

HEARINGS, MEETINGS, LICENSES

7/25/16

Weston & Sampson Presentation

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Middleborough Recreation Facility Opportunities



July 25, 2016



SpurrSM
Weston & Sampson's
DESIGN STUDIO

Meeting Agenda

- **Discuss goal of Feasibility Study**
- **Provide brief overview of project process to date**
- **Discuss current status, challenges, and opportunities.**



Goal of Feasibility Study- Public Private Partnership

- Leverage the availability of **UNUSED PARCELS OF LAND**.
- Capitalize on Middleborough's **ACCESS TO HIGHWAYS**.
- Offer an attractive **LEASE AND OPERATIONS** agreement.
- Benefit from a partner's **CAPITAL INVESTMENT**.
- Draft a **MUTUALLY BENEFICIAL** long-term agreement.



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Project Timeline to Date

April 27, 2015	Project Approved at Town Meeting
May/June 2015	Preliminary information gathering, recreation facility research.
June 17, 2015	Kick-off Meeting with Town and Weston & Sampson. Town program needs determined, preliminary parcels identified
June/July 2015	Partnership/ Recreation facility analysis, Town-wide parcel analysis
July 21, 2015	Working Meeting with Town and Weston & Sampson. Potential partnership discussion, potential parcels identified.
July/ August 2015	Potential partners identified, preliminary discussions.
August 4, 2015	Kick-off meeting with Town/ Weston & Sampson and International Golf
September 2015	Development of online survey for public input on proposed recreational facility.
September 8, 2015	Kick-off meeting with Town/ Weston & Sampson and Go Ape (via conference call)
September 23, 2015	Online survey available to public.
October 21, 2015	Online survey closed, survey results analyzed.
November 6, 2015	Site walks of potential parcels with Town/ Weston & Sampson and International Golf.
November/December 2015	Potential sites analyzed for development opportunities and constraints.
January 2016	Preliminary site layout concepts developed for Fuller Street Property.
January 21, 2016	Working Meeting with Town and Weston & Sampson to review preliminary schemes.
February 1, 2016	Working Meeting with Town/ Weston & Sampson and International Golf to review preliminary schemes.
February 26, 2016	Working Meeting with Town/ Weston & Sampson and International Golf to review site development details and constraints at Fuller Street property.
March/April 2016	On-going analysis for potential development of the Fuller Street property and project viability by International Golf. International Golf determined the Fuller Street property was not a viable option.



Project Kick-Off: Parcel Analysis and Potential Partnership Research

Identified potential recreation-based, revenue generating partnerships.

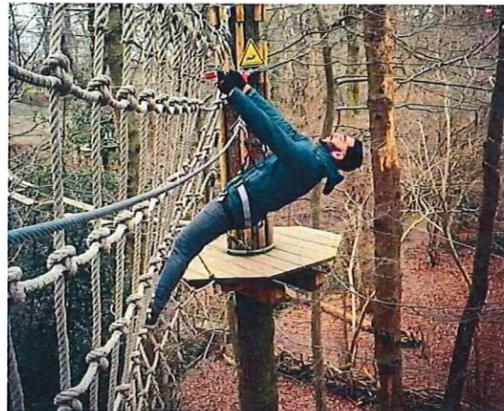
Recreation Type	General Size Requirements (Usable Land)	Site Considerations	Closest Facilities to Middleborough
Golf Course	150-190 Acres	Flat or gently rolling terrain. Avoid areas prone to noise pollution. High site impact.	20+ Golf Courses located within 25 miles.
Cross Country Ski Track	150-190 Acres	Flat or gently rolling terrain. Low to Medium Site Impact	Weston Ski Track, Weston, MA (40 Miles)
Mountain Bike Terrain Park	120-180 Acres	Any terrain will work. Low to Medium Site Impact	Thunder Mountain, Charlemont, MA (142 Miles)
Disc/Frisbee Golf Course	20-30 Acres (1 Acre per hole, plus parking/amenities)	Flat or gently rolling terrain. Low to Medium Site Impact	4 Courses within 30 miles (2 are pay to play)
High Ropes/ Adventure Course	6-12 Acres	Any terrain will work. Low site impact.	Heritage Museum and Gardens- Sandwich, MA (30 Miles)



Golf Course



Cross-Country Ski Facility



Adventure Ropes Course



Disc Golf Course



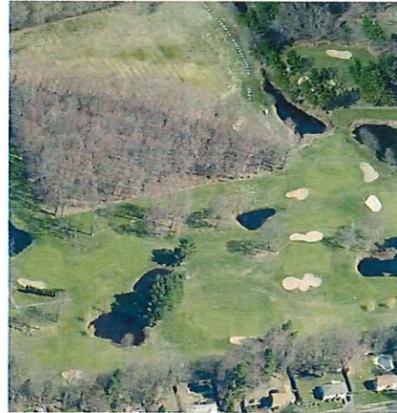
Mountain Bike Terrain Park Facility



Project Kick-Off: Parcel Analysis and Potential Partnership Research

Adventure Ropes Course (Go Ape) and Golf Course (International Golf)

