main Street  
Lakeville, MA 02347

Re: 17 Willow Tree Lane, Middleboro

Dear Mr. Cordiero,

On January 22, 2016, the wetland resources were delineated on a portion of land located at the above referenced site. The wetland border was flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al and the Middleboro Wetland Protection Bylaw. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

One Bordering Vegetated Wetland and was delineated on-site. A portion of this wetland system was flagged with series GC1-15. This wetland is dominant in red maple, buckthorn, sweet pepperbush, arrow-wood, high bush blueberry, poison ivy and wetland ferns. The adjacent upland is dominant in oak, white pine, beech, cinnamon fern and hay-scented fern. Department of Environmental Protection BVW field data forms were documented at wetland flag # GC-8 (see attached form).

According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife and no mapped certified or potential vernal pools are located on site. The site is not located in an ACEC no a jurisdictional FEMA Flood Zone.

The local Wetland Protection Bylaw and the MA Wetlands Protection Act takes jurisdiction over BVW and its 100-foot buffer zone. Any work within the resource areas and/or 100-foot buffer zone requires a Request for Determination (RDA) or Notice of Intent (NOI) be filed with the Conservation Commission.

Very truly yours,  
GODDARD CONSULTING, LLC

by



Nicole Hayes, PWS  
Senior Scientist

# DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

DEP File #:

Project location: 17 Willow Tree Lane

Prepared by: Goddard Consulting LLC

Applicant: Allen and Major Assoc.

- Check all that apply:
- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
  - Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
  - Method other than dominance test used (attach additional information)

Section I. Vegetation		Transect Number: <u>Upgradient</u>	Date of Delineation: <u>22-Jan-16</u>
Observation Plot Number: <u>GC-8</u>	Sample Layer and Plant Species	Scientific name	Wetland Indicator Category*
<u>Tree Layer</u>	Red Oak	<i>Quercus rubra</i>	No FACU
	Norway maple	<i>Acer platanoides</i>	No UPL
	Red Maple	<i>Acer rubrum</i>	No FAC*
	American beech	<i>Fagus grandifolia</i>	Yes FACU
	White Pine	<i>Pinus strobus</i>	Yes FACU
<u>Shrub Layer</u>	American Holly	<i>Ilex opaca</i>	Yes FACU
<u>Climbing Woody Vine</u>			
<u>Ground Cover</u>	Cinnamon fern	<i>Osmundastrum cinnamomeum</i>	Yes FACW*

**Remarks:** \* An asterisk after common plant name indicates stunted growth; \*\* indicates extremely stunted growth

**Morphological Adaptations:** 0

**Description:**

\* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.

**Vegetation conclusion:**

**Number of dominant wetland indicator plants: 1**

**Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland indicator plants? 3**

**Number of dominant non-wetland indicator plants: 3**

**Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? no**

*If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes  no  
 title/date: Soil Survey of Plymouth County - 1969  
 map number: \_\_\_\_\_

soil type mapped: Norwell Mucky fine sandy loam  
 hydric soil inclusions: \_\_\_\_\_

Are field observations consistent with soil survey?  yes  no  
 Remarks: Upland inclusions- Scituate

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottles Color or Texture
A	1-8	10YR2/1	
B	8-16	10YR4/6	

Remarks: \_\_\_\_\_

3. Other: \_\_\_\_\_

Conclusion: Is soil hydric?  yes  no

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: \_\_\_\_\_
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift Lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion for Upgradient of GC-8**

Number of wetland indicator plants  
 >= number of non-wetland plants

yes

no

X

Wetland hydrology present:

hydric soils present

X

other indicators of hydrology present

X

Sample location is in a BVW

X

*Submit this form with the Request for Determination of Applicability or Notice of Intent*

# DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

DEP File #:

Project location: 17 Willow Tree Lane

Prepared by: Goddard Consulting LLC

Applicant: Allen and Major Assoc.

- Check all that apply:  Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only  
 Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II  
 Method other than dominance test used (attach additional information)

Section I. Vegetation		Transect Number: <u>Downgradient</u>	Date of Delineation: <u>22-Jan-16</u>
Sample Layer and Plant Species	Scientific name	% Cover	% Dominance
<i>Tree Layer</i>			
Red Maple	<i>Acer rubrum</i>	20%	40.0%
White Pine	<i>Pinus strobus</i>	20%	40.0%
American Beech	<i>Fagus grandifolia</i>	10%	20.0%
<i>Sapling Layer</i>			
Red maple	<i>Acer rubrum</i>	3%	100.0%
<i>Shrub Layer</i>			
Highbush blueberry	<i>Vaccinium corymbosum</i>	10%	100.0%
<i>Climbing Woody Vine</i>			
Eastern poison ivy	<i>Toxicodendron radicans</i>	10%	100.0%
<i>Ground Cover</i>			
Sphagnum moss	<i>Sphagnum L.</i>	10%	20.4%
Eastern poison ivy	<i>Toxicodendron radicans</i>	3%	6.1%
Cinnamon fern	<i>Osmundastrum cinnamomeum</i>	36%	73.5%

**Remarks:** \* An asterisk after common plant name indicates stunted growth; \*\* indicates extremely stunted growth

**Morphological Adaptations:** 0

**Description:**

\* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.

**Vegetation conclusion:**

**Number of dominant wetland indicator plants: 6**

**Number of dominant non-wetland indicator plants: 2**

**Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes**

*If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.*

**Section II. Indicators of Hydrology**

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?  yes  no

title/date: Soil Survey of Plymouth County - 1969  
map number: \_\_\_\_\_

soil type mapped: Norwell mucky fine sandy loam  
hydric soil inclusions: \_\_\_\_\_

Are field observations consistent with soil survey?  yes  no

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Soil Description

<u>Horizon</u>	<u>Depth (inches)</u>	<u>Matrix Color</u>	<u>Mottles Color or Texture</u>
O	1-12+	10YR2/1	

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conclusion: Is soil hydric?  yes  no

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: 2"
- Depth to soil saturation in observation hole: \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift Lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_
- Other: \_\_\_\_\_

**Vegetation and Hydrology Conclusion for Downgradient of GC-8**

	<u>yes</u>	<u>no</u>
Number of wetland indicator plants >= number of non-wetland plants	X	
Wetland hydrology present: hydric soils present	X	
other indicators of hydrology present	X	
<b>Sample location is in a BVW</b>	<b>X</b>	

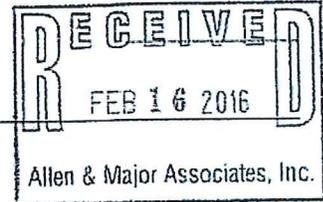
*Submit this form with the Request for Determination of Applicability or Notice of Intent*

***WPA Form 9 – Enforcement Order***



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:



**A. Violation Information**

Important:  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Middleborough  
 Conservation Commission (Issuing Authority)

February 12, 2016  
 Date

To:

Phil Cordeiro, P.E. Allen & Major Associates, Inc.

Name of Violator

10 Main Street, Lakeville, MA 02347-1374

Address

1. Location of Violation:

Robert A. Costa Etal/Daniel Harrington (Easement for pipe)

Property Owner (if different)

17 Willowtree Lane/55 Plain Street

Street Address

Middleborough

02346

City/Town

Zip Code

Map 13

Lots 6442/6384

Assessors Map/Plat Number

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Working on an outlet pipe to a 42" pipe within 100-feet of a bordering vegetated wetland without an Order of Conditions from the Middleborough Conservation Commission. Work included digging and removing 20 inches of stone in front of the pipe. The pipe is now altered without submitting information on the pre-wetland & buffer zone conditions or the proposed impacts to the wetland & buffer zone. The area has exposed ground with silt laden stone that has the potential to impact the wetlands. There is silt fence and straw wattles around some of the work but not completely around the work.

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

Determination).

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**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Dated

\_\_\_\_\_  
File Number

\_\_\_\_\_  
Condition number(s)

The Order of Conditions expired on (date):

\_\_\_\_\_  
Date

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

Please attend the Conservation Commission meeting on Thursday, February 18<sup>th</sup>, 2016 at 7:30 PM at the Town Hall in the Board of Selectmen's meeting room at 10 Nickerson Avenue, Middleborough, MA 02346 to discuss this Enforcement Order.

