

**HEARINGS, MEETINGS, LICENSES**

**5/09/16**

**Pole Hearing**  
**Relocate Pole 63 on West Grove Street**  
**5/09/16**



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 9, 2016 at 7:30 PM**, for the purpose of discussing a petition filed by the **Middleborough Gas & Electric Department and Verizon New England, Inc.** to relocate pole 63 on West Grove Street. The petition is necessary to accommodate the driveway to the Cranberry Village Apartments. Anyone desiring to be heard on this matter should appear at the time and place designated.

Diane C. Stewart  
Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Stephen J. McKinnon  
BOARD OF SELECTMEN  
April 28, 2016

The Middleboro Gazette Newspaper

Town Copy

## MIDDLEBOROUGH GAS & ELECTRIC DEPARTMENT

*Electric Division*  
37 Wareham Street, Middleborough, MA 02346  
(508) 947-3023

September 21, 2015

Board of Selectmen  
Town of Middleboro  
Middleboro, MA 02346

Dear Selectmen,

Enclosed, you will find a petition from the Middleborough Gas & Electric Department and Verizon New England INC. proposing to relocate pole 63 West Grove Street, Middleboro. Please present this petition at the next Board meeting for usual course of action relative to granting.

Sincerely,



William Taylor  
Electric Division Manager

**PETITION FOR JOINT POLE RELOCATION**

September 21, 2015

To the Board of Selectmen of Middleboro, Massachusetts

Verizon New England INC. and Middleborough Gas & Electric Department.

Request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:

West Grove Street, Middleboro, one (1) pole locations

This petition proposes to relocate pole 63 West Grove Street. This petition is necessary to accommodate driveway to Cranberry Village Apartments.

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc., No. 2015-04 dated 9-21-15.

Also for permission to lay and maintain underground laterals cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Verizon New England INC.

By                     *David Crossman*                      
                    Manager Rights of Way

Middleborough Gas & Electric Department

By                     *William Taylor*                      
                    Electric Division Manager

**ORDER FOR JOINT POLE RELOCATION**

In Board of Selectmen of the Town of Middleboro, Massachusetts

ORDERED: That Verizon New England Inc. and Middleborough Gas & Electric Department.

Be and they are hereby granted a joint relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies date the 21<sup>st</sup> day of September, 2015.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VZ N.E. Inc., No. **2015-04** dated 9/21/15.

-Filed with said petition. There may be attached to said poles by said Verizon New England Inc. not to exceed 40 wires and 4 cables and by said Middleborough Gas & Electric Department not to exceed the necessary wires, cables and fixtures

And all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected and the number of poles, which may be erected thereon under this order:

West Grove Street, Middleboro, one (1) pole locations.

This petition proposes to relocate pole 63 West Grove Street. This petition is necessary to accommodate driveway to Cranberry Village Apartments..

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Middleboro, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Clerk of Selectmen

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Selectmen of the Town of Middleboro, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, and recorded with the records of location orders of said Town, Book \_\_\_\_\_ Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

**57-551**  
**201 WEST GROVE STREET**  
*Guariglia*

Digsafe # 20153808566  
Start Date: 09/21/2015  
S.T. : 12:15 P.M.

*Proposed P63 to be  
relocated 575' west of  
the center of West Grove  
Street and North Grove  
Street*

**WEST GROVE STREET**

*Existing  
P62*

85'

*Proposed  
P63*

45'

*Existing  
P63*

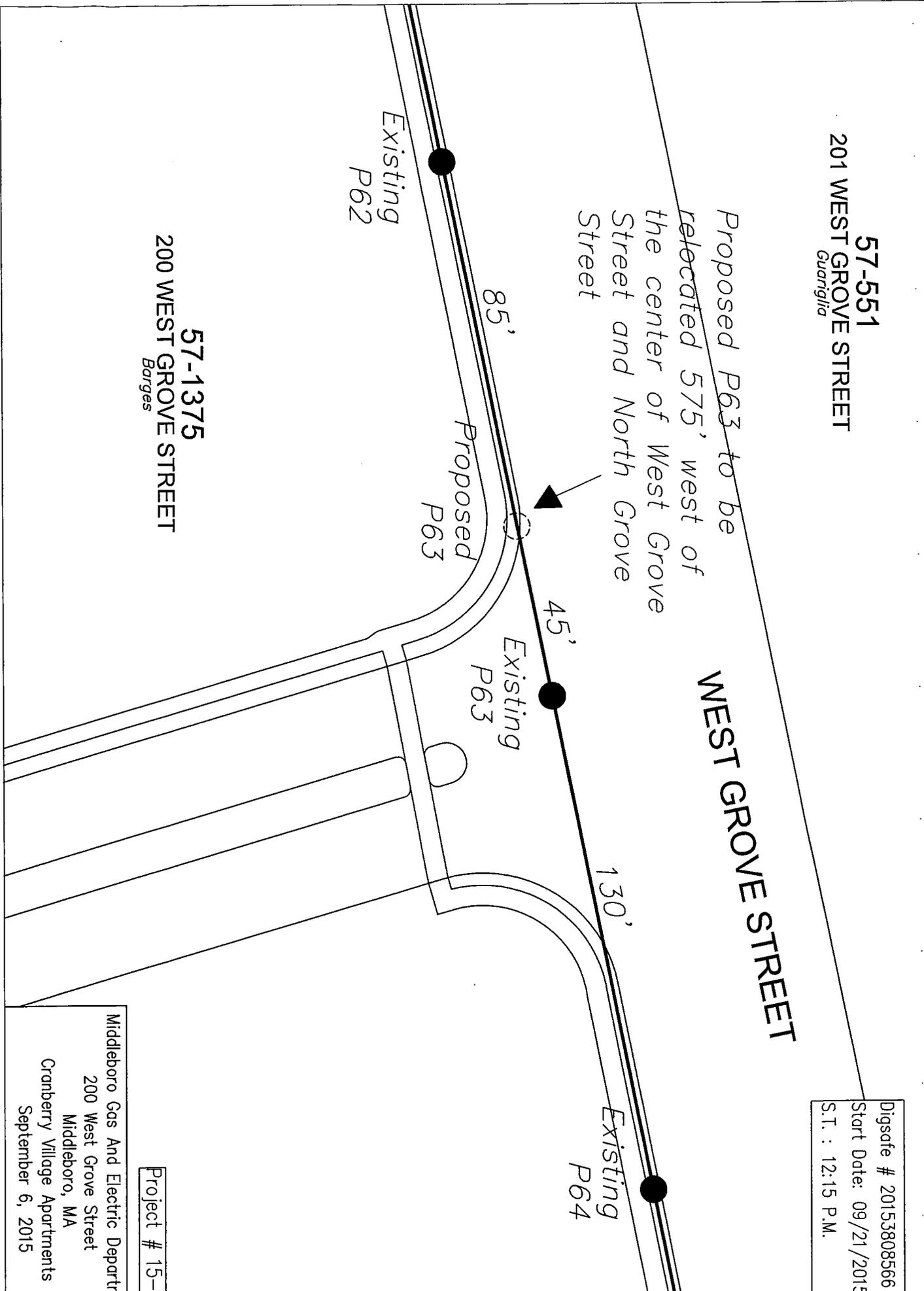
130'

*Existing  
P64*

**57-1375**  
**200 WEST GROVE STREET**  
*Barges*

Project # 15-12

Middleboro Gas And Electric Department  
200 West Grove Street  
Middleboro, MA  
Cranberry Village Apartments  
September 6, 2015



**Pole Hearing**  
**Install Pole 88 ½ West Grove Street**  
**5/09/16**



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 9, 2016 at 7:35 PM**, for the purpose of discussing a petition filed by the Middleborough Gas & Electric Department and Verizon New England, Inc. to install pole 88 ½ on West Grove Street. The petition is necessary to accommodate bridge construction on West Grove Street. Anyone desiring to be heard on this matter should appear at the time and place designated.