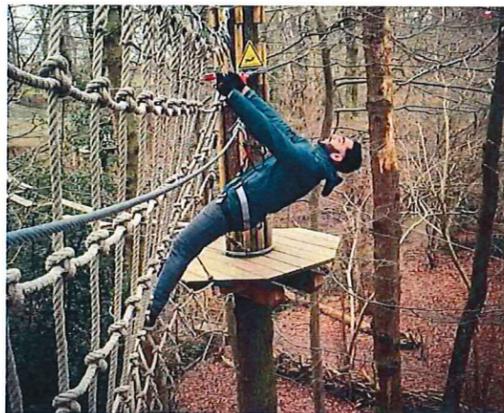
Recreation Type	General Size Requirements (Usable Land)	Site Considerations	Closest Facilities to Middleborough
Golf Course	150-190 Acres	Flat or gently rolling terrain. Avoid areas prone to noise pollution. High site impact.	20+ Golf Courses located within 25 miles.
Cross Country Ski Track	10-150 Acres	Flat or gently rolling terrain. Avoid areas prone to noise pollution. High site impact.	Heritage Museum and Gardens - Sandwich, MA (30 Miles)
Mountain Bike Terrain Park	10-150 Acres	Any terrain will work. High site impact.	Heritage Museum and Gardens - Sandwich, MA (30 Miles)
Disc/Frisbee Golf Course	10-150 Acres	Any terrain will work. High site impact.	Heritage Museum and Gardens - Sandwich, MA (30 Miles)
High Ropes/ Adventure Course	6-12 Acres	Any terrain will work. Low site impact.	Heritage Museum and Gardens - Sandwich, MA (30 Miles)



Golf Course



Cross-Country Ski Facility



Adventure Ropes Course



Disc Golf Course

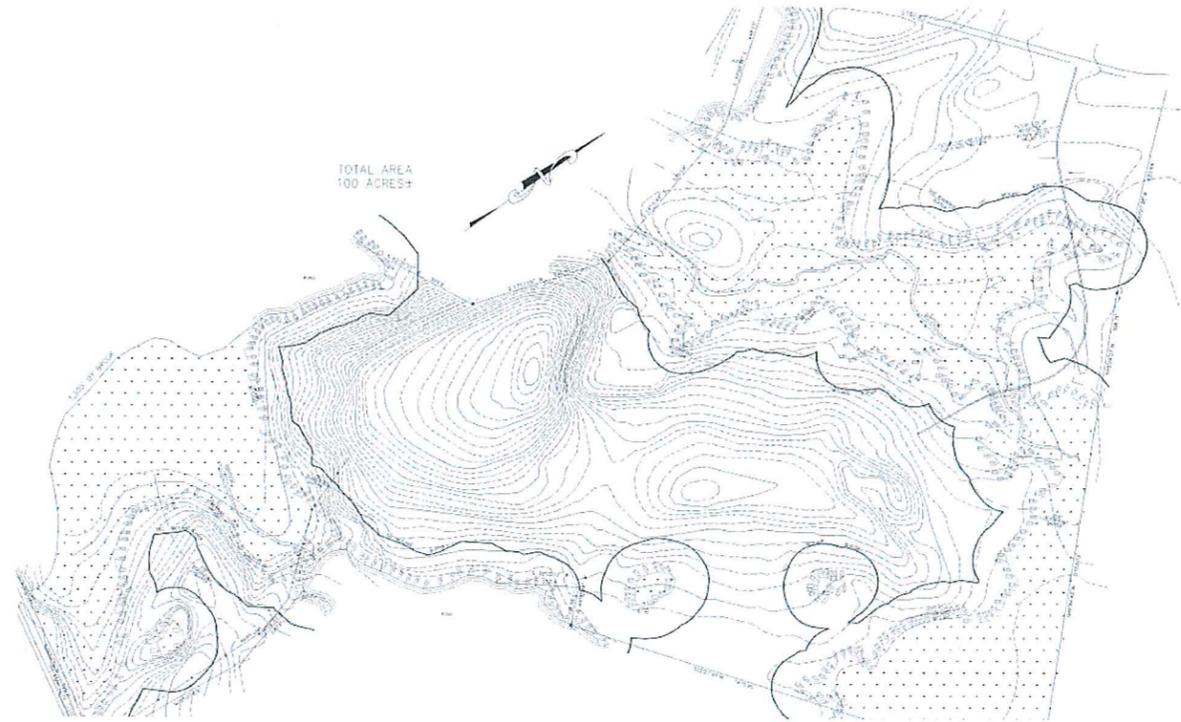


Mountain Bike Terrain Park Facility



Project Kick-Off: Parcel Analysis and Potential Partnership Research

Reviewed Town-wide parcels for a potential project site based on preferred partnership criteria. Identified Fuller Street property as potential location.