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**C. Order**

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before

\_\_\_\_\_  
Date

for the following:

\_\_\_\_\_  
\_\_\_\_\_

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**C. Order (cont.)**

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Put additional silt fence and haybales around the work area.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Patricia J. Cassidy, Conservation Agent

Name

508-946-2406

Phone Number

M-F 8:30 AM - 5:00 PM

Hours/Days Available

Issued by:

Middleborough

Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:  
\_\_\_\_\_

Conservation Commission signatures required on following page.

---

**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures

*Patricia G. Passady, Conservation Agent*  
\_\_\_\_\_  
*Patricia G. Passady*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of delivery person or certified mail number

***Calculation Sheets***



# CALCULATION SHEET

Project Number 1830-01B Sheet 2 of           
 Client Town of Middleborough DPW  
 Project Plain st outfall Location Plain st. Middleborough  
 Calculated by PGM Date 3-21-16  
 Check by          Date         

$$h_1 = 1.25 y_c = 1.25 (1.23) \quad h_1 = 1.54 \text{ ft}$$

$$h_2 = 1.5 (D - (h_1 + h)) = 1.5 (3.5 - (1.54 + 0.67)) = 1.94 \text{ ft}$$

Increased Resistance Box Culverts, compute  $n$ , solve for velocity

$$n_{ir} = n \left[ 1 + 200 \left( \frac{h}{L} \right) \left( \frac{L_r}{P} \right) \right]^{1/2}$$

$$= 0.013 \left[ 1 + 200 \left( \frac{0.67}{6.7} \right) \left( \frac{10}{10 + 2(1.23)} \right) \right]^{1/2}$$

$$n_{ir} = 0.054$$

$$V = \frac{1.49 R^{2/3} S^{1/2}}{n}$$

$$= \frac{1.49 \left( \frac{10(1.23)}{10 + 2(1.23)} \right)^{2/3} (0.002)^{1/2}}{0.054}$$

$$V = \underline{\underline{1.22 \text{ ft/sec}}} \quad \text{exit velocity less than } 2 \text{ ft/sec}$$

# CALCULATION SHEET

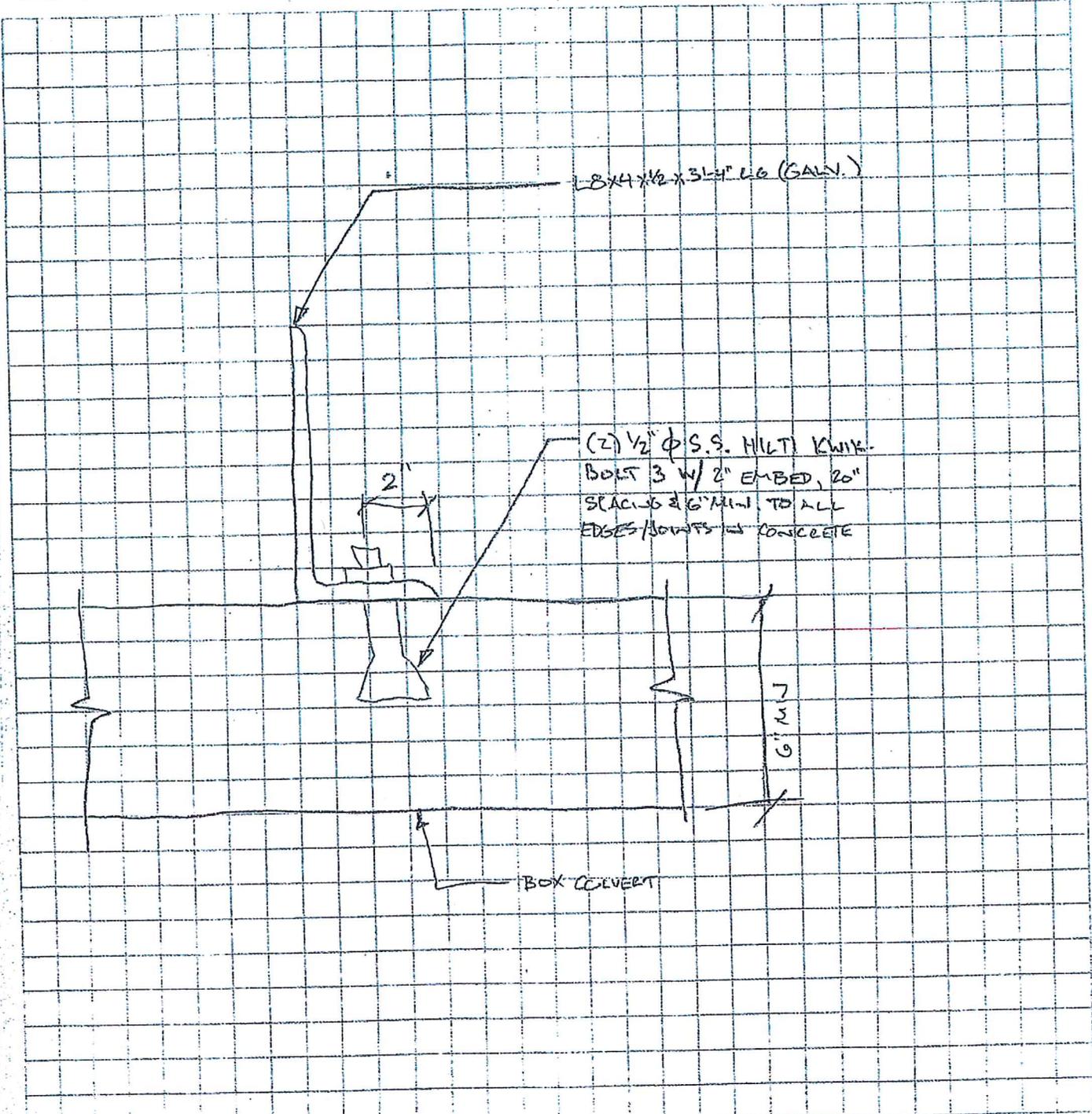
Project Number 1830-01B Sheet 3 of       
Client Town of Middleborough DPW  
Project Plain st. outfall Location Plain st. Middleborough  
Calculated by PGM Date 3-21-16  
Check by      Date     

$Y_c$  = critical depth, ft  
 $h$  = element height, ft  
 $S$  = culvert slope, ft/ft  
 $L$  = length between elements, ft  
 $W_2$  = element spacing, ft  
 $W_1$  = width of element, ft  
 $h_1$  = jet height, ft  
 $h_2$  = splash shield height, ft  
 $L_c$  = Bottom Culvert width, ft  
 $P$  = wetted perimeter, ft