Diane C. Stewart  
Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Stephen J. McKinnon  
BOARD OF SELECTMEN  
April 28, 2016

The Middleboro Gazette Newspaper

Town Copy

## MIDDLEBOROUGH GAS & ELECTRIC DEPARTMENT

*Electric Division*

37 Wareham Street, Middleborough, MA 02346  
(508) 947-3023

May 18, 2015

Board of Selectmen  
Town of Middleboro  
Middleboro, MA 02346

Dear Selectmen,

Enclosed, you will find a petition from the Middleborough Gas & Electric Department and Verizon New England INC. proposing to install pole 881/2 West Grove Street, Middleboro. Please present this petition at the next Board meeting for usual course of action relative to granting.

Sincerely,



William Taylor  
Electric Division Manager

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

May 18, 2015

To the Board of Selectmen in Middleborough, Massachusetts.

Middleboro Gas & Electric Department and Verizon New England INC request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

West Grove Street, 1 new pole location.

The petition proposes to place one (1) new pole on West Grove Street, pole 881/2 to accommodate bridge construction on West Grove St.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-MG&E. No. **2015-02** dated **5/18/15**

Also for permission to lay and maintain underground laterals cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By David Crossman  
Manager Rights of Way

Middleboro Gas & Electric

By William E. Taylor  
William E. Taylor, Division Manager

## ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In Board of Selectmen of the Town of Middleboro, Massachusetts,

Notice having been given and a public hearing held, as provided by law, IT IS HEREBY ORDERED;

That the Middleboro Gas & Electric Light Company and Verizon New England INC. be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies date the 18th day of May 2015.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked-MG&E., No. **2015-02** Dated **5/18/15**

-Filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. not to exceed 40 wires and 4 cables and by said Middleboro Gas & Electric not to exceed the necessary wires, cables and fixtures and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings and not less than 16 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order: -

Street name: West Grove Street.

Description of work: The petition proposes to place new pole 881/2 to accommodate bridge construction on West Grove Street.

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Middleboro, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Clerk of Selectman

We hereby certify that on \_\_\_\_\_ 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at \_\_\_\_\_ a public hearing was held on the petition of the Middleboro Gas & Electric Department and Verizon New England INC.

For permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of

the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

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

Selectman of the Town of \_\_\_\_\_  
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of \_\_\_\_\_ Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk



57H-2469

77 WEST GROVE ST

Summer

58E-1775

71 WEST GROVE ST

Carlozzi

WEST GROVE ST

Forland

76 WEST GROVE ST

57H-3232

72 WEST GROVE ST

58E-2511

Brier

P86

Proposed P87 to be located 97' east of the center of Vine Street and West Grove Street

P87 currently located 113' east of intersection of Vine Street and West Grove Street

Current P87

Proposed P87 to be located 97' east of the center of Vine Street and West Grove Street

Proposed P87

Proposed P88 to be located 230' east of the center of Vine Street and West Grove Street

Proposed P88

Current P88

New P88\* to be located 329' east of the center of Vine Street and West Grove Street

P89

W/O# 14-22

68 WEST GROVE ST

58E-2512

Russo

66 WEST GROVE ST

58E-2517

Russo

58E-2527

Unknown

P88 currently located 264' east of intersection of Vine Street and West Grove Street

Middleboro Gas and Electric Department  
West Grove St. Bridge Pole Movement

West Grove St.

Middleborough, MA

November 19, 2014

**Pole Hearing  
Relocated Poles 87 & 88  
West Grove Street  
5/09/16**



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 9, 2016 at 7:40 PM**, for the purpose of discussing a petition filed by the **Middleborough Gas & Electric Department and Verizon New England, Inc.** to relocate poles 87 & 88 on **West Grove Street**. The petition is necessary to accommodate bridge construction on West Grove Street. Anyone desiring to be heard on this matter should appear at the time and place designated.

Diane C. Stewart

Allin Frawley

Leilani Dalpe

John M. Knowlton

Stephen J. McKinnon

BOARD OF SELECTMEN

April 28, 2016

The Middleboro Gazette Newspaper

Town Copy

## MIDDLEBOROUGH GAS & ELECTRIC DEPARTMENT

*Electric Division*  
37 Wareham Street, Middleborough, MA 02346  
(508) 947-3023

May 18, 2015

Board of Selectmen  
Town of Middleboro  
Middleboro, MA 02346

Dear Selectmen,

Enclosed, you will find a petition from the Middleborough Gas & Electric Department and Verizon New England INC. proposing to relocate poles 87 and 88 West Grove Street, Middleboro.

Please present this petition at the next Board meeting for usual course of action relative to granting.

Sincerely,



William Taylor  
Electric Division Manager

## PETITION FOR JOINT POLE RELOCATION

May 18, 2015

To the Board of Selectmen of Middleboro, Massachusetts

Verizon New England INC. and Middleborough Gas & Electric Department.

Request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:

West Grove Street, Middleboro, two (2) pole locations

This petition proposes to relocate poles 87 and 88 on West Grove Street. This petition is necessary to accommodate bridge construction on West Grove Street.

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc., No. 2015-01 dated 5-18-15.

Also for permission to lay and maintain underground laterals cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Verizon New England INC.

By David Cassman  
Manager Rights of Way

Middleborough Gas & Electric Department

By William Taylor  
Electric Division Manager

**ORDER FOR JOINT POLE RELOCATION**

In Board of Selectmen of the Town of Middleboro, Massachusetts

ORDERED: That Verizon New England Inc. and Middleborough Gas & Electric Department.

Be and they are hereby granted a joint relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies date the 18th day of May, 2015.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-VZ N.E. Inc., No. **2015-01** dated 5/18/15.

-Filed with said petition. There may be attached to said poles by said Verizon New England Inc. not to exceed 40 wires and 4 cables and by said Middleborough Gas & Electric Department not to exceed the necessary wires, cables and fixtures

And all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected and the number of poles, which may be erected thereon under this order:

West Grove Street, Middleboro, Two (2) pole locations.

This petition proposes to relocate poles 87 and 88 on West Grove Street. This petition is necessary to accommodate bridge construction on West Grove Street.