- Approximately 91 Acres.
- Town-owned (Water Department).
- Potential to sell gravel or sand material for additional revenue.



Public Survey- Validate Park Program

Conducted a two-week long online survey designed to solicit public feedback regarding existing town recreation facilities and proposed recreational facility.

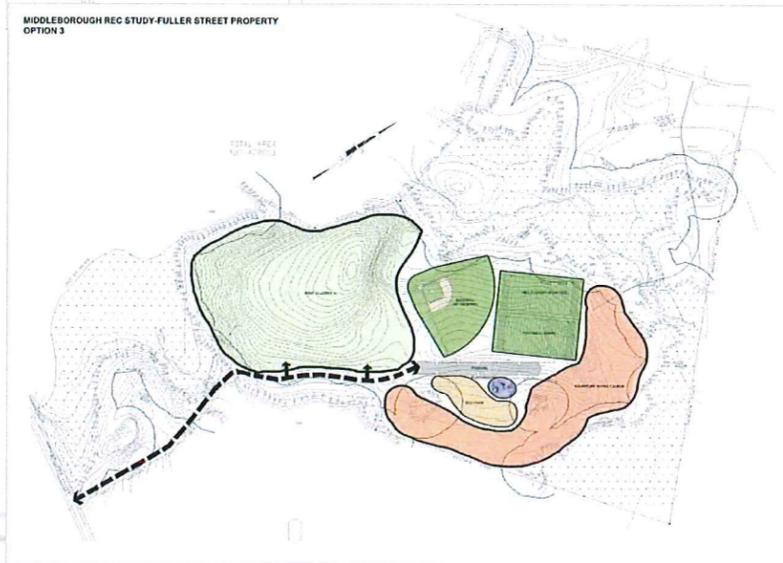
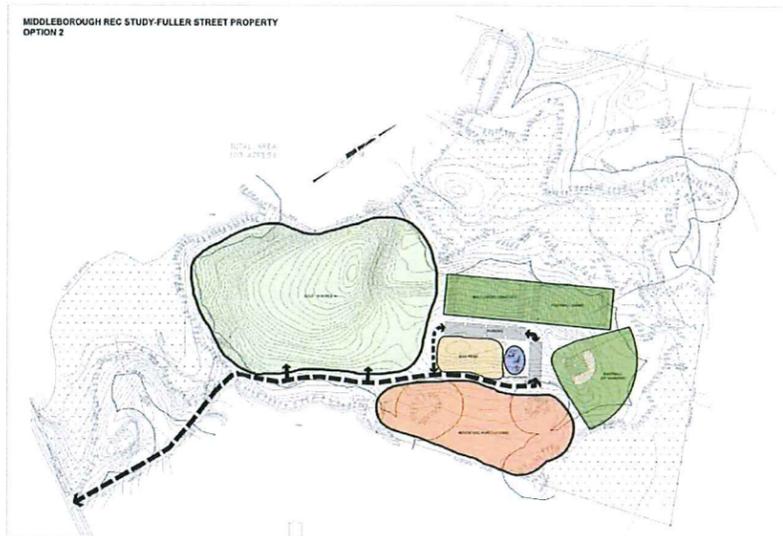
Survey Results

- Residents identified maintenance/appearance, lack of available program, and safety as their primary concerns with existing park facilities.
- Passive recreation, playground facilities, and baseball diamonds were the most used facilities in Middleborough.
- Residents identified a dog park or pet area, a recreation building/restroom facility, new playground, passive recreation activities (hiking, walking, picnic, etc.), and athletic fields and related support structures (bleachers, seating, etc.) as the most desired amenities to be incorporated in the new recreation facility.
- Residents felt a golf course and artificial turf were amenities that should not be included as part of the proposed recreation facility.



Site Review and Concept Development

Developed site concepts and performed more in-depth analysis regarding feasibility of development.



Analysis Results

Costs of site development are too high to public/private partnership successful



Current Status and Strategy Moving Forward

Challenges

- Lack of developable, Town-owned land to support Town recreation facility and private, revenue-generating facility.
- High initial investment required to develop site, stagnant market (for golf), similar facilities relatively close to Middleborough.

Opportunities

- Other town-owned parcels that could potential support Town recreation facility and private, revenue-generating facility at separate sites.
- Continued interest from Go Ape and International Golf to develop a public-private partnership.
- Potential to develop a partnership with Go Ape to begin generating some revenue for future recreational facility (long term).





Questions / Comments



Spurr
Weston & Sampson's
DESIGN STUDIO

88 River Street

HEARINGS, MEETINGS, LICENSES

7/25/16

Town of Middleborough Board of Health
Public Hearing – Nuisance, Source of Filth, and/or Cause of Sickness
Injurious to the Public Health

RE: Ronald C. High, Jr.
A-Plus Waste & Recycling Services LLC
88 River Street, Middleboro, MA 02346

The Town of Middleborough Board of Health (the “Board”), in response to receiving numerous complaints alleging nuisance odor at, or emanating from, the above-captioned business/property, held a public discussion on April 4, 2016, regarding this issue and voted to hold a hearing in accordance with General Laws Chapter 111, Sections 122 to 125A, to determine if there were such odors and, if so, whether such odors constitute a nuisance which may be injurious to the public health.