# CALCULATION SHEET



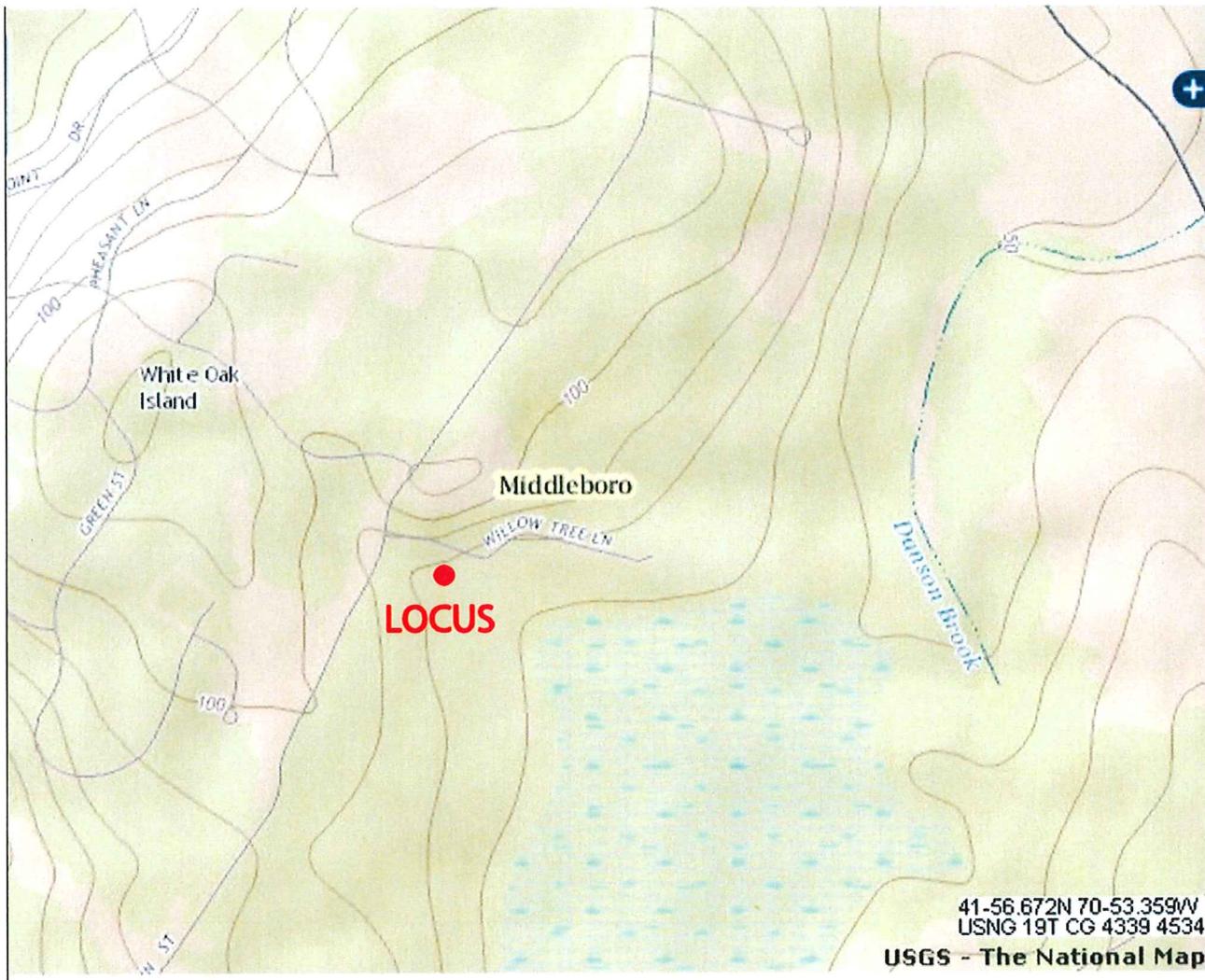
Project Number \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
Client \_\_\_\_\_  
Project \_\_\_\_\_ Location \_\_\_\_\_  
Calculated by \_\_\_\_\_ Date \_\_\_\_\_  
Check by \_\_\_\_\_ Date \_\_\_\_\_







*Figures*



41-56.672N 70-53.359W  
 USNG 19T CG 4339 4534  
**USGS - The National Map**

PREPARED BY:



**ALLEN & MAJOR ASSOCIATES, INC.**  
 civil & structural engineering • land surveying  
 environmental consulting • landscape architecture  
 www.allenmajor.com  
 10 MAIN STREET  
 LAKEVILLE, MA 02347-1674  
 TEL: (508) 923-1010  
 FAX: (508) 923-6309  
 WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

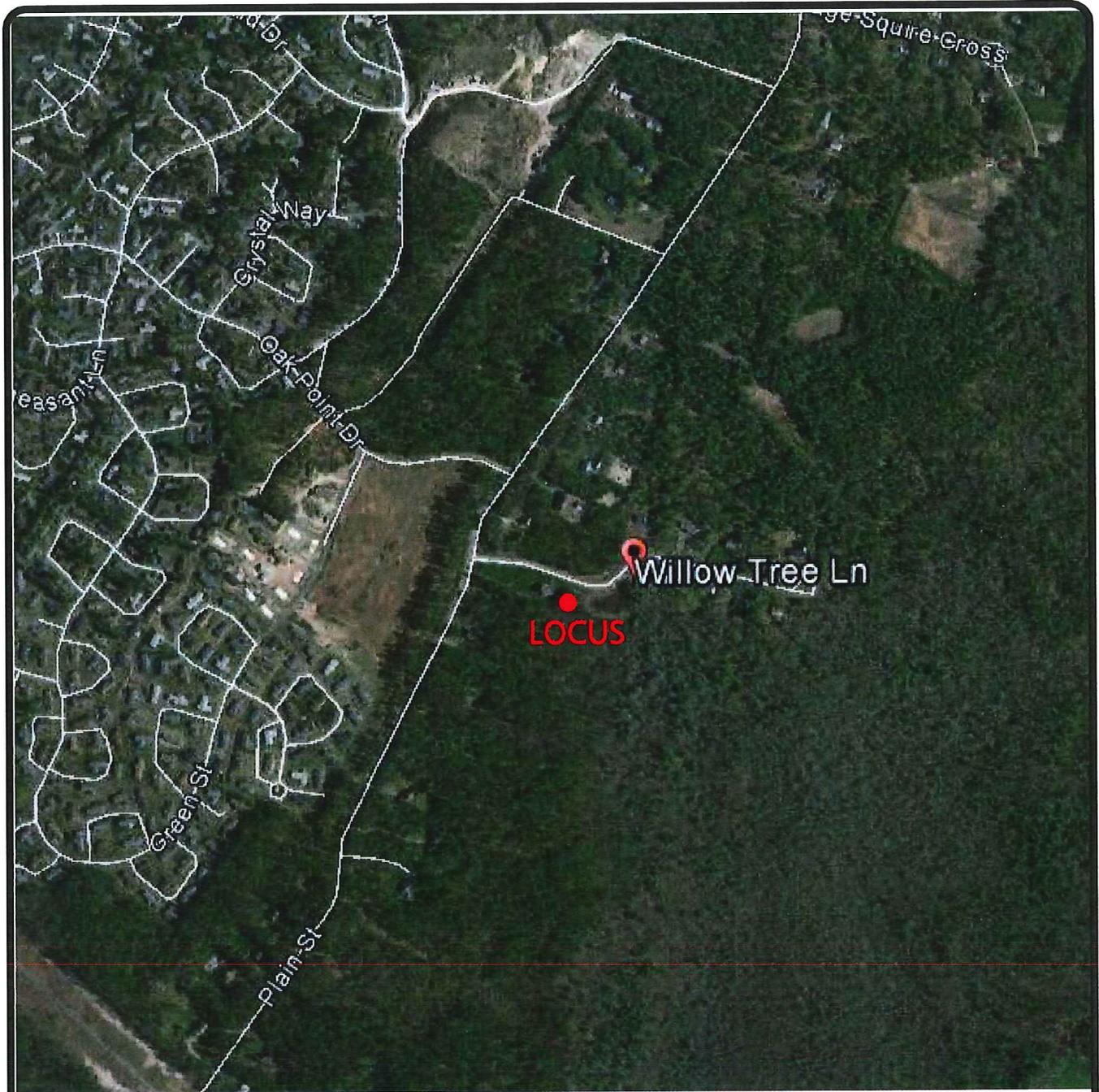
PROJECT:  
**STORMWATER MITIGATION  
 OFF PLAIN ST  
 MIDDLEBOROUGH MA**  
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<b>USGS TOPOGRAPHICAL MAP</b>	
PROJECT NO. 1830-03	DATE: 03-21-2016
SCALE: NONE	DWG. NAME: <sup>USGS</sup> AND AERIAL
DESIGNED BY: SMW	CHECKED BY: PM

APPLICANT/OWNER: TOWN OF MIDDLEBOROUGH DPW

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SHEET No.  
**FIG-1**



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PROJECT:

**STORMWATER MITIGATION  
OFF PLAIN ST  
MIDDLEBOROUGH MA**

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**AERIAL PHOTOGRAPH**

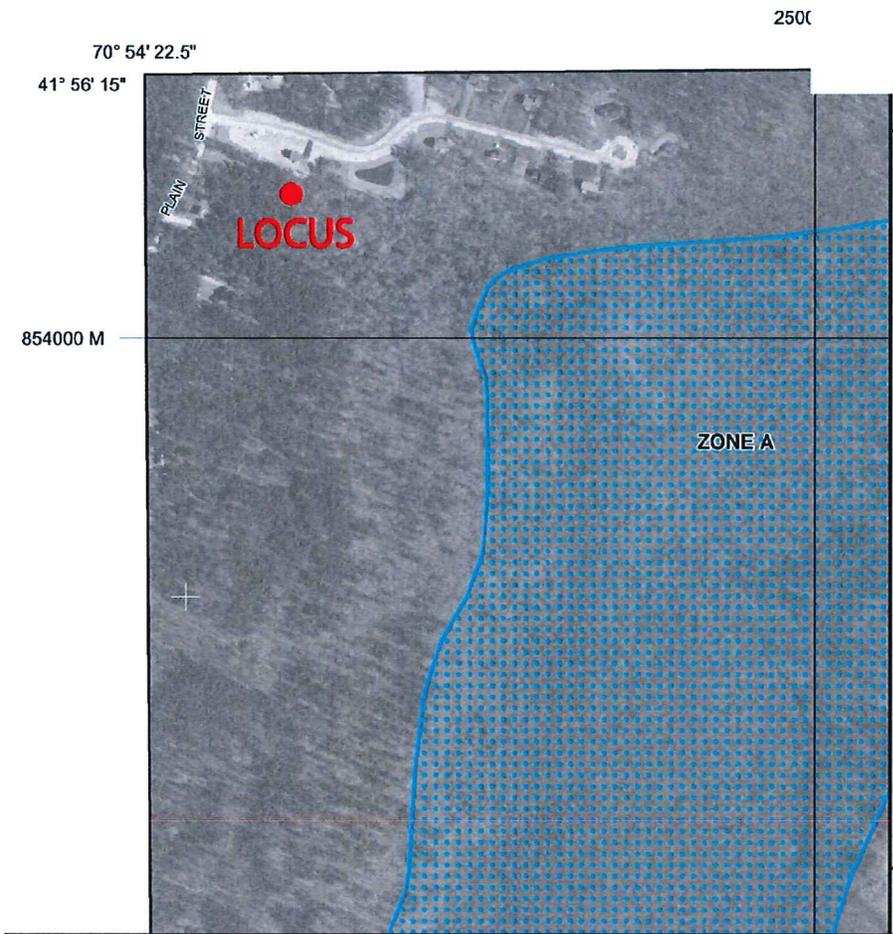
PROJECT NO. 1830-03	DATE: 03-21-2016
SCALE: NONE	DWG. NAME: <sup>USGS</sup> AND AERIAL
DESIGNED BY: SMW	CHECKED BY: PM

APPLICANT/OWNER: TOWN OF MIDDLEBOROUGH DPW

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SHEET No.

**FIG-2**



PANEL 0317J

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 PLYMOUTH COUNTY,  
 MASSACHUSETTS  
 (ALL JURISDICTIONS)

PANEL 317 OF 650  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MOD. B. CROUCH, TOWN OF	25275	0317	J

Notice to User: The Map Number shown below should be used when pricing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER  
25023C0317J  
EFFECTIVE DATE  
JULY 17, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

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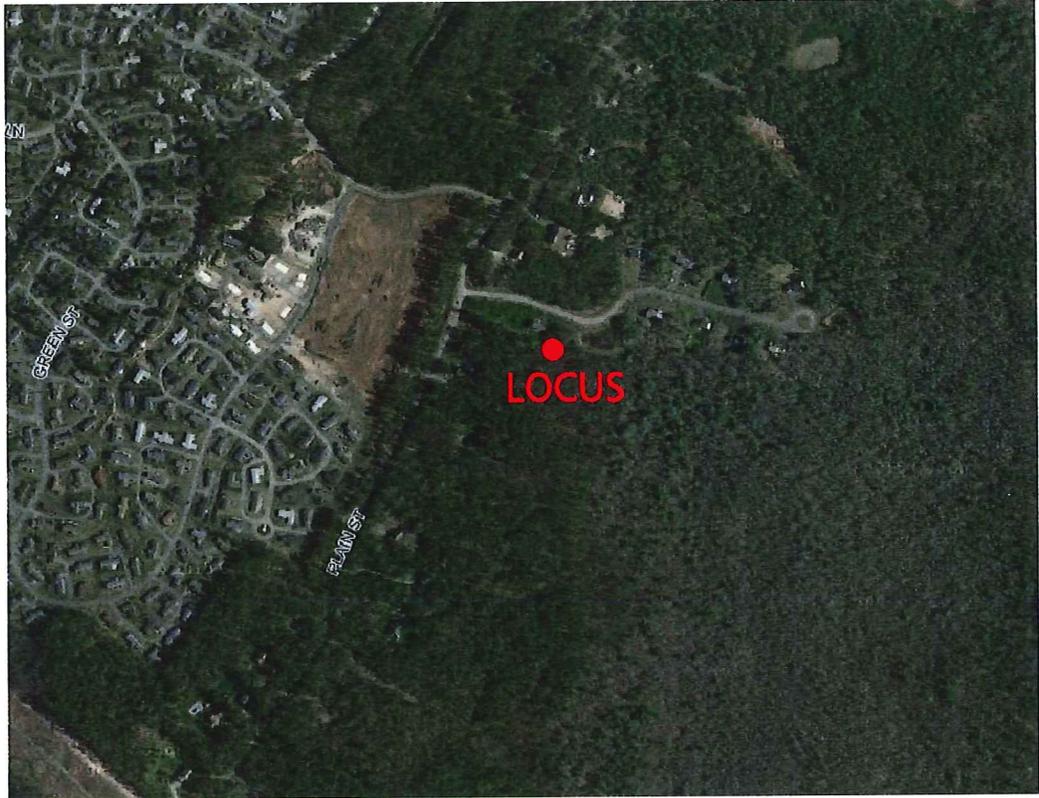
PROJECT:  
**STORMWATER MITIGATION  
 OFF PLAIN ST  
 MIDDLEBOROUGH MA**  
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<b>FEMA FLOOD MAP</b>	
PROJECT NO. 1830-03	DATE: 03-21-2016
SCALE: NONE	USGS DWG. NAME: AND AERIAL
DESIGNED BY: SMW	CHECKED BY: PM

APPLICANT/OWNER: TOWN OF MIDDLEBOROUGH DPW

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SHEET No.  
**FIG-3**



**Legend**

NavTeq MA Other Streets Names

Major MassDOT Routes

-  Interstate Highways
-  US Roads
-  State

Massachusetts Towns



NHESP Estimated Habitats of Rare Wildlife



NHESP Priority Habitats of Rare Species



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WOBBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

PROJECT:

**STORMWATER MITIGATION  
OFF PLAIN ST  
MIDDLEBOROUGH MA**

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**NATURAL HERITAGE MAP**

PROJECT NO. 1830-03	DATE: 03-21-2016
SCALE: NONE	DWG. NAME: <sup>USGS</sup> AND AERIAL
DESIGNED BY: SMW	CHECKED BY: PM

APPLICANT/OWNER: TOWN OF MIDDLEBOROUGH DPW

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SHEET No.

**FIG-4**

*Plain Street Drainage Easement*

THESE PLANS WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF NEW HAMPSHIRE, AND WERE FILED JANUARY 12, 1982.

ACCORDING TO THESE AND PLANS OF RECORD, THE LINES SHOWN HEREON REPRESENT THE LINES OF THE SUBJECT PROPERTY AND THE LINES OF THE SUBJECT PROPERTY AS SHOWN ON THE RECORDS OF THE TOWN OF MIDDLEBOROUGH, NEW HAMPSHIRE, AND HAVE BEEN ESTABLISHED BY MEASUREMENTS AND SURVEYING OPERATIONS OF THE NEW STREET IMPROVEMENTS.

THESE PLANS WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF NEW HAMPSHIRE, AND WERE FILED JANUARY 12, 1982.

ALLEN & MAJOR ASSOCIATES, INC.  
 100 CONCORD AVENUE  
 MIDDLEBOROUGH, MASSACHUSETTS 01946

PROJECT NO. 10787 DATE: OCTOBER, 1981  
 SHEET NO. 1 OF 1  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