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Middleboro, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Clerk of Selectmen

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Selectmen of the Town of Middleboro, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, and recorded with the records of location orders of said Town, Book \_\_\_\_\_ Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk



57H-2469  
77 WEST GROVE ST  
Sumner

58E-1775  
71 WEST GROVE ST  
Carlozzi

WEST GROVE ST

65 WEST GROVE ST  
Mott

76 WEST GROVE ST  
57H-3232

Forland

72 WEST GROVE ST  
58E-2511  
58E-2512  
68 WEST GROVE ST  
Russo

Brier

P86  
Proposed P87  
located 113'  
east of  
intersection  
of Vine  
Street and  
West Grove  
Street

Proposed P87 to  
be located 97'  
east of the center  
of Vine Street and  
West Grove Street

Proposed P88 to be located  
230' east of the center of  
Vine Street and West Grove  
Street

66 WEST GROVE ST  
58E-2517  
Russo

58E-2527  
Unknown

P88 currently New  
located 264' P88K  
east of  
intersection of  
Vine Street  
and West  
Grove Street

New P88K to be located 329'  
east of the center of Vine  
Street and West Grove Street

P89

Middleboro Gas and Electric Department  
West Grove St. Bridge Pole Movement

West Grove St.  
Middleborough, MA  
November 19, 2014

W/O# 14-22



57H-2469

77 WEST GROVE ST

Sumner

58E-1775

71 WEST GROVE ST

Carlozzi

WEST GROVE ST

Forland

76 WEST GROVE ST  
57H-3232

Brier

P86

Proposed P87 to be located 97' east of the center of Vine Street and West Grove Street

Proposed P87

P87 currently located 113' east of intersection of Vine Street and West Grove Street

Current P87

Proposed P88

P88

P88 currently located 264' P88#

New P88# to be located 329' east of the center of Vine Street and West Grove Street

Current P88

P89

58E-1784

65 WEST GROVE ST

Mott

Proposed P87 to be located 97' east of the center of Vine Street and West Grove Street

Proposed P87

Current P87

Proposed P88

P88

P88 currently located 264' P88#

New P88# to be located 329' east of the center of Vine Street and West Grove Street

Current P88

P89

58E-2527

Unknown

66 WEST GROVE ST

58E-2517

Russo

W/O# 14-22

Middleboro Gas and Electric Department  
West Grove St. Bridge Pole Movement  
West Grove St.  
Middleborough, MA  
November 19, 2014

**Pole Hearing  
New Poles 85S & 86S  
Everett Street  
5/09/16**



385 Myles Standish Blvd  
Taunton, MA 02780-7327

Outside Plant Network Engineering

March 25, 2016

Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

Honorable Board of Selectmen,

Enclosed you will find petition # MA2016-17 from Verizon New England Inc. and Middleborough Gas and Electric Department proposing to place two new Poles (85S and 86S) on Everett Street. Please present at your next Board meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

If you have any questions about this petition, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Daryl Crossman". The signature is written in a cursive, flowing style.

Verizon New England Inc.  
Attn: Daryl Crossman - ROW  
385 Myles Standish Blvd  
Taunton, MA 02780

(774) 409-3191 - Office  
(508) 823-2361 - Fax  
daryl.crossman@verizon.com - Email

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

March 25, 2016

To the Board of Selectmen

in **MIDDLEBOROUGH**, Massachusetts

**VERIZON NEW ENGLAND INC.** and **MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT** request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

**Everett Street:**

**Install two (2) new JO poles 85S and 86S, on the westerly side of Everett Street – 85S being approximately 937’ southerly from the centerline of Plymouth Street, and 86S being approximately 825’ southerly from the centerline of Plymouth Street**

**The new poles are necessary in order to properly support the existing pole line along Everett Street.**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2016-17** Dated **March 23, 2016**.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By                     Daryl Crossman                      
                    Manager - Rights of Way

Dated this 25 day of MAR, 2016.

MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT

By                     William Taylor                      
                    Division Manger

Dated this 30<sup>th</sup> day of March, 2016.



# PETITION PLAN

MUNICIPALITY

MIDDLEBOROUGH

VZ N.E. Inc. No.

MA2016-17

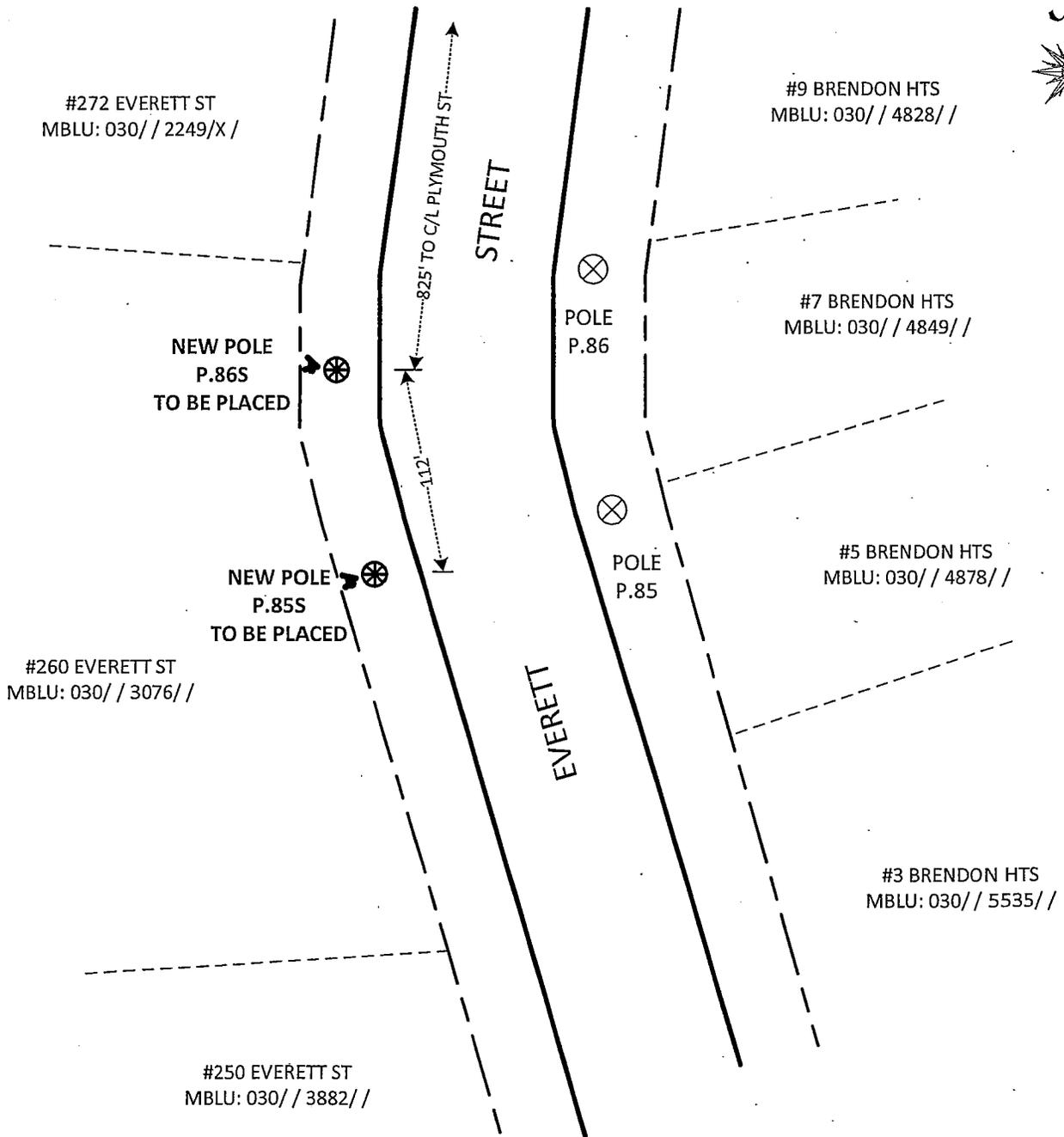
VERIZON NEW ENGLAND, INC and  
MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT

DATE :