Notice of the hearing was published and notice was given by in-hand delivery and first-class mail to Mr. Ronald C. High, Jr., and A-Plus Waste & Recycling Services LLC (collectively the “Business”). The Board opened the hearing on May 2, 2016, and held the hearing over the course of several days, concluding the hearing on June 27, 2016. During the hearing, the Board considered testimony from Mr. Ronald C. High, Jr., owner of the Business; Mr. Robert Buker, Health Agent for the Town of Middleborough (the “Health Agent”); and several residents who live near the Business, including but not limited to Jaime Meserve, Jason Meserve, Samantha Turgeon, Judi Tracey, Lorraine Wilson, Sarah Robbins, and Sarah McGill. The Board considered evidence submitted by Mr. High, as well as arguments made by Mr. High’s attorneys, Donald Cooper and Jeffrey A. De Lisi; the Board also submitted evidence, specifically email complaints by residents, an email from the Town of Halifax Health Agent, and documents submitted by the Massachusetts Department of Environmental Protection (the “DEP”). The Board also heard testimony by several residents of Halifax, all of whom live within approximately one-half

mile of the Business. Mr. High's attorney, Jeffrey A. De Lisi, also submitted a post-hearing written memorandum and supporting documents.

The purpose and focus of the hearing was to examine and receive evidence regarding the matters set forth in the hearing notice. The issues considered for the purposes of the hearing were limited to whether the operation of Business at 88 River Street, which is a composting facility, caused odors that rose to the level of being considered a nuisance and, if so, whether such odors may be injurious to the public health. Although Mr. High, his attorneys, and residents testified or made representations regarding other aspects of the Business, such as future plans for the business and alleged zoning and building code violations by the Business, the Board did not consider these issues and limited its consideration and findings solely to the issues of the alleged nuisance odor.

Based on the credible evidence presented and accepted at the hearing and the reasonable inferences drawn from that evidence, the Board finds the following facts:

- 1) The Board of Health has jurisdiction to hold a hearing regarding allegations of nuisance odors and to make determinations related to such.
- 2) On or about September 26, 2013, the Middleborough Zoning Board of Appeals voted to grant a Special Permit to the Business allowing the Business to continue to conduct a composting facility and stipulating that "the compost business shall consist of yard and leaf waste and no more than 30 tons per day of organic material, as permitted by Mass DEP."
- 3) On or about February 7, 2014, the Business submitted a General Permit to the DEP to compost organic materials, which included "clean

wood, cardboard, paper and paper products, leaves, straw, corn stalks, shrub trimmings, vegetables, food materials, grass clippings, green plant material, fish waste, manure, and solid and liquid digestate.”

- 4) Since that time, residents living adjacent to, and nearby, the Business noticed odors emanating from the Business property.
- 5) DEP and the Health Agent have documented odors emanating from the Business property.
- 6) Both Middleborough and Halifax residents have described the odor as “strong and offensive,” “rotting food,” “rotting meat,” a “garbage smell,” a “pine chemical” smell, and noted that they could detect the odor on their own properties.
- 7) The odor has caused physical ailments in many residents, including nausea, a burning sensation and/or irritation to their noses and throats, and headaches.
- 8) Residents often had to change their plans if there was an odor present, such as not conducting activities outside, not opening their house windows, canceling or postponing plans to entertain guests, and not drying their clothing outside.
- 9) Residents’ children did not want to play outside when the odor was present.
- 10) Residents endured this odor throughout the 2015 calendar year, as well as during January 2016 through the time of the hearing.
- 11) The intensity and frequency of the odor diminished after March 23, 2016, but the odor did not disappear, and several residents smelled and were affected by the odor in February 2016, March 2016, April 2016, and May 2016.
- 12) There was often material left on the pavement of River Street, which had been tracked from the Business’s property, and that this material had the same odor as what they smelled in the air.

- 13) The Health Agent noticed an odor coming from the Business many times and described the odor as a “sour garbage” smell; he also noted that the odor was sometimes sustained but sometimes intermittent, depending on the day.
- 14) The Business took steps to prevent the odor from leaving the property, such as implementing “BioWorld Odor Neutralizer,” an odor neutralizing agent, and purchasing a “Nasal Ranger Field Olfactometer.”
- 15) Despite these steps taken by the Business, the odor is still present at neighboring properties.

Based on the foregoing, the Board finds that there is a nuisance odor emanating from the Business.