**PLAIN STREET IMPROVEMENTS**

TOWN OF MIDDLEBOROUGH  
 100 CONCORD AVENUE  
 MIDDLEBOROUGH, MASSACHUSETTS 01946

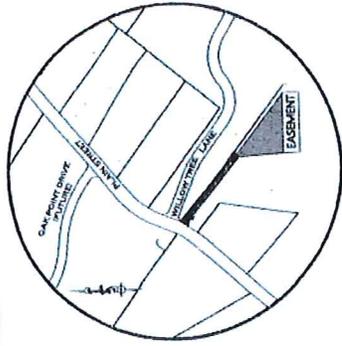


**ALLEN & MAJOR ASSOCIATES, INC.**

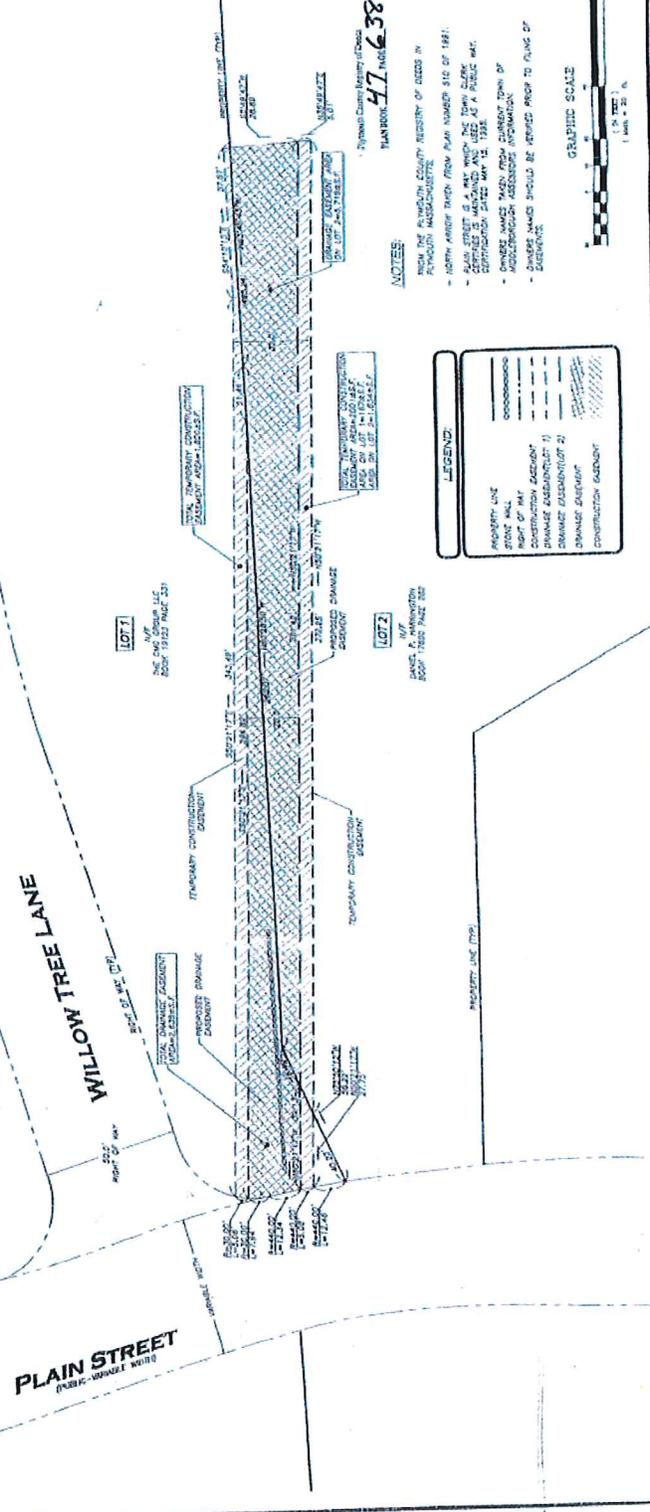
REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS  
 STATE OF NEW HAMPSHIRE  
 LICENSE NO. 10787  
 100 CONCORD AVENUE  
 MIDDLEBOROUGH, MASSACHUSETTS 01946  
 TELEPHONE: 802-453-1111

PROPOSED DRAINAGE EASEMENT PLAN  
 SHEET NO. 1 OF 1  
 DRAWING NO. 47-638

SCALE: 1" = 200'  
 12.11.83  
 '03-942



LOCUS  
 T-2592



NOTES:  
 FROM THE MIDDLEBOROUGH COUNTY REGISTER OF DEEDS IN MIDDLEBOROUGH, MASSACHUSETTS:  
 - NORTH ARROW TAKEN FROM PLAIN NUMBER 812 OF 1981.  
 - PLAIN STREET IS A MET. WOODS TOWN SQUARE CERTIFIED AS A PUBLIC HIGHWAY.  
 - THESE PLANS WERE PREPARED FOR THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS.  
 - WHERE SHOWN SHOULD BE ADJUSTED FROM TO PLING OF EASEMENTS.

LEGEND:

PROPERTY LINE	---
STREET WALL	----
RIGHT OF WAY	-----
EASEMENT FOR DRAINAGE (LOT 1)	
EASEMENT FOR DRAINAGE (LOT 2)	
EASEMENT FOR CONSTRUCTION	



GRAPHIC SCALE  
 1" = 200'  
 1" = 100'

PL# 03-442

EASEMENT

The CMG Group LLC, a Massachusetts limited liability company, with a regular place of business in Sharon, Massachusetts in consideration of One Dollar (\$1.00) paid grant to the Town of Middleborough, a municipal corporation with a regular place of business at Town Hall, Nickerson Avenue, Middleboro, Massachusetts, with QUITCLAIM COVENANTS, the following easements:

1. Drainage Easement:

The right and easement to use an area of land on and off the easterly side of Plain Street in Middleborough, Massachusetts shown as "Proposed Drainage Easement" on a plan entitled "Proposed Drainage Easement Plan" dated October 1, 2003, revised October 2, 2003, prepared by Allen & Major Associates, Inc. and recorded herewith. The Proposed Drainage Easement area (the "drainage easement area") is part of Lot 1 on said plan and contains 2635 square feet of land more or less. The use of the drainage easement area shall be for the purpose of installation of a subsurface drainage pipe in the drainage easement area, to flow road drainage in and through the subsurface drainage pipe and for maintenance, repair and replacement of the subsurface drainage pipe.

2. Construction Easement

The right and easement to use two (2) areas of land on and off the easterly side of Plain Street in Middleborough, Massachusetts shown as "Temporary Construction Easement" on said plan recorded herewith. The Temporary Construction Easement areas (the "construction easement areas") are part of

Please return to:  
Daniel F. Murray  
Decas, Murray & Decas (box)



Lot 1 on said plan and contain a total of 1967 square feet of land more or less. The use of the construction easement areas shall be for the purpose of installation, maintenance, repair, and replacement of the subsurface drainage pipe in the drainage easement area described above.

The above described easements shall be appurtenant to Plain Street as layed out by the grantees' Board of Selectmen and taken as a public way by an order of taking recorded in the Plymouth County Registry of Deeds in Book 24197, Page 175.

See the deed recorded in the Plymouth County Registry of Deeds in Book 19123, Page 331 for title.

WITNESS the hand and seal of the undersigned this 24<sup>th</sup> day of November, 2003.

The CMG Group LLC, a Massachusetts limited liability company

By: Candace M. Gordon, Manager

COMMONWEALTH OF MASSACHUSETTS

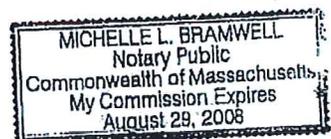
Plymouth, ss.

November 24, 2003

Then personally appeared the above named Candace M. Gordon and acknowledged the foregoing instrument to be the free act and deed of The CMG Group LLC, before me,

Michelle L. Bramwell  
Notary Public:

My commission expires:



259373  
Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
16 DEC 2003 09:54AM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 27226 Pg 127-128

EASEMENT

I, Daniel P. Harrington, of Middleborough, Plymouth County, Massachusetts in consideration of One Dollar (\$1.00) paid grant to the Town of Middleborough, a municipal corporation with a regular place of business at Town Hall, Nickerson Avenue, Middleboro, Massachusetts, with QUITCLAIM COVENANTS, the following easements:

1. Drainage Easement:

The right and easement to use an area of land on and off the easterly side of Plain Street in Middleborough, Massachusetts shown as "Proposed Drainage Easement" on a plan entitled "Proposed Drainage Easement Plan" dated October 1, 2003, revised October 2, 2003, prepared by Allen & Major Associates, Inc. and recorded herewith. The Proposed Drainage Easement area (the "drainage easement area") is part of Lot 2 on said plan and contains 5719 square feet of land more or less. The use of the drainage easement area shall be for the purpose of installation of a subsurface drainage pipe and stone rip-rap at the outlet of the drainage pipe in the drainage easement area, to flow road drainage in and through the subsurface drainage pipe and stone rip-rap and for maintenance, repair and replacement of said subsurface drainage pipe and stone rip-rap.

2. Construction Easement

The right and easement to use an area of land off the easterly side of Plain Street in Middleborough, Massachusetts shown as "Temporary Construction Easement" on said plan recorded herewith. The Temporary Construction Easement area ("the construction easement area") is part of Lot 2 on said plan

Please return to:  
Daniel F. Murray  
Decas, Murray & Decas (box)

PL# 03-942

and contains 1834 square feet of land more or less. The use of the construction easement area shall be for the purpose of installation, maintenance, repair and replacement of the subsurface drainage pipe and stone rip-rap in the drainage easement area described above.