MARCH 23, 2016

SHOWING

PROPOSED INSTALLATION TWO (2) POLES ON EVERETT STREET



**NOT TO SCALE**

## LEGEND

-  EXISTING JOINTLY OWNED POLE TO REMAIN
-  PROPOSED JOINTLY OWNED POLE TO BE PLACED
-  PROPOSED ANCHOR

-  EDGE OF PAVEMENT
-  EDGE OF ROADWAY
-  PROPERTY LINE

ABUTTERS LIST

MBLU: 030/ / 2249/X/  
272 Everett Street

LACERDA, EVERETT R & PATTY L  
272 Everett Street  
Middleborough, MA 02346

---

MBLU: 030/ / 3076/ /  
260 Everett Street

HUDSON, IRENE & GAMACHE, ALBERT  
2043 Wellington Street  
Dighton, MA 02715

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MBLU: 030/ / 3882/ /  
250 Everett Street

GRASSO, GIUSEPPI & KAREN T  
250 Everett Street  
Middleborough, MA 02346

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MBLU: 030/ / 4828/ /  
9 Brendon Heights

GORICH, ALFRED & KAREN  
9 Brendon Heights  
Middleborough, MA 02346

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MBLU: 030/ / 4849/ /  
7 Brendon Heights

REPASH, MICHAEL & CHERYL  
7 Brendon Heights  
Middleborough, MA 02346

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MBLU: 030/ / 4878/ /  
5 Brendon Heights

HALE, JANET & PATRICK  
5 Brendon Heights  
Middleborough, MA 02346

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MBLU: 030/ / 5535/ /  
3 Brendon Heights

SYLVIA, VICTOR & MARION  
3 Brendon Heights  
Middleborough, MA 02346

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**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the Board of Selectmen of the Town of MIDDLEBOROUGH, Massachusetts.

Notice having been given and a public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23<sup>rd</sup> day of March, 2016

**Everett Street:**

**Install two (2) new JO poles 85S and 86S, on the westerly side of Everett Street – 85S being approximately 937' southerly from the centerline of Plymouth Street, and 86S being approximately 825' southerly from the centerline of Plymouth Street**

**The new poles are necessary in order to properly support the existing pole line along Everett Street.**

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked-VZ N. E. Inc. No. MA2016-17 in a package Dated March 23, 2016 - filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

Everett Street  
2 JO Poles to be Placed

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen for the Town of MIDDLEBOROUGH, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Town Clerk

We hereby certify that on \_\_\_\_\_ 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at the \_\_\_\_\_ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

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

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

Board of Selectmen of the Town of  
MIDDLEBOROUGH, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of MIDDLEBOROUGH, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_, this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

PLEASE RETURN TO: Verizon New England Inc.,  
Attn: Daryl Crossman – ENG – ROW  
385 Myles Standish Blvd, Taunton, MA 02780

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the Board of Selectmen of the Town of MIDDLEBOROUGH, Massachusetts.

Notice having been given and a public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23<sup>rd</sup> day of March, 2016

**Everett Street:**

**Install two (2) new JO poles 85S and 86S, on the westerly side of Everett Street – 85S being approximately 937’ southerly from the centerline of Plymouth Street, and 86S being approximately 825’ southerly from the centerline of Plymouth Street**

**The new poles are necessary in order to properly support the existing pole line along Everett Street.**

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked-VZ N. E. Inc. No. **MA2016-17** in a package Dated **March 23, 2016** - filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

Everett Street  
2 JO Poles to be Placed

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen for the Town of MIDDLEBOROUGH, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Town Clerk

We hereby certify that on \_\_\_\_\_ 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at the \_\_\_\_\_ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

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

Board of Selectmen of the Town of  
MIDDLEBOROUGH, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of MIDDLEBOROUGH, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_, this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

**PLEASE RETURN TO: Middleboro Gas and Electric  
ATTN: William Taylor  
37 Wareham Street, Middleboro, MA 02346**

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the Board of Selectmen of the Town of MIDDLEBOROUGH, Massachusetts.

Notice having been given and a public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 23<sup>rd</sup> day of March, 2016

**Everett Street:**

**Install two (2) new JO poles 85S and 86S, on the westerly side of Everett Street – 85S being approximately 937’ southerly from the centerline of Plymouth Street, and 86S being approximately 825’ southerly from the centerline of Plymouth Street**

**The new poles are necessary in order to properly support the existing pole line along Everett Street.**

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked-VZ N. E. Inc. No. **MA2016-17** in a package Dated **March 23, 2016** - filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

Everett Street  
2 JO Poles to be Placed

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen for the Town of MIDDLEBOROUGH, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Town Clerk

We hereby certify that on \_\_\_\_\_ 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at the \_\_\_\_\_ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and MIDDLEBOROUGH GAS AND ELECTRIC DEPARTMENT for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

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

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

Board of Selectmen of the Town of  
MIDDLEBOROUGH, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of **MIDDLEBOROUGH**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_, this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk



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

Continued from May 2, 2016.



May 6, 2016

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

**Re: Final 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 final engineering review of the 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 plan and narrative are revised dated 4/27/16. Calculations are dated 5/2/16. All items are prepared by Outback Engineering for B&T Realty Trust of Middleborough, MA.

The comments from my 4/20/16 letter have been adequately addressed.

Per the Applicant's engineer, the project has 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. Therefore, the project is permissible under WRPD Bylaw Section 8.2.8.3.i.(i).

The following are provided for the Board's consideration in their review of the project:

- 1.0 A copy of the Order of Conditions or other correspondence for the Conservation Commission should be provided to the Board.
- 2.0 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.



*Board of Selectmen  
Final Engineering Review  
Map 100, Lot 4025 -- Benson Street  
May 6, 2016 - Page 2*

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', written in a cursive style.

Richard J. Tabaczynski, P.E.  
Project Manager

CC: Outback Engineering, Inc.



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.**



Richard J. Tabaczynski, P.E.  
Project Manager

CC: Outback Engineering, Inc.

**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 \_\_\_\_\_ WRPD   
Class I Automobile Dealer License \_\_\_\_\_ Earth Removal Permit \_\_\_\_\_  
Class II Automobile Dealer License \_\_\_\_\_ Liquor License \_\_\_\_\_  
Class III Automobile Dealer License \_\_\_\_\_ Junk Dealer \_\_\_\_\_  
Entertainment \_\_\_\_\_ 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: \_\_\_\_\_

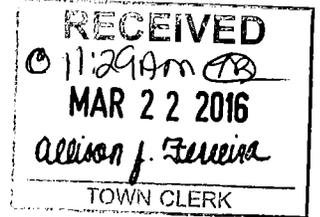
**Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3<sup>rd</sup> floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.**

**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. Marzano*



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**

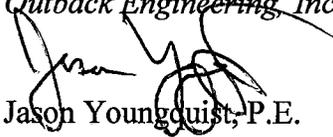
Dear Board Members,

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 or comments please feel free to contact me at (508) 946-9231 ext. 207.

Sincerely  
*Outback Engineering, Inc.*

  
Jason Youngquist, P.E.



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nicker-son Avenue, Middleborough, MA on Tues-  
day, April 19, 2016 at 7:30 PM, for the  
purpose of discussing an application filed  
by Field Engineering Co., Inc. on behalf  
of Fuller Street Development LLC for a  
Earth Removal Permit for property locat-  
ed off Fuller Street, Middleborough, As-  
sessor's Map 024, Lot 5555 & Map 033,  
Lot 686. Anyone desiring to be heard on  
this matter should appear at the time and  
place designated.

Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Diane Stewart  
Stephen J. McKinnon  
BOARD OF SELECTMEN  
March 31, 2016  
The Middleboro Gazette Newspaper

Continued from April 19, 2016

Atlantic is reviewing the full project  
along w/ response comments from  
Field Engineering. Response from Atlantic  
will be by 5/13.

Need an extension of existing permit.