The Board orders the following:

- A) the Business shall follow the Administrative Consent Order and Notice of Noncompliance (the “ACO”), dated June 9, 2016, DEP file number ACO-SE-16-4001;
- B) the Business shall follow the Composting Facility Operation Plan for Compost Materials Removal and Odor Control dated June 8, 2016, submitted by the Business to DEP and referenced in DEP’s ACO;
- C) the Business shall remove all material, including but not limited to organic materials and recycling materials, from the Business’s property by February 1, 2017, regardless of any amendments allowed by DEP to the ACO, and regardless of the status of the ACO;
- D) the Business shall not accept any further material on the Business’s property or any property adjacent to the Business, including but not limited to organic materials and recycling materials, regardless of what may be allowed or permitted by DEP, the Zoning Board of Appeals, or any other federal, state, or local agencies;

- E) the Business shall utilize the Nasal Ranger Field Olfactometer every Monday, Wednesday, and Friday at the gate of the Business, at the corners of the Business property and River Street, at the intersection of River Street and Thompson Street, as well as any other times and/or locations requested by the Health Agent, and shall keep a log of the readings of the olfactometer;
- F) the Business shall file a weekly written report to the Middleborough Town Manager and the Middleborough Health Agent, to be submitted by Wednesday at 10:00 a.m. for the preceding week's activities, describing in detail the amount and location of the material removed from the property; the amount of material left on the property; the dates and times of any odor neutralizing or odor masking agents utilized; the dates, times, and findings of the olfactometer utilization; and the dates and times of any odor complaints made by residents.

Town of Middleborough
Board of Health
By:

Dated:

Jaime Meserve
83 River Street
Middleborough, MA 02346

June 24, 2016

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

RE: A Plus Waste and Recycling, LLC, 88 River Street

Members of the Board,

Please consider this to be written notice informing the Board of nuisance structure.

I am asking the Board to act under the law and send a letter to the owner of the dilapidated, collapsed, and dangerous structure at 88 River Street, demanding demolition. If the owner of the building does not respond appropriately by demolishing the structure, I am asking the Board to start the hearing process to do so. The Board of Selectmen have the power granted to them under MGL Ch. 139 S1.

"Section 1. The aldermen or selectmen in any city or town may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, or his authorized agent, or to the owner of a vacant parcel of land, and after a hearing, make and record an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. The city or town clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof in the manner prescribed in section one hundred and twenty-four of chapter one hundred and eleven, and make return to said clerk of his doings thereon."

The Owner had reassured the town that it would be demolished by the end of summer 2015, according to the town manager, Robert Nunes. We exhausted ourselves last year, trying to get a fence put up around the collapsed portion. The building inspector, Robert Whalen said that it didn't need one. We had to go through the Town Manager's office to get a fence put up. The owner has had ample time to fix or tear down this structure. We have been forced to explain it to neighbors and it even causes passing cars to stop. We have seen people on ATV's cutting through the structure, employees cutting through, children riding bikes around the piles of metal inside the building, and have seen pieces come off in storms. It makes a lot of noise. We believe that this collapsed building to the north and the noisy, dilapidated portion to the east are negatively affecting the values of our homes on River Street and under the law, constitute a nuisance.

Nuisance:

Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and **unsafe fences or structures; or**

(3)

Any premises that has unsanitary sewerage or plumbing facilities; or

(4)

Any premises designated as unsafe for human habitation; or

(5)

Any premises that is manifestly capable of being a fire hazard, or **is manifestly unsafe or insecure so as to endanger life, limb, or property;**

Please, for the safety and appearance of our rural neighborhood, we are asking for the Board of Selectmen to demand in writing, the demolition of this building according to law and if need be, start the hearing process. Thank you.

360 Wareham Street

HEARINGS, MEETINGS, LICENSES

7/25/16



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 23, 2016 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering for a Special Permit under the Water Resource Protection District By-law to allow for septic system design flow greater than 440 GPD per 20,000 SF of lot area. This property is shown as Assessors Map 072, Lot 5571, Zoning District – GU, WRPD District Z3. Anyone wishing to be heard on this matter should appear at the time and place designated.

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

BOARD OF SELECTMEN

Publish: May 12, 2016 and May 19, 2016



165 East Grove Street
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

www.outback-eng.com

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

June 3, 2016

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

Subject: 360 Wareham Street Septic Design Revisions

Dear Board Members:

On behalf of David Fisher, please find attached revised plans for the septic design at 360 Wareham Street. The following revisions have been made in response to a comment letter from Atlantic Design Engineers, Inc, dated May 25, 2016:

1. Section 25.1.4 of the Presby Design and Installation Manual requires velocity reduction in the D-Box prior to the AES piping system.
A note has been added in the septic system profile stating that an inlet tee shall be used in the D-Box.
2. When calculating the size of the Sand Bed Area using 14.0 Table C, a slightly larger area is derived if the "Commercial" sizing formula of 82 SF/100 GPD is used (5256 SF versus 5199 SF).
Calculation has been updated and the sand bed area and 5' over-dig have been extended by 1 foot to accommodate the slight increase in required size (5280 SF now provided).
3. Note 10 on Sheet 1 should specify that all components be H-20 capacity as all are under paved or gravel parking areas.
Note 10 on Sheet 1 has been changed to specify all components as H-20 capacity.
4. Board of Health approval of the system design should be provided to the Board.
Documentation of Board of Health approval to be provided.