The above described easements shall be appurtenant to Plain Street as layed out by the grantees' Board of Selectmen and taken as a public way by an order of taking recorded in the Plymouth County Registry of Deeds in Book 24197, Page 175.

See the deed recorded in the Plymouth County Registry of Deeds in Book 17600, Page 282 for title.

WITNESS my hand and seal this 5<sup>th</sup> day of December, 2003.

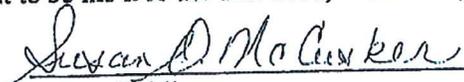
  
Daniel P. Harrington

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

December 5, 2003

Then personally appeared the above named Daniel P. Harrington and acknowledged the foregoing instrument to be his free act and deed, before me,

  
Notary Public:

My commission expires:

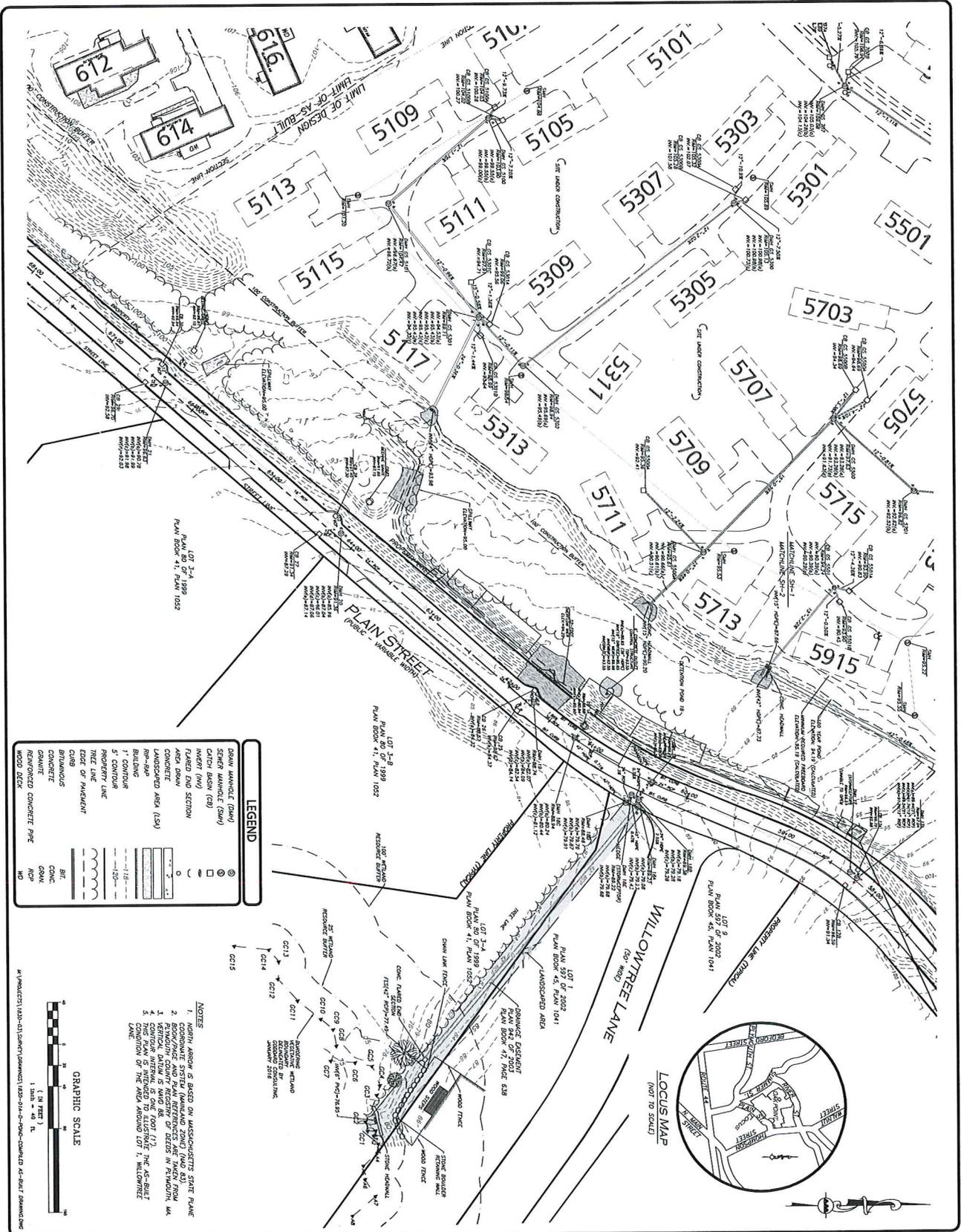
SUSAN O. McCUSKER  
Notary Public  
My Commission Expires  
November 3, 2006

*Plain Street Design Documents*





*Allen & Major Associates, Inc. Site Development Drawings dated  
March 21, 2016*

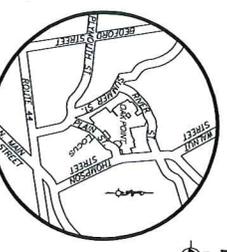


**LEGEND**

Symbol	Description
Circle with dot	DRAIN MANHOLE (DMH)
Square with dot	SEWER MANHOLE (SMH)
Circle with cross	CATCH BASIN (CB)
Circle with 'X'	INVERT (INV)
Circle with 'S'	FLOW END SECTION
Circle with 'E'	PROPOSED END SECTION
Circle with 'L'	LANDSCAPED AREA (LSA)
Circle with 'B'	BRICK
Circle with 'C'	CONCRETE
Circle with 'R'	REINFORCED CONCRETE PIPE
Circle with 'W'	WOOD DECK
Circle with 'M'	METAL
Circle with 'S'	SMOOTH
Circle with 'R'	RIBBED
Circle with 'L'	LANDSCAPED AREA (LSA)
Circle with 'C'	CONCRETE
Circle with 'R'	REINFORCED CONCRETE PIPE
Circle with 'W'	WOOD DECK
Circle with 'M'	METAL
Circle with 'S'	SMOOTH
Circle with 'R'	RIBBED

**NOTES**

1. REFER TO ALL OTHER SHEETS FOR COMPLETE INFORMATION.
2. EXISTING AND PROPOSED STORMWATER INFRASTRUCTURE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS DESIGN MANUAL.
3. THE PLAN IS INTENDED TO ASSIST IN THE DESIGN OF THE MITIGATION PLAN FOR LOT 1, WILLOWTREE LANE.
4. THE PLAN IS BASED ON THE AS-BUILT DRAWING FOR LOT 1, WILLOWTREE LANE.
5. THE PLAN IS INTENDED TO ASSIST IN THE DESIGN OF THE MITIGATION PLAN FOR LOT 1, WILLOWTREE LANE.



**ALLEN & MAJOR ASSOCIATES, INC.**  
 15 MAIN STREET  
 LANSING, MA 02446  
 PHONE: 508-883-3300  
 FAX: 508-883-3300

**PROJECT NO. 1800-01 DATE: 03/21/2013**  
**SCALE: AS NOTED DWG. NAME: NOT DESIGN**  
**DESIGNED BY: HMKAL CHECKED BY: JNM/PLC**

