

D & D Harju Earth Removal

HEARINGS, MEETINGS, LICENSES

7/25/16

July 19, 2016

Robert G. Nunes, Town Manager (*via email*)

RE: Harju – new cease and desist order

Bob:

I enclose a draft cease and desist order which you requested.

I had difficulty determining what activity was to be the subject of the order. Contributing to the confusion was that some excavation was on land not owned by Harju interests. I relied in large part on Chris Peck's inspection of the various lots on which activity was happening.

After you and the Chairman sign three originals of the new order, an original order may be mailed to each addressee. Alternatively, you can give the three signed originals to me so that I can ask the Deputy Sheriff to serve the order.

Very truly yours,

Daniel F. Murray

Town Counsel

DFM/s

94-337

Enclosure



Town of Middleborough

Massachusetts

Board of Selectmen

July 25, 2016

Derek Harju
253 France Street
Middleboro, MA 02346

Dana Harju
253 France Street
Middleboro, MA 02346

D&D Harju Cranberries, LLC
253 France Street
Middleboro, MA 02346

RE: Cease and Desist Order

Dear Addressees:

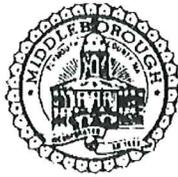
The Town of Middleborough Board of Selectmen and Town Manager, pursuant to the Town of Middleborough Earth Removal By-law, hereby order you to cease and desist with respect to the following activities:

1. Excavation and removal of earth materials of any kind including sand, gravel and topsoil from land in Middleborough, MA shown as Lot 2726 on Middleboro Assessors Map 62 and Lot 5684 on Map 54 to Lot 1336 on Map 62 and to any other lot or property.
2. Screening of earth materials on land shown as Lot 1336 on Middleboro Assessors Map 62.
3. Removal of trees and excavation of topsoil on land shown as Lot 2411 and Lot 4855 on Middleboro Assessors Map 62.

The activities described above are in violation of the Town of Middleborough Earth Removal By-law.

Robert G. Nunes, Town Manager

Diane C. Stewart, Chairman of
Board of Selectmen



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, July 11, 2016 at 7:30 pm for the purpose of discussing an application filed by GAF Engineering, Inc. on behalf of D and D Harju Cranberries, LLC for an Earth Removal Permit for property located at Purchase Street, Assessors Map 063, Lot 3453, and Map 062, Lot 2411, Middleborough, MA. The reason for this request is for the removal of approximately 178,790 cubic yards of sand and gravel in conjunction with the construction of a tailwater/water supply reservoir as shown on plan dated April 4, 2016 prepared by GAF Engineering, Inc. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: June 30, 2016

Private party responsible for payment
 Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074



Town of Middleborough

Massachusetts

Board of Selectmen

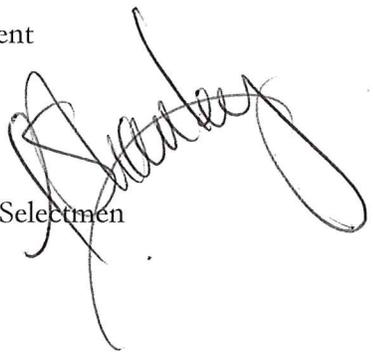
MEMORANDUM

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

FROM: Jackie Shanley, Executive Assistant to Board of Selectmen

DATE: June 28, 2016

SUBJECT: **Application for Earth Removal Permit
D & D Harju Cranberries LLC
Map 063, Lot 3453
Map 062, Lot 2411**



Attached please find additional information submitted relative to the above referenced Earth Removal application.

The hearing is scheduled for **Monday, July 11, 2016 at 7:30 PM.**

Please do your best to have comments/remarks on the revised site plans to the Selectmen's office **by Noon on Wednesday, July 6th.**

Even if you have no comments to make regarding the plan, please indicate so in writing.

Please contact the Selectmen's Office if you have any questions.

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works
48 Wareham Street
Middleborough, MA 02346
Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

July 7, 2016

Ms. Diane Stewart, Chairwoman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: D & D Harju Cranberries- Earth Removal Permit Application Review

Dear Ms. Stewart,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by GAF Engineering Inc., on behalf of D & D Harju Cranberries, LLC. As part of the submittal I received the following:

- Earth Removal Permit Application dated April 29, 2016 prepared for the applicant D and D Harju Cranberries, LLC, prepared by GAF Engineering, Inc.
- Earth Removal Permit Project Plan, prepared by GAF Engineering Inc., dated April 27, 2016.
- Proposed Cranberry Bog Project, prepared by GAF Engineering, Inc., dated April 10, 2016.
- Conservation Farm Plan, prepared by New England Consulting Services, dated March 21, 2016.

The Department of Public Works comments are as follows:

1. 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."
2. The applicant should provide the truck route proposed on public roadways. The applicant should be made to take the shortest route to the material's final destination.
3. How many trucks trips are anticipated per day during this project?
4. The proposed entrance/exit driveway on Purchase Street may have sight distance restrictions due to roadside vegetation and landscaping of abutters. The applicant should provide the available sight distance at the intersection and propose improvements if needed.