We look forward to meeting with the Board to review the revised plans. If you have any questions or comments, please contact me at (508) 946-9231 ext. 207.

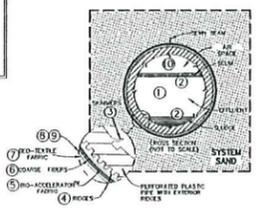
Sincerely,
Outback Engineering, Inc.

A handwritten signature in black ink, appearing to read "Tom Morris".

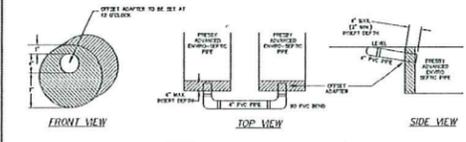
Tom Morris, E.I.T.
Project Engineer

- CONSTRUCTION PROCESS FOR PRESBY ENVIRO-SEPTIC SAND BED:**
- 1- CONTRACTOR IS TO EXCAVE THE BOTTOM AREA OF THE 4" DIA TO AN ELEVATION OF 10.75'
 - 2- CONTRACTOR IS TO PLACE THE BOTTOM SAND BED AREA FOR A DEPTH OF 12"
 - 3- THE 2" SAND IS TO BE PLACED TO BOTTOM ELEVATION IMMEDIATELY AFTER PLUMB TO PROTECT FROM PROPLETION DAMAGE.
 - 4- A 1" LAYER OF ASTM C-15 STEEN SANDS SHOULD BE PLACED IN CENTER OF HOLE COVERING THE BOTTOM OF THE HOLE TO BOTTOM ELEVATION.
 - 5- FIVE NETWORKS SHALL BE Laid IN PLACE AND CONNECTED.
 - 6- SYSTEM SAND SHOULD THEN BE PLACED OVER THE FIVE NETWORKS TO A TOP ELEVATION.
 - 7- DRAINAGE TIE IN SANDS SHOULD BE SET IN PLACE AROUND PERIMETER OF SYSTEM TO MAINTAIN SYSTEM SIZE.
 - 8- COMPLETE WEIRING AND INSPECTION POINTS. POINTS SHALL BE INSTALLED PER TABLE 3 AS SHOWN ON SITE PLAN AND DETAILS.
 - 9- ALL-WAY SHALL BE PLUMBED BY THE DESIGN ENGINEER AND BORN BOUND OF HEALTH.
 - 10- LEAKAGE SHALL BE TESTED PER TABLE 3.
 - 11- AS-BUILT FOR FIVE NETWORKS BY ENGINEER.

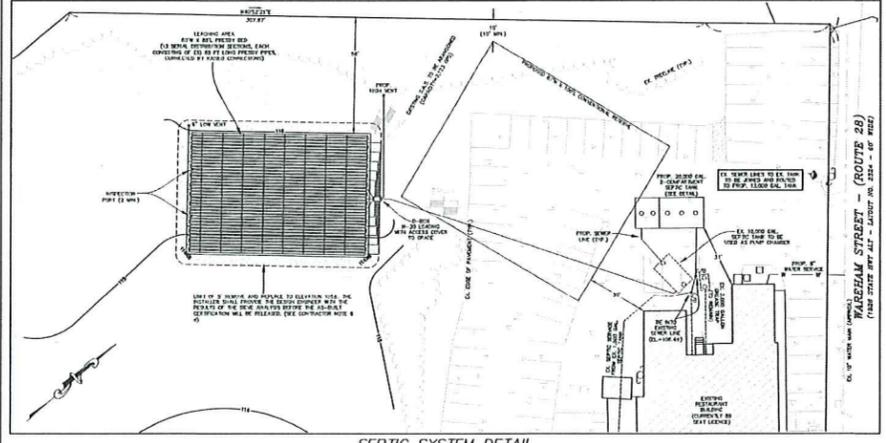
- PRESBY ENVIRO-SEPTIC NOTES:**
1. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
 2. SEE PLAN FOR LOCATION OF ALL NETWORKS AND INSPECTION POINTS.
 3. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
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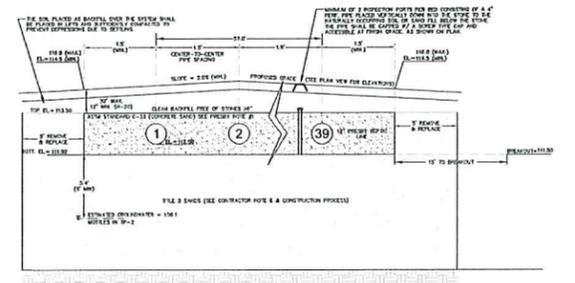
PRESBY "ADVANCED ENVIRO SEPTIC" PIPE DETAIL
NOT TO SCALE