**PROFESSIONAL ENGINEER FOR ALLEN & MAJOR ASSOCIATES, INC.**

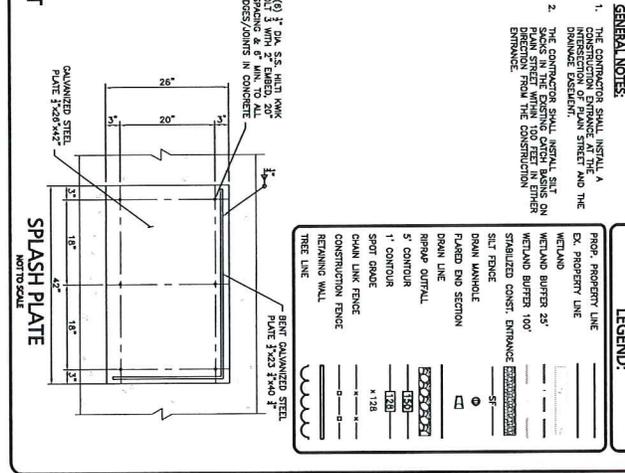
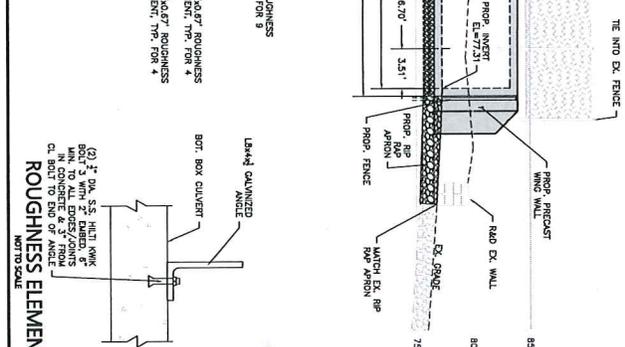
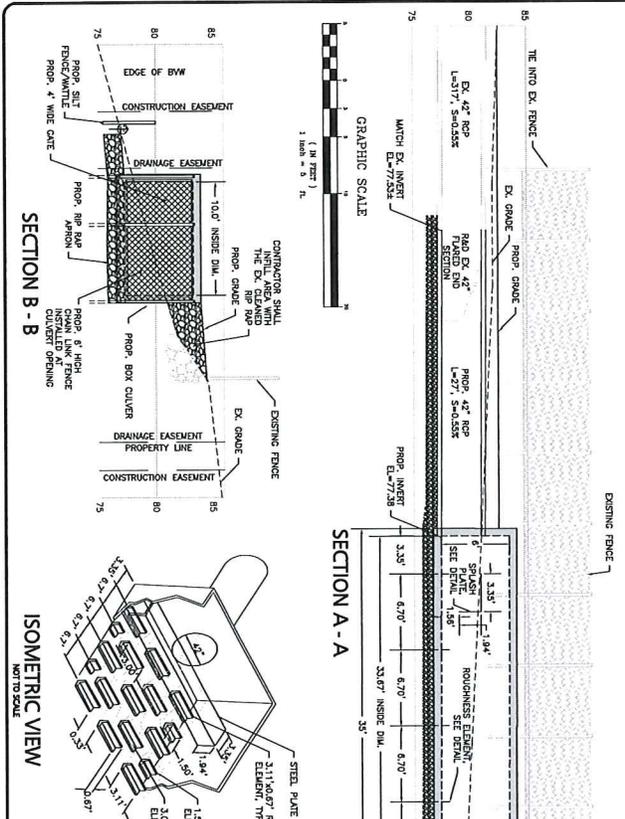
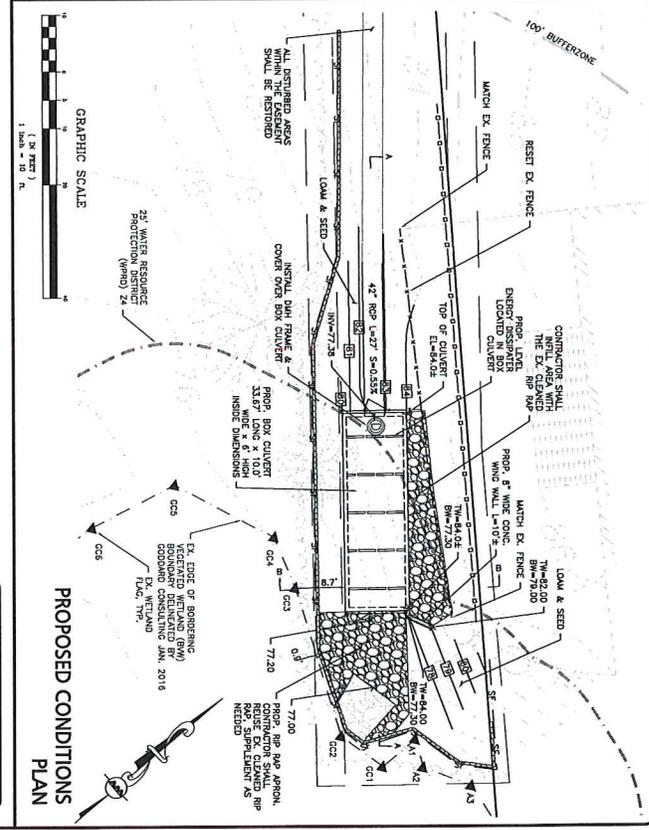
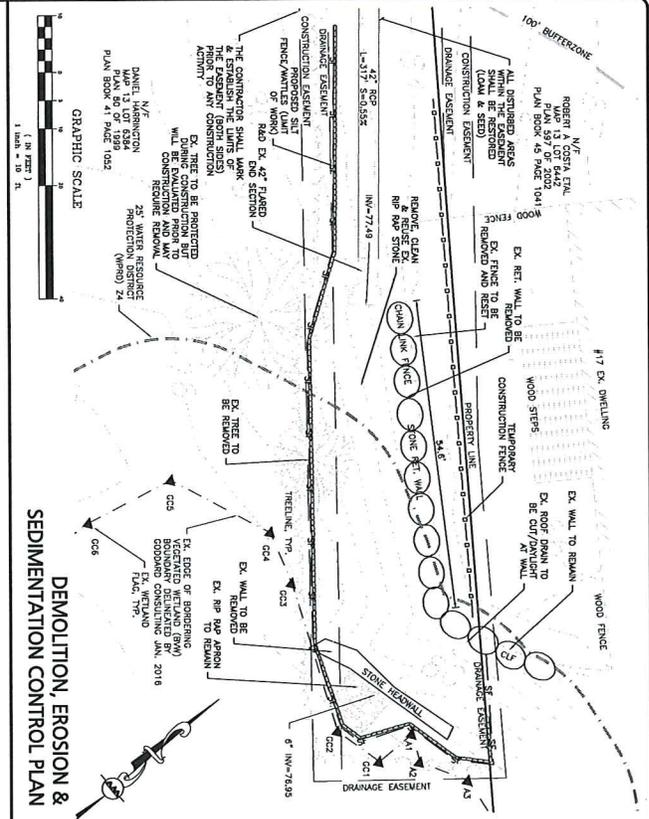
**TOWN OF MIDDLEBOROUGH DEPARTMENT OF PUBLIC WORKS 48 WARREN ST. MIDDLEBOROUGH, MA 02346**

**PROJECT: STORMWATER MITIGATION PLAN OFF PLAIN STREET MIDDLEBOROUGH, MA**

NO.	DATE	DESCRIPTION

**PROFESSIONAL LAND SURVEYOR FOR ALLEN & MAJOR ASSOCIATES, INC.**

**EXISTING CONDITIONS** SHEET NO. **E-1**



**GENERAL NOTES:**

- THE CONTRACTOR SHALL VERIFY THE INTERSECTION OF PLAIN STREET AND THE PROPOSED EASEMENT.
- THE CONTRACTOR SHALL VERIFY THE EXISTING EASEMENT IS LOCATED WITHIN 100' FEET IN EITHER DIRECTION FROM THE CONSTRUCTION.

**LEGEND:**

PROPR. PROPERTY LINE	---
EX. PROPERTY LINE	---
PROPR. CONSTRUCTION EASEMENT	---
EX. CONSTRUCTION EASEMENT	---
WETLAND BUFFER 35'	---
WETLAND BUFFER 100'	---
STABILIZED CONST. DRAINAGE	---
SILT FENCE	---
DRAIN WASTEWATER	---
PLAID BOX SECTION	---
DRUAL LINE	---
RR/PP OUTFALL	---
5' CONTOUR	---
1' CONTOUR	---
SPOT GRADE	---
CHAIN LINK FENCE	---
CONSTRUCTION FENCE	---
REMAINING WALL	---
THET LINE	---

PROJECT NO. 1896-01 DATE: 02/12/2016  
 SCALE: AS NOTED DWG. NAME: NO DESIGN  
 DESIGNED BY: PWH CHECKED BY: PJC  
 DRAWING TITLE: DRAINAGE MODIFICATION  
 SHEET NO. C-1

**ALLEN & MAJOR ASSOCIATES INC.**  
 11 MAIN STREET  
 LAKEVILLE, MA 01881  
 TEL: (978) 922-2000  
 FAX: (978) 922-2001

PROFESSIONAL ENGINEER FOR MECHANICAL, ELECTRICAL, PLUMBING, AND CIVIL ENGINEERING  
 STATE OF MASSACHUSETTS  
 LICENSE NO. 10000

PROJECT: STORMWATER MITIGATION PLAN OFF PLAIN STREET, MIDDLEBOROUGH, MA





# MEMORANDUM

TO: Rich Tabaczynski, Atlantic Design Engineers, Inc.  
Ruth Geoffroy, Planning Director  
Patricia Cassidy, Conservation Commission Agent  
Robert Whalen, Building Commissioner  
Robert Buker, Health Officer  
Chris Peck, DPW Director

FROM: Colleen Lieb  
Acting - Executive Assistant to the Board of Selectmen

DATE: March 29, 2016

SUBJECT: **W.R.P.D. Application – filed by Town of Middleborough for property located off 55 Plain Street, Map 013, Lot 6384, Zoning District-RR, WRPD District Z4.**

Attached is a W.R.P.D. application filed by the B&T Realty Trust for a Special Permit under the Water Resource Protection District By-law.