April 28, 2016  
Project No. 1598

Ms. Diane C. Stewart, Chairman  
Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, Massachusetts 02347

The Crocker Building  
Four Court Street, Suite 104  
Taunton, Massachusetts 02780  
Telephone: (508) 824-9279  
Facsimile: (508) 824-9276

**Subject: MIDDLEBOROUGH - Fuller Street LLC - Earth Removal Permit Application  
Fuller Street, Middleborough, MA  
Response to Town Department Comments**

Dear Ms. Stewart:

Our office has received the following comment letters submitted to the Board in reference to the Fuller Street LLC Earth Removal Permit Application and has prepared the following responses for your consideration.

1. Town of Middleborough Building Commissioner correspondence to the Middleborough Board of Selectmen dated 4/4/16 in reference to the Fuller Street Earth Removal Permit.

Comment:

I have received the plans submitted by Richard R. Riccio III, P.E. of Field Engineering Co., Inc., dated: May 4, 2009 on behalf of Fuller Street Development, LLC for an earth removal permit for the above referenced property. I have no comment.

**Response:**  
**The comment is acknowledged. No further response necessary.**

2. Town of Middleborough Abutter Frederick Storch correspondence to the Middleborough Board of Selectmen dated 4/11/16 in reference to the Fuller Street Earth Removal Permit.

Comment:

My name is Frederick Storch. I reside at 50 Fuller Street and have lived here for 22 years. My time here has been most enjoyable. This is until the so-called "cranberry bog" construction began several years ago, which I have now come to realize the creation of the cranberry bog was simply a front for what is actually a sand and gravel business. Since its conception, the noise from the trucks and equipment as well as the dust that is created and blows in the wind toward my house, is simply unbearable to the extent that I can no longer enjoy my home during its hours of business. I have, in fact, had a representative of the Town of Middleborough, Mr. Chris Peck, come by my home to listen to the mayhem.

This present situation is completely unacceptable to what amounts to depriving the enjoyment of home ownership so that individuals can make money selling dirt! To fully understand my position would be to come and sit by my swimming pool some afternoon. The true scope of my words would then be realized. My feeling is you would be mortified by the current situation.

The only solution which I can visualize is the cease and desist of the project or the installation of an acceptable sound barrier. I would have preferred to be present at this meeting, but I am out of the country this week.

**Response:**

**The concerns noted by Mr. Storch with respect to the project related dust and noise impacts were clearly reflected by the Board and the residents in attendance at the 4/19/16 hearing. The applicant has acknowledged these concerns and is committed to the development of a comprehensive mitigation plan to minimize these impacts. Both the applicant and the operator are currently in discussions with Bayside Agricultural in expediting the preparation and planting of the Phase I cranberry bog areas. Additionally, we are looking at finishing the earthwork within the Phase I area to begin loaming and seeding wherever possible and other means and methods for dust control in addition to the irrigation system already in place.**

**As we develop this Comprehensive Mitigation Plan, the applicant will be reaching to the residents to brief them on the progress and ensure their concerns are adequately addressed.**

3. Town of Middleborough Department of Public Works correspondence to the Middleborough Board of Selectmen dated 4/15/16 in reference to the Fuller Street Earth Removal Permit.

Comment 1.

I have reviewed the inspection documents from the existing earth removal permit. These inspection reports date back to 2009. These reports reflect minimal issues throughout the gravel removal process. The Selectmen's office has received complaints from abutters located on Fuller Street concerning dust, noise and the longevity of the earth removal. In addition there was a complaint concerning work being done within the 50 foot buffer zone. This issue was inspected by the applicant's engineer Outback Engineering and the Department of Public Works in August 2014. No violations were found.

**Response:**

**As previously stated, the applicant is developing a comprehensive dust control and site stabilization plan in conjunction with our office and Bayside Agricultural. Refer to Response to Frederick Storch comment above.**

Comment 2.

Our last inspection of the current earth removal was conducted at the end of March 2016. We found during that inspection that the applicant was utilizing a screen on site. This is not allowed under their current permit unless they are screening sand or loam for on-site cranberry bogs. If the applicant intends to proceed with utilizing a screen to separate materials then their permit would need to reflect this allowance. This is at the discretion of the Board of Selectmen.

**Response:**

**Condition A.8. of the current Earth Removal Permit allows for the screening of sand and loam for the on-site cranberry bogs, gravel for on-site roadways, and loam for final on-site grading and seeding. To date there has been screening of gravel for the maintenance of the main access drive and stabilization.**

Comment 3.

The applicant has installed a screen on the top of the slope located directly behind the abutters on Fuller Street. The screen has fallen in areas since the earth removal began. The rehangng of this screen may help reduce any future dust complaints.

Ms. Diane C. Stewart, Chairman  
Middleborough Board of Selectmen  
April 28, 2016  
Page 3 of 3

**Response:**

**The applicant is currently looking at the possibility of fine grading and establishing a loam and seed cover over the area in the vicinity of the screen. At the discretion of the board, the applicant would be happy to rehang the screen until the area in the vicinity of the screen is fully stabilized.**

Comment 4.

The applicant should verify that all trucks involved in the earth removal have attached to the truck the required sticker reading "Town of Middleborough Permit No."

**Response:**

**The operator will monitor each of the dump trucks involved in the earth removal have the required site sticker attached to the truck before they leave the site.**

Comment 5.

The applicant should verify that the water system used to control the dust on the access/egress road is fully operational.

**Response:**

**As indicated by the operator, the existing irrigation system is fully operational. As the comprehensive dust control plan is developed, modifications to the irrigation system may be required to ensure sufficient growth on new seeded areas and extended coverage over newly excavated areas.**

Comment 6.

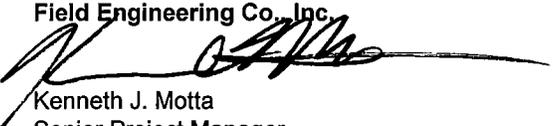
The culvert located on Fuller Street to the west of the earth removal was upgraded in the summer of 2015 as part of the Fuller Street roadway project. The 2009 plan proposed a 36" pipe culvert to be installed. Please clarify if this pipe is still required.

**Response:**

**The stone box culvert under Fuller Street was replaced with two (2) - 42-inch diameter HDPE pipe culverts in 2015. A second 30-inch RCP culvert was also replaced with a 36-inch HDPE pipe culvert as specified on the original 2009 Earth Removal Permit Plans. A second 36-inch diameter HDPE pipe culvert will be needed under the existing access road on the Bayside property once the proposed bypass channel is constructed to the new cranberry bog reservoir.**

If you have any questions or need additional information, please contact me at our Mattapoisett Office at (508) 758-2749.

Very truly yours,  
Field Engineering Co., Inc.

  
Kenneth J. Motta  
Senior Project Manager

cc: Elliot Schneider, Fuller Street Development LLC  
Paul Redlon, Redlon and Sons, Inc.  
Christopher Peck, Town of Middleborough DPW



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nicker-son Avenue, Middleborough, MA on **Monday, April 11, 2016 at 8:15 PM**, for the purpose of discussing an application filed by **GAF Engineering Inc.** on behalf of **W. L. Byrne, Inc.** for a **Earth Removal Permit** for property located off **Chestnut Street, Middleborough, Assessors Map 062, Lots 2726**. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Diane Stewart  
Stephen J. McKinnon  
**BOARD OF SELECTMEN**  
March 31, 2016

The Middleboro Gazette Newspaper

Continued from April 11, 2016.

Atlantic is reviewing the full project along w/ response comments from GAF Engineering. Response from Atlantic will be by 5/13.