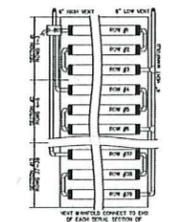
OFFSET ADAPTER DETAILS
NOT TO SCALE



SEPTIC SYSTEM DETAIL
SCALE: 1" = 20'



TYPICAL PRESBY LEACHING FIELD X-SECTION
NOT TO SCALE



6" VENT MANIFOLD DETAIL
NOT TO SCALE

SOIL STRATA LOGS

DEPTH	T.P. # 1	DESC.	T.P. # 2	DESC.
0' - 12"	1	1.0' SANDY SILT	1	1.0' SANDY SILT
12" - 24"	2	2.0' SANDY SILT	2	2.0' SANDY SILT
24" - 36"	3	3.0' SANDY SILT	3	3.0' SANDY SILT
36" - 48"	4	4.0' SANDY SILT	4	4.0' SANDY SILT
48" - 60"	5	5.0' SANDY SILT	5	5.0' SANDY SILT
60" - 72"	6	6.0' SANDY SILT	6	6.0' SANDY SILT
72" - 84"	7	7.0' SANDY SILT	7	7.0' SANDY SILT
84" - 96"	8	8.0' SANDY SILT	8	8.0' SANDY SILT
96" - 108"	9	9.0' SANDY SILT	9	9.0' SANDY SILT
108" - 120"	10	10.0' SANDY SILT	10	10.0' SANDY SILT

	ENGINEERING STAMP DAVID FISHER 124 PHOENIX STREET WILMINGTON, MA 01897	APPLICANT: DAVID FISHER 124 PHOENIX STREET WILMINGTON, MA 01897	OWNER: DAVID FISHER 124 PHOENIX STREET WILMINGTON, MA 01897	REVISIONS: <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td>1</td> <td>8/2/15</td> <td>FOR REVIEW ENGINEER COMMENTS</td> <td></td> </tr> </table>	NO.	DATE	DESCRIPTION	BY	1	8/2/15	FOR REVIEW ENGINEER COMMENTS	
	NO.	DATE	DESCRIPTION	BY								
1	8/2/15	FOR REVIEW ENGINEER COMMENTS										
SUBSURFACE SEWAGE DISPOSAL SYSTEM DESIGN #360 WAREHAM STREET (APPROXIMATE MAP 74 100 800) MIDDLEBOROUGH MASSACHUSETTS		Outback Engineering 165 EAST CHUTE STREET MIDDLEBOROUGH, MASS 02148 TEL: (508) 846-9221 FAX: (508) 847-8823 www.outback-eng.com	SHEET NUMBER 2 OF 3 SCALE: AS SHOWN DATE: 8/15/15 DRAWN: J.E.M. CHECKED: J.A.T. OE-2972									



May 25, 2016

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

**Re: Initial Engineering Review
WRPD Application – Variance Request
360 Wareham Street
ADE Job #2518.47**

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our initial engineering review of the septic design plan for the above-referenced project relative to a variance request under the Water Resource Protection District (WRPD) bylaw. The plan is revised dated 3/14/16 and is prepared by Outback Engineering for David Fisher of Middleborough, MA.

The applicant is proposing to increase the size of the septic system on the site to accommodate additional flows resulting from an increase in restaurant seating from the presently licensed 89 seats to 180 seats. This increase in flow results in a total sewage flow on the site that exceeds the WRPD bylaw maximum limit of 440 gallons per 20,000 square feet of lot area in WRPD Z3.

Per Section 8.2.8.2.f of the WRPD bylaw, exceeding the 440 gallons per 20,000 square foot limit is a prohibited use (not a Special Permit use). Note that the project is not a repair or replacement of an existing system that will not result in increase or design capacity above the original design.

Our review of the WRPD bylaw did not reveal any provision to allow variances or Special Permits to be granted for uses that are strictly prohibited.

We strongly recommend that the Board seek a legal opinion from Town Council on this matter as to whether they have the authority to grant a variance/Special Permit in this case. (Or whether perhaps this should be a ZBA matter?)

A technical review of the plan is as follows:

Technical Review of Design

- 1.) Section 25.1.4 of the Presby Design and Installation Manual requires velocity reduction in the D-Box prior to the AES piping system.
- 2.) When calculating the size of the Sand Bed Area using 14.0 Table C, a slightly larger area is derived if the "Commercial" sizing formula of 82 SF/100 GPD is used (5256 SF versus 5199 SF).

Representatives from Presby technical support services recommended using the larger area.

- 3.) Note 10 on Sheet 1 should specify that all components be H-20 capacity is all are under paved or gravel parking areas.
- 4.) Board of Health approval of the system design should be provided to the Board.

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.