This application will be heard by the Board of Selectmen at its meeting on **May 2, 2016 at 8:00 PM.**

Please provide **remarks or concerns** regarding the request to the Selectmen's Office **by, or before, Noon on Wednesday, April 20, 2016.**

Thank you.

Attachments



April 28, 2016

Board of Selectmen  
Town Hall Building  
10 Nickerson Avenue  
Middleborough, MA 02346

**Re: Initial Engineering Review  
WRPD Application – Plain Street Drainage Outfall  
ADE Project #2518.43**

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of site plans and application materials for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans are dated 3/21/16 and the Application is dated 3/22/16. Both are prepared by Allen & Major Associates, Inc. for the Town of Middleborough DPW.

The proposed work is permissible under the WRPD bylaw Section 8.2.9.3.d.iii as it can be considered reconstruction of a drainage outfall where no alternative is feasible.

We have the following comments:

1. Conservation Commission approval is required. A copy of the Order of Conditions should be provided to the Board.
2. Further disturbance to the 25' zone beyond the limits of work shown on the plan is to be avoided (i.e.: machinery/staging areas not allowed in the remaining portion of the 25 foot no work zone).
3. It is recommended that erosion protection/rip-rap be provided at the roof drain outfall from the adjacent dwelling. It appears to be just daylighting onto a proposed 3:1 slope.
4. It is recommended that the rip-rap at the new box culvert outfall be flared out in front of the wing wall to the northeast and also be extended around the side of the box culvert to the southwest.
5. Provide a detail for the connections of the 42" pipe to the box culvert.
6. The Town requires O-Ring joints/gaskets for RCP.
7. Provide a detail for the wing wall. Also, it is recommended that the wing wall be extended to the existing retaining wall. It appears there is a 2' – 3' gap between the walls?
8. Please specify/clarify what design storm the 77.65 CFS used in the calculations is based upon.



9. The slope of 0.0055 used in the calculations for the box culvert roughness element is the slope of the 42" inlet pipe, not the slope of the box culvert. Does this affect the design?
10. Section 7.2.2 on Page 7-27 of the FHWA design guidelines appears to recommend that the initial roughness element row be larger (twice the height) than the rest of the element rows. Confirm whether this should apply to this design.

If you have any questions, please do not hesitate to call me at (508) 888-9282.

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski', is written over the typed name.

Richard J. Tabaczynski, P.E.  
Vice President

cc: Allen & Major Associates, Inc.



DEP 220-1275  
55 Plainst.

## Town of Middleborough

### CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

PHONE: 1-508-946-2406  
FAX: 1-508-946-2309

### MEMORANDUM

✓ TO: Board of Selectmen

CC: Ruth Geoffroy, Planning Director  
Robert Buker, Health Officer  
Robert Whalen, Building Commissioner  
Chris Peck, DPW Director

FROM: Patricia Cassady, Conservation Agent 

DATE: April 15, 2016

RE: W.R.P.D. Application: Filed by the Town of Middleborough Assessor's Map 13, Lot 6384, Zoning District -RR, WRPD District Z4

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I have the following comments regarding the above-mentioned application:

- 1) This project is currently being reviewed by the Conservation Commission. The first hearing was on April 7, 2016 and was continued to the Commission's May 5<sup>th</sup> meeting.
- 2) The Commission is awaiting revised plans per the site visit to review the wetlands and stormwater calculations.

Please let me know if you have any questions by contacting me at 508-946-2406 or [pcssdy@middleborough.com](mailto:pcssdy@middleborough.com)

Thank you  
pjc

FILE



**Town of Middleborough**  
20 Centre Street, Second Floor  
Middleborough, Massachusetts 02346

**Robert J. Whalen**  
Building Commissioner  
Tel. 508-946-2426  
Fax 508-946-2305

April 20, 2016

Middleborough Board of Selectmen  
Middleborough Town Offices  
10 Nickerson Ave  
Middleborough, MA 02346

RE: W.R.P.D. Application for Town of Middleborough for a Special Permit located at 55 Plain Street, Assessor's Map: 013 Lot: 6384, Zoning District Residence Rural, WPRD District Z4.

Honorable Board,

I have reviewed the plan submitted by the Town of Middleborough designed by Philip L. Cordeiro, Professional Engineer of Allen & Major Associates, Inc, Inc for W.R.P.D. application for the location of 55 Plain Street. This application is for a Special Permit under the Water Resource Protection District By-Law to allow the storm water mitigation within the twenty-five (25) feet of a fresh water wetland area.

This use would be allowed under 310 CMR 10.53 (e) limited projects.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner  
Zoning Enforcement Officer

RJW/d



The Town of Middleborough Board of Selectmen, acting in its capacity as the Board of Health, will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 2, 2016 at 7:45 PM**, to examine whether odors discharged from a composting facility operated at 88 River Street in Middleborough (Assessors Map 002, Lot 5463) constitute a nuisance, source of filth and/or cause of sickness injurious to the Public Health, pursuant to MGL Chapter 111, Section 122-125A. Anyone wishing to be heard on this matter should appear at the time and place designated.

Diane C. Stewart  
Stephen J. McKinnon  
John M. Knowlton  
Allin Frawley  
Leilani Dalpe

BOARD OF SELECTMEN  
April 21, 2016

The Middleboro Gazette Newspaper

**A-Plus Waste & Recycling Services, LLC**  
**88 River Street**  
**Middleboro, MA 02346**  
**508-747-2582 (phone)**  
**508-747-9814 (fax)**

April 25, 2016

Daniel Murray  
Attorney for Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

Re: Public Hearing for 5/2/16

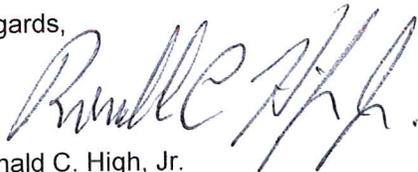
Dear Mr. Murray,

I received your April 19, 2016 letter concerning the Notice of Public hearing for A-Plus Waste & Recycling Services business operations on April 21, 2016. My current Attorney Adam Bond of Middleborough informed me the following day that he has a conflict with his position and will not be able to represent me in this matter.

I would kindly request that we continue this matter for 30 days so that I may attain new council and they may prepare for the public hearing.

Please let me know if we may reschedule this hearing.

Regards,



Ronald C. High, Jr.  
Manager

Ronald C. High, Jr. (*via email:* [rhigh@apluswaste.com](mailto:rhigh@apluswaste.com))

RE: Middleborough Board of Selectmen – Public Hearing 5/2/16 –

A-Plus Waste & Recycling Services – 88 River Street

Dear Mr. High:

Please be advised that the Middleborough Board of Selectmen denied your request to continue the referenced hearing for thirty days. The Board intends to proceed with the hearing on May 2, 2016 as scheduled. The Board, however, after taking evidence on May 2<sup>nd</sup>, will continue the hearing to May 9, 2016. This will allow you time to engage counsel and to offer evidence on May 9<sup>th</sup> at the continued session of the hearing. You are, however, at liberty to attend the initial session of the hearing on May 2<sup>nd</sup> and to offer evidence at that session.

Very truly yours,

Daniel F. Murray

DFM/s

13-160

cc: Diane C. Stewart, Chairman to Board of Selectmen (*via email*)

Board of Selectmen (*via email c/o Colleen Lieb*)

April 22, 2016

Colleen Lieb, Acting Executive Assistant

Middleborough Board of Selectmen (*via email*)

Colleen:

You advised that the Chairman of the Board of Selectmen asked whether letters from interested parties could be accepted by the Board at a public hearing and read aloud by the Chairman without the letter writer being present at the hearing.

I think letters from interested parties are probably not properly acceptable evidence at a public hearing. I recommend that the Board not accept such letters at the public hearing.

Very truly yours,

Daniel F. Murray

Town Counsel

DFM/s

13-160