Need an extension of existing permit.



ENGINEERING,  
INC.

ENGINEERS  
SURVEYORS

April 26, 2016

Town of Middleborough  
Board of Selectmen  
20 Centre Street  
Middleborough, MA 02346

Re: Earth Removal Permit  
W. L. Byrne Inc.  
Chestnut Street  
Middleborough, MA  
**G.A.F. Engineering Job No. 14-8284**

Honorable Selectmen,

Please accept this correspondence as responses to written comments prepared by Karl Hayes dated April 4, 2016 relative to property located at 15 Woodslake Terrace and 7 Short Brook Avenue as well as to the Town of Middleborough Planning Director, Ruth McCawley Geoffrey dated April 10, 2016.

In addition, we have prepared the attached Dust Mitigation Plan in response to comments raised by Mr. & Mrs. Parsons of 116 Rocky Meadow Street at the public hearing held on Monday April 11, 2016. Also find attached the revised earth removal plan and project plan.

**Correspondence from Karl Hayes dated 4/4/16**

The 15 Woodslake Terrace and 7 Short Brook Avenue properties are located over one half mile feet from the proposed water supply source of the W.L. Byrne cranberry bog project (Refer to Figure 1). The water management system of the W. L. Byrne Cranberry Bog employs complete tailwater recovery where by all water, not used by plant uptake or lost to evapotranspiration, is returned to the water supply reservoir making the water usage virtually non-consumptive.

According to MASS GIS the ground surface elevation of the Woodslake Terrace property and 7 Short Brook Avenue property is roughly El. 113-114. The USGS quadrangle indicates the elevation of Woods Pond to be roughly El. 94.0 The USGS Plymouth Carver Aquifer Water Resource Investigation report 90-4204 indicates the altitude of the water table to be approximately elevation 95.0± in the area of the residential properties. Mr. Hayes does not note the depth of the wells. An expansive wetland system and Short Brook separates the residential properties from the cranberry property, placing them within a separate sub- watershed entirely. The surface water elevation of the W. L. Byrne water supply reservoir is El. 99.0 and bottom elevation is proposed to be El. 84.0 It is unlikely that this virtually non-consumptive water usage associated with cranberry cultivation will have an adverse short or long term impact on these wells because:

266 MAIN ST.  
WAREHAM, MA  
02571  
TEL 508.295.6600  
FAX 508.295.6634

gaf@gaf-eng.com

- Residential well is greater than one half (½) mile from the cranberry bog water supply reservoir and will not be influenced by the short term agricultural water usage.
- The maximum withdrawal from the reservoir will not drain water resulting in a reservoir elevation of less than El. 95 based on agricultural needs.
- The immediate area adjacent to the homes is rich in water resources noted by the expansive wetland systems to the north, south and east of the residential properties.

**Correspondence from the Town of Middleborough Planning Director.**

**Comment 1:**

There should be a project narrative including a better description of how this proposed 13.5-acre bog project fits into the larger proposal identified in an Environmental Notification Form in February 2016 for a state Water Withdrawal Permit. That application reflects a total of 55 acres of new bogs, 10 acres of water supply and 40 acres of dikes, slopes and other appurtenant areas on over 100 acres.

**Response:**

***Excavation and removal of material in Bog Sections 1, 2 and 3 will be completed in 2017 as will the remaining excavation of the reservoir / tailwater pond. Bog sections 1,2 & 3 will be planted in 2018. Bog section 4 will be excavated in 2018 and planted in 2019. Bog section 5 will be excavated in 2019 and planted in 2020. A total of 21.9 acres of Bog is anticipated to be planted within the term of this permit, 13 acres will follow.***

**Comment 2:**

It appears that this earth removal is a continuation of a previous 3-year permit, issued in 2011, since most of the area proposed for the reservoir and 3 new bogs has already been excavated to near finish grade of the bogs but the application reflects that it is for a "new Permit". How do these new bogs to be added to the 73 acres that already exist relate to them and the previous E.R. permits?

**Response:**

***The excavation required to build Bog sections 1, 2, & 3 was not completed during the term of the current permit term. This permit No. 11-1 is set to expire on May 9, 2016. The Selectmen may issue a permit for up to three (3) years duration with an additional extension of up to one (1) additional year. If the permit expires and the work is not complete a new permit must be applied for in the same manner as the initial permit. Refer to the Earth Removal Rules and Regulations.***

**Comment 3:**

The permit should specify that no refining or screening of materials or crushing of stone for off-site use should be allowed on the site, as I believe that would be considered "manufacturing", a use not allowed in the Residence Rural District; the Building Commissioner would then be involved.

**Response:**

***No on site screening or crushing is proposed as conditioned in the previous permits. It should be noted that screening of sand for use in agricultural practices be permitted as these are normal and customary agricultural practices. We consider screening to be a process as opposed to manufacturing.***

**Comment 4:**

As with any earth removal proposed for agricultural use, there are legal and policy concerns that the Town should be aware of. The issue of Earth Removal being accessory or incidental to a permitted agricultural use (cranberry bog construction) is covered under the Massachusetts Supreme Judicial Court Case of Henry v. Board of Appeals of Dunstable which is explained in a letter from Town Counsel dated 12/1/94, previously supplied to the Board. The case, Old Colony Boy Scouts of America v. Zoning Board of Appeals of Plymouth, 31 Mass. App. Ct. 46 (1991) is a second case that relates to Earth Removal for the purpose of constructing cranberry bogs.

**Response:**

***In Henry and Old Colony Boy Scouts both stood on grounds that the earth removals were exempt from local zoning because the earth removal was "accessory to an agricultural use". The state Zoning Act Ch. 40A section 3 creates an agricultural exemption from zoning for landowners who use their land for the primary use of agriculture, horticulture floriculture or viticulture and includes language which states that "No Zoning By-Law shall...unreasonably regulate or require a special permit for the use of land for the primary use of agriculture.***

***Unlike Henry and Old Colony, W. L. Byrne Inc. has applied for a Special Permit to remove sand and gravel from the premises. The underlying use of agriculture is allowed in the Rural Residential (RR) Zoning district.***

***The earth removal is necessary for the construction of the cranberry bogs and water supply reservoir and W.L. Byrne Inc. does not object to the need to file for the necessary earth removal permit or the Special Permit for activities in the Water Resource Protection District. W.L. Byrne has typically filed for and received the permits necessary for the continued development of the Cranberry Bog development.***

***We trust the following satisfactorily addresses the issues raised by the commenters. We welcome the opportunity to answer the concerns of the commenters. We look forward to further discussion on this project if needed at the continued selectmen hearing scheduled for May 9, 2016.***

***Very truly yours,***

A handwritten signature in black ink, appearing to read "W.F. Madden".

***William F. Madden P.E.***

***WFM/mas***

***Enclosure:***

***Cc: W.L. Byrne, Inc.- Don Gallant***

## PROJECT PLAN

W. L. BYRNE, INC.  
OFF CHESTNUT STREET  
MIDDLEBOROUGH, MA  
EARTH REMOVAL PERMIT 11-1  
**G.A.F. JOB NO. 14-8284**

**Project Purpose:** Removal of sand and gravel associated with the construction of cranberry bogs.

**Site Description:** The site is presently used for cranberry cultivation and sand and gravel removal (Permit # 11-1). Over the years sand and gravel has been removed from the site and cranberry bog and water supply systems constructed.

Removal of earth is required for the construction of approximately 21.9 acres of cranberry bog, a 5.5-acre reservoir as well as additional work and staging areas.