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, Town Planner
Robert Buker, Health Officer
Robert Whalen, Building Commissioner
Chris Peck, DPW Director

FROM: Patricia Cassady, Conservation Agent 

DATE: May 19, 2016

RE: W.R.P.D. Application – Outback Engineering for property located at 360 Wareham Street, Map 072, Lot 5571, Zoning District-GU, WRPD District Z3.

I have reviewed the above-mentioned application and have the following comments for the Board:

- 1) This property *does not* contain any wetland resource areas within 100-feet of the proposed project.
- 2) This property also *does not* have floodplain or is mapped for Endangered Species under the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.

If you have any questions for the Conservation Department or Commission don't hesitate to contact us.

Thank you

pjc



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

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

May 18, 2016

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

Subject: W.R.P.D. Application for 360 Wareham Street, Assessors' Map: 072 Lot: 5571
Zoned GU/W.R.P.D. Z3.

Honorable Board,

I have received the plans submitted by Jason D. Youngquist, Professional Land Surveyor of Outback Engineering with plans dated: March 14, 2016 for David Fisher for the property located at 360 Wareham Street, in the Water Resource Protection District Z3. The application is for a new (repair) septic system design to accommodate 180 seats for an existing restaurant and a one (1) bedroom apartment.

I have no comment.

Respectfully submitted

Robert J. Whalen
Building Commissioner

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 4/11/16
NAME OF APPLICANT David Fisher
ADDRESS OF APPLICANT 154 Purchase St. Middleborough, MA
ASSESSORS MAP & LOT 68-3365
DAYTIME TELEPHONE _____

NAME OF BUSINESS Fisher's Farm House Pub
OWNER OF PROPERTY TO BE LICENSED David Fisher
ADDRESS OF PROPERTY TO BE LICENSED 360 Warcham St.
ASSESSORS MAP & LOT 72-5571

TYPE OF LICENSE REQUESTED (Check One)

2nd 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: _____
Days & Hours of Operation: _____

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

Signature 

DATE OF HEARING: _____

**Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street,
3rd 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? _____



165 East Grove Street
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873



Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

April 11, 2016

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

RE: WRPD Special Permit with Variance for 360 Wareham Street (Map 72, Lot 5571)

Dear Board Members,

On behalf of the applicant, David Fisher, we are requesting a Special Permit with Variance per Section 8.2.8(2f) of the Water Resource Protection Districts By-Law to allow the construction of a septic system which is designed for greater than 440 GPD per 20,000s.f. of lot area. The project is located at 360 Wareham St., in the Water Resource Protection District Z3 overlay zone and involves upgrading an existing septic system to accommodate the desired number of seats within the existing restaurant. There is also an existing 1 bedroom apartment attached to the restaurant which shall remain.

The existing system is designed for 2,123 GPD and the lot size is 198,703s.f. Following the Z3 guideline of 440 GPD per 20,000s.f. of lot area the maximum allowable design flow without a special permit would be 4,371 GPD which would allow for 121 seats and a 1 bedroom apartment. The proposed system has a design flow of 6,410 GPD to accommodate 180 seats and a 1 bedroom apartment. This design will require a Special Permit and Variance from the Board of Selectmen to allow the system to be built. 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. It is worth noting that the proposed system would be approximately half a mile from the Water Resource Protection Districts controlling well (Tispiquin Well #2).

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.

Jeffrey D. Youngquist, P.L.S.
President

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 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), 1st 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: 360 Wareham St
Map & Lot 72-571
Zoning District GU
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)
WRPD District Z3
(Z1, Z2, Z3, Z4)

B. To allow for:

Septic system design flow greater than 440 GPD per
20,000 SF of lot area.

(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:

<u>David T. Fisher</u>	<u>Outback Engineering Inc.</u>
Printed full name (Individual)	Printed company name/engineering firm
<u>[Signature]</u>	<u>[Signature] - PRESIDENT</u>
Signature (Individual)	Signature (company/engineering rep.)
<u>154 Purchase St.</u>	<u>jyoungquist@outback-eng.com</u>
Address <u>Middleboro, MA 02346</u>	Email address
<u>781-706-6385</u>	
Daytime telephone	

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 jshanley@middleborough.com .	<u>JY</u>	___
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).	<u>JY</u>	___
a.	Show locus to reasonable scale (use corner of the site plan page).	<u>JY</u>	___
b.	Show existing and proposed street lines, number & name.	<u>JY</u>	___
c.	Show existing and/or proposed building, including accessory buildings.	<u>JY</u>	___
d.	Show driveway and driveway openings.	<u>JY</u>	___
e.	Show natural waterways (if any).	___	<u>JY</u>
f.	Show distance from structure to wetlands.	___	<u>JY</u>
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.	<u>JY</u>	___
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<u>JY</u>	___
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>JY</u>	___
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<u>JY</u>	___
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<u>JY</u>	___

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>N/A</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>N/A</u>	_____
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	_____	<u>JY</u>