**Past Activities:** The site has been subject to earth removal permits for many years. Over the last eight (8) years the earth removals and subsequent cranberry bog construction have taken place in substantial compliance with conditions for earth removal, issued by the Board of Selectmen.

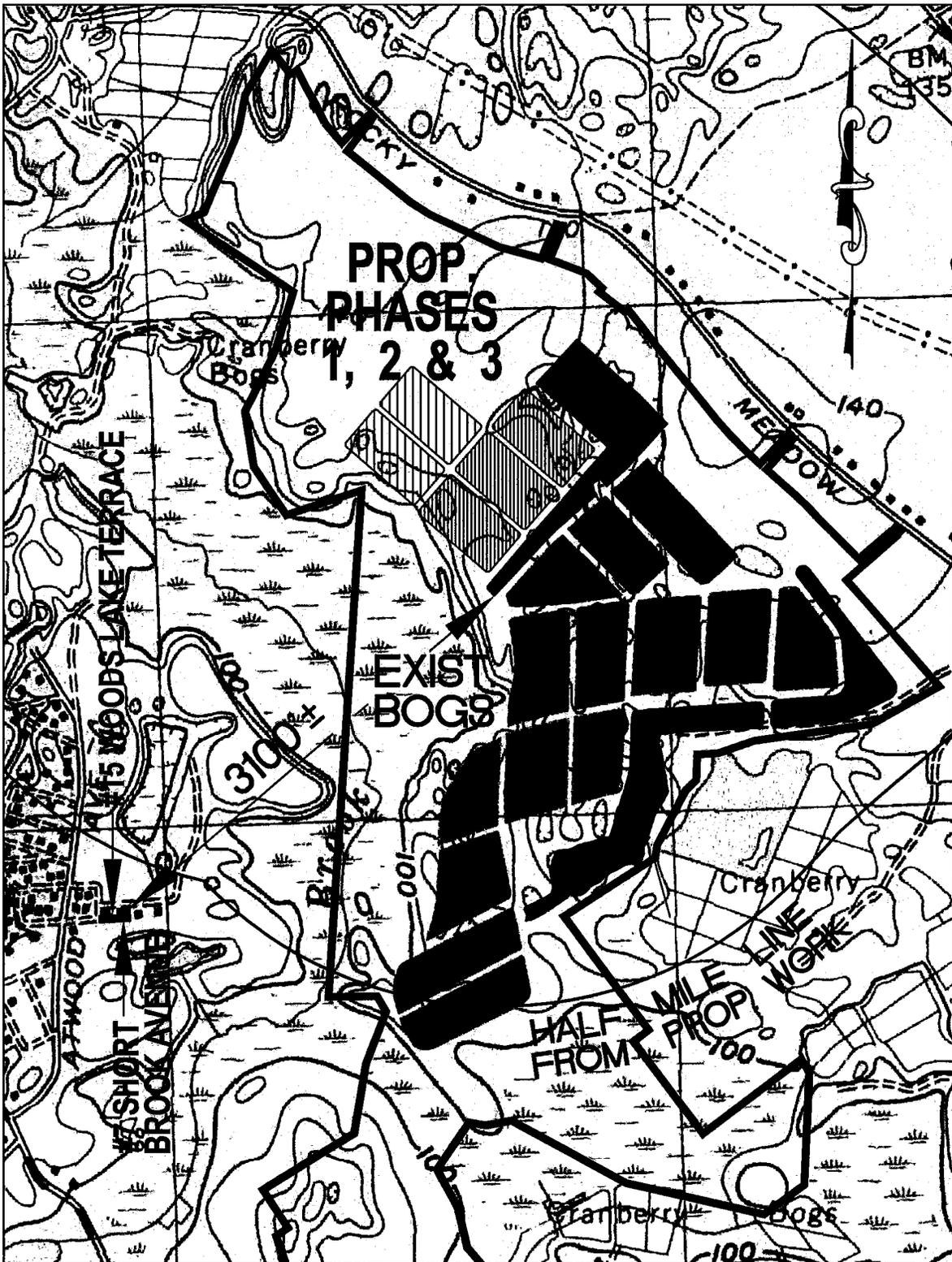
**Proposed Activities:** The project involves the removal of 642,650 cubic yards of material over a three (3) year time frame. It is expected that no more than 200,000 cubic yards of material will be removed in any years.

The earth removal activities will not take place within 100 feet of adjacent wetlands. The project is not subject to the provisions of the Wetland Protection Act (WPA).

The 100' foot, buffers to the residential properties and consists of an undisturbed vegetated buffer.

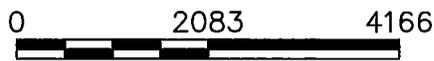
A 100' foot undisturbed vegetated buffer to the residential properties will be provided. No excavation will take place within 200' feet of a public way. Dust will be controlled by applying water from a water truck or other source. Erosion controls are not required as basins without outlets are being constructed. All side slopes will be graded at 3:1 horizontal to vertical finished with 4" inches of topsoil and seeded.

No screening or rock crushing is proposed.



GRAPHIC SCALE

1" = 2083'



SCALE: 1: 25000

U.S.G.S. LOCUS MAP

SOURCE: MASS GIS

W. L. BYRNE, INC.

MIDDLEBORO, MA



FIGURE 1

ENGINEERING, INC.

Board of Selectman  
Town Of Middleborough

Date 04/05/2016

To whom it may concern:

I am writing in response to a Notice To Abutters that I received and was filed with you on March 15, 2016. My name is Karl Hayes and I OWN THE PROPERTY AT 15 Woodslake Terr. In Middleborough, I also represent Margaret Nash (My Aunt) who owns the property at 7 Short Brook Ave in Middleborough of which I am her power of attorney. We both oppose any more earth removal . I believe that this will eventually affect the wells in the area. I am currently in florida for the winter and did not plan to return until the end of the month or mid May. I hope you can bring this up at the meeting Monday night on my behalf.

Sincerely Karl Hayes

4/7/16 Telephone Notes:

- \* Both properties have shallow wells
- \* Installed in 1940's
- \* Concern that work will cause wells to dry up
- \* Has concerns with water quality  
(did have it tested and it came back ok)



*Town of Middleborough*  
Massachusetts

PLANNING DIRECTOR  
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425  
Fax (508) 946-1991

April 10, 2016

Diane Stewart, Chairwoman  
Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

Re: Earth Removal Permit, W. L. Byrne, Chestnut St. Cranberry Bog

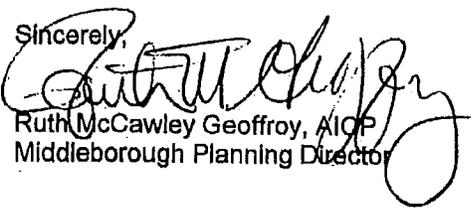
Honorable Board,

The Planning Department is in receipt of an Earth Removal Application for the W. L. Byrne, Chestnut St. Cranberry Bog proposing to excavate 639,000 c.y. of gravel from an area adjacent to existing cranberry bogs for the construction of 13.5 acres of cranberry bogs and a 5.5 acre water supply/tailwater recovery reservoir, approximately 15' deep. Earth removal is proposed to last 3 years. The Board of Selectmen have asked for comments on this proposal and the following are respectfully submitted.

1. There should be a project narrative including a better description of how this proposed 13.5 acre bog project fits into the larger proposal identified in an Environmental Notification Form in February 2016 for a State Water Withdrawal Permit. That application reflects a total of 55 acres of new bogs, 10 acres of water supply and 40 acres of dikes, slopes and other appurtenant areas on over 100 acres.
2. It appears that this earth removal is a continuation of a previous 3 year permit, issued in 2011, since most of the area proposed for the reservoir and 3 new bogs has already been excavated to near finish grade of the bogs but the application reflects that it is for a "new permit". How do these new bogs to be added to the 73 acres that already exist relate to them and the previous E.R. permits?
3. The permit should specify that no refining or screening of materials or crushing of stone for off-site use should be allowed on the site, as I believe that would be considered "manufacturing", a use not allowed in the Residence Rural District; the Building Commissioner would then be involved.
4. As with any earth removal proposed for agricultural use, there are legal and policy concerns that the Town should be aware of. The issue of Earth Removal being accessory or incidental to a permitted agricultural use (cranberry bog construction) is covered under the Massachusetts Supreme Judicial Court case of Henry v. Board of Appeals of Dunstable which is explained in a letter from Town Counsel dated 12/1/94, previously supplied to the Board. The case, Old Colony Boy Scouts of Am v. Zoning Board of Appeals of Plymouth, 31 Mass. App. Ct. 46 (1991) is a second case that relates to Earth Removal for the purpose of constructing cranberry bogs.

If you have any questions or wish to discuss this matter further please do not hesitate to contact me.

Sincerely,

  
Ruth McCawley Geoffroy, AICP  
Middleborough Planning Director

# DUST MITIGATION PLAN

## 1.0 GENERAL

It is proposed to progressively develop the site by expanding the existing cranberry operations. The progression of activities in general consist of:

- Land clearing, grubbing and stumping.
- Stripping and stockpiling of topsoil and subsoil for future use on site.
- Excavation & removal of mineral soils from the site.
- Grading and constructing cranberry bogs in shape and form.
- Planting of cranberry vines.
- Provide temporary slope stabilization with unsuitable material.
- Cover slopes with topsoil & seed with a cover crop.

## 2.0 DUST SOURCES AND CONTROL

Complete elimination of dust originating at the site is difficult although preventive measures can be taken to reduce these factors to negligible amounts.

Dust emissions from the site consist of fine soil particles which move by air currents. Heaviest particles will fall out within a half (1/2) mile radius of the activating source. However, wind velocities determine the dust carrying range and direction of predominant particle movement. Other off site sources of dust over which W.L. Byrne has no control include that which originates from traffic on Rocky Meadow Street, truck traffic on Rocky Meadow street, other neighboring land uses.

Operational areas on site which produce dust are categorized in the following order of importance:

### 2.1 HIGH USE VEHICLE ROUTES

High use vehicle routes within the site can be primary contributors to dust emissions. These roads and areas are non-surfaced which allow soil breakdown by heavy earth moving equipment and trucks hauling material.

### 2.2 EARTH REMOVAL PROCESS

Earth removal process is the secondary contributor of dust. The operational process of excavating and loading operations are contributors of dust emittance

### **2.3 THE EXCAVATION AREA**

The finished excavation area produces the least amount of dust as this surface contains surface moisture sufficient to prevent dust. Surface slopes which lack moisture contribute as a minor source of dust.

### **3.0 DUST MITIGATION CONTROL**

In order to mitigate dust concerns on site the following dust control practices, currently being utilized on site, will be continued and expanded as follows:

#### **3.1 SURFACE WETTING**

The truck route (high use vehicle routes) in the area of pit excavation will be wetted by the use of an on-site water truck. The water truck will wet soil surfaces in the areas utilized by trucks and equipment on an as-needed basis throughout a typical work day. Surface wetting is a practical and easily employable methodology used in minimizing dust emissions.

#### **3.2 MODIFICATION OF EARTH REMOVAL PROCESS.**

In each phase excavation and loading of material will proceed in a southwest to northeast direction. By doing so the face of the excavation and loading process will be shielded from areas directly facing residences on Rocky Meadow Street.

#### **3.3 MAINTAIN VEGETATIVE COVER TO THE MAXIMUM PRACTICAL DEGREE**

Land clearing for Phase II (7.9 Acres) will not take place until the Phase I removal is completed. Phase III ( 5.5 Acres) will not be cleared until the Phase II excavation is complete. Land clearing will be limited to that area necessary to provide access to areas which will provide one year's excavation. The conservation of the wooded area for that longest term possible will assist in absorbing dust and noise.

#### **3.4 CONTINRENCY PLAN**

In the event dust emissions emanate from the active face of excavation, temporary moveable surface mounted irrigation sprinklers will be placed at the top elevation of excavation. These sprinklers will be put in operation intermittently during the term of the excavation activities. Water will be supplied from the existing water supplies and pumping systems.



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



May 5, 2016

Steven Ventresca, Chairman  
Middleborough Conservation Commission  
Town Hall Annex, Bank Building  
20 Centre Street, 2nd floor  
Middleborough, MA 02346

***RE: Town of Middleborough Special Permit Application (via email)***

Dear Chairman Ventresca:

On behalf of the Cape Cod Cranberry Growers' Association (CCCGA), I offer comments on the proposed special permit application from the Town of Middleborough under the Water Resource Protection District By-law for the reconstruction of the stormwater drainage outfall pipe on the Plain Street municipal district and Oak Point project area. CCCGA represents more than 325 cranberry growers in Southeastern Massachusetts, Cape Cod and Nantucket. Cranberries are the largest agricultural food commodity produced in the state with an annual crop value of \$99.8 million dollars. Massachusetts is home to 30% of all cranberry acreage and according to a recent Farm Credit East Knowledge Exchange Report, provides over 6,900 jobs and a total economic benefit of over \$1.4 billion to the Massachusetts economy.

I am concerned for the farm of Jeffrey Cornell, whose cranberry bog is located downstream of this project area on Summer Street. Mr. Cornell has farmed this bog for many years and has had significant historical water concerns, notably in 2003 and again in 2010 when he discussed this situation with the town. In 2010, I was part of that discussion, which included the designers of this current project, Allen and Major Associates. The concern then was due to the development of Oak Point, more water was discharging to the wetland area above Mr. Cornell's property, inundating his reservoir and ultimately flooding out his bogs. There was much discussion at the time but no resolution was attained. One of the ongoing concerns is the outflow flume under Summer Street is undersized and exacerbates the situation by not allowing the bogs to drain fast enough to keep up with the increased flows. Although a wetland plant, the cranberry vines cannot be underwater or remain overly saturated during the growing season. In fact, if the bog were to be flooded during the bloom period, the entire crop can be lost.

Since Mr. Cornell's bog is below the proposed project area and already has demonstrated that it cannot handle flows of upstream water, this drainage project will make a bad situation that much worse. It is very easy to overlook the unintended consequences of those impacted further down from project area. Although it may appear to be a sensible solution to allow further drainage into an existing wetland, this excess water will quickly flow into the cranberry bog with potentially devastating results. This proposed stormwater reconstruction project must take into account the direct impact on Mr. Cornell's bog before proceeding.

Sincerely,

Brian Wick, Executive Director

cc: Patricia Cassady, Conservation Agent | Jeffrey Cornell

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**Cape Cod Cranberry Growers' Association**

One Carver Square Boulevard • P.O. Box 97 • Carver, MA 02330  
Telephone: (508) 866-7878 • Facsimile: (508) 866-4220  
Email: [cccga@cranberries.org](mailto:cccga@cranberries.org) • [www.cranberries.org](http://www.cranberries.org)



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

Continued from May 2, 2016