5. The proposed driveway should be stabilized and measures taken to prevent sediment from being tracked onto Purchase Street. These measures could be in the form of a stone construction entrance or preferably a paved driveway.
6. The Department of Public Works has at least one incomplete earth removal on file for the applicant on an adjacent parcel. This is permit #07-04. In addition, there is another earth removal permit #07-02 in Ken Harju's name on an adjacent parcel. The DPW does not have a record of either permit obtaining a certificate of completion. Please clarify.
7. The Board should be aware that work has been on-going on the parcel including the clear cutting of trees and removal of top soil. It is our understanding that work cannot be performed on a site once the applicant has applied for an earth removal permit. The application is dated April 27, 2016 and the work had taken place after that date.
8. The proposed project plan states the project progress will be from east to west. However the applicant has already begun clearing trees and removing top soil on the west side of the proposed work site. This was witnessed during my site visit on June 29, 2016.

Sincerely,



Christopher Peck
Director of Public Works



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

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

July 5, 2016

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

RE: W.R.P.D. Application for Earth Removal Permit, owner D & D Harju Cranberries, LLC for Purchase Street, Assessor's Map: 063 Lot: 3453 and Map: 062 Lot: 2411.

Honorable Board,

I have received the plans submitted by William Madden, R. P. E. of G.A.F. Engineering Inc. dated: April 5, 2016 on behalf of D & D Harju Cranberries, LLC for an earth removal permit for the above referenced property.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

Martin Cole
199 Rocky Meadow Street
Middleboro, MA 02346

July 4, 2016

Board of Selectmen
Town of Middleboro
Middleboro Town Hall
Middleboro, MA 02346

Dear Sirs and Mesdames,

I am writing you regarding the application filed by GAF Engineering on behalf of D and D Harju Cranberries, LLC.

There have been two earth removal permits issued for the property now owned by D and D Harju Cranberries located off Purchase Street. The first was issued to AD Make Pease in 2003 for a reservoir system. (Permit No. 03-01) The plans are quite specific and are for earth removal for the creation of a reservoir only. A long list of conditions came with the permit. The permit was not transferable with the sale of the property without a vote from the selectmen. The reservoir was completed by 2006 but excavation continued with numerous violations along the way after D and D Harju Cranberries purchased the property. The permit was never closed. (See pictures.)

In 2006 D and D Harju Cranberries applied for and received a second earth removal permit, this time for a reservoir and tail water recovery system. This was said to be needed in conjunction with the renovation of an existing bog. This bog already had access to water from three different sources. The gravel was removed and exported the reservoir was dug but never completely finished or connected to the bog. The bog was not renovated. The permit remained open and gravel was removed and exported from other areas of their property.

D and D Harju Cranberries then bought the adjacent Bjornson property and bogs. They removed the ridge between the two properties. It's now used to store the pea stone left from the gravel screening process. Several bogs were renovated, the existing reservoirs were expanded; lift pumps and pipelines were installed. Sand and gravel was removed from the southern area beyond the reservoir and exported from the property without a permit.

In 2015, the Company purchased the adjoining Morse property. The 13.9 acre bog had not been harvested in two years. There is, however, a large bank of sand that runs between the former Bjornson and Morse properties. This pine tree covered ridge served as a noise and dust barrier for the houses along Purchase and Rocky Meadow Street. There are 55 homes in the 1.4 miles from the corner of Wall and Rocky Meadow Street to the Patrick Morse bog on Purchase.

A farm plan has been submitted stating a need for additional water. It discounts completely the additional water available by the expansion of the existing reservoir or the additional water available by

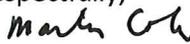
the now interconnected resources of their other properties. Of the eight water sources, seven interconnect though only three were mentioned in the Company's farm plan. If water was the issues, not sand, the already expanded Bjornson reservoir could be connected to the Morse bog and expanded further if needed. The existing Fisher reservoir could be cleaned and opened up. Instead they propose to cut the trees, completely level the ridge and add an additional reservoir. This will leave the residents of Purchase and Rock Meadow Street looking out their windows at an open pit mine, subjecting them to the blowing sand and dust and the noise of heavy equipment daily. When asked at the Conservation Committee meeting as to how long the project would take to complete, the representative of the Company responded, "It depends on the demand for sand and gravel". The increases in traffic from large trucks will deteriorate the condition of our roads and cause safety issues. Property values will go down.

The town bylaws prohibit commercial earth removal. It is only by claiming it is for agricultural purposes that sand and gravel can be mined and sold. The Town's bylaws also state that one cannot, after applying for a earth removal permit, remove any trees, ditch, grade or remove soil except in the normal maintenance of cranberry bogs. D and D Harju Cranberries have taken half of the proposed dig site and removed the trees, striped the top soil and started excavation, in some places to the water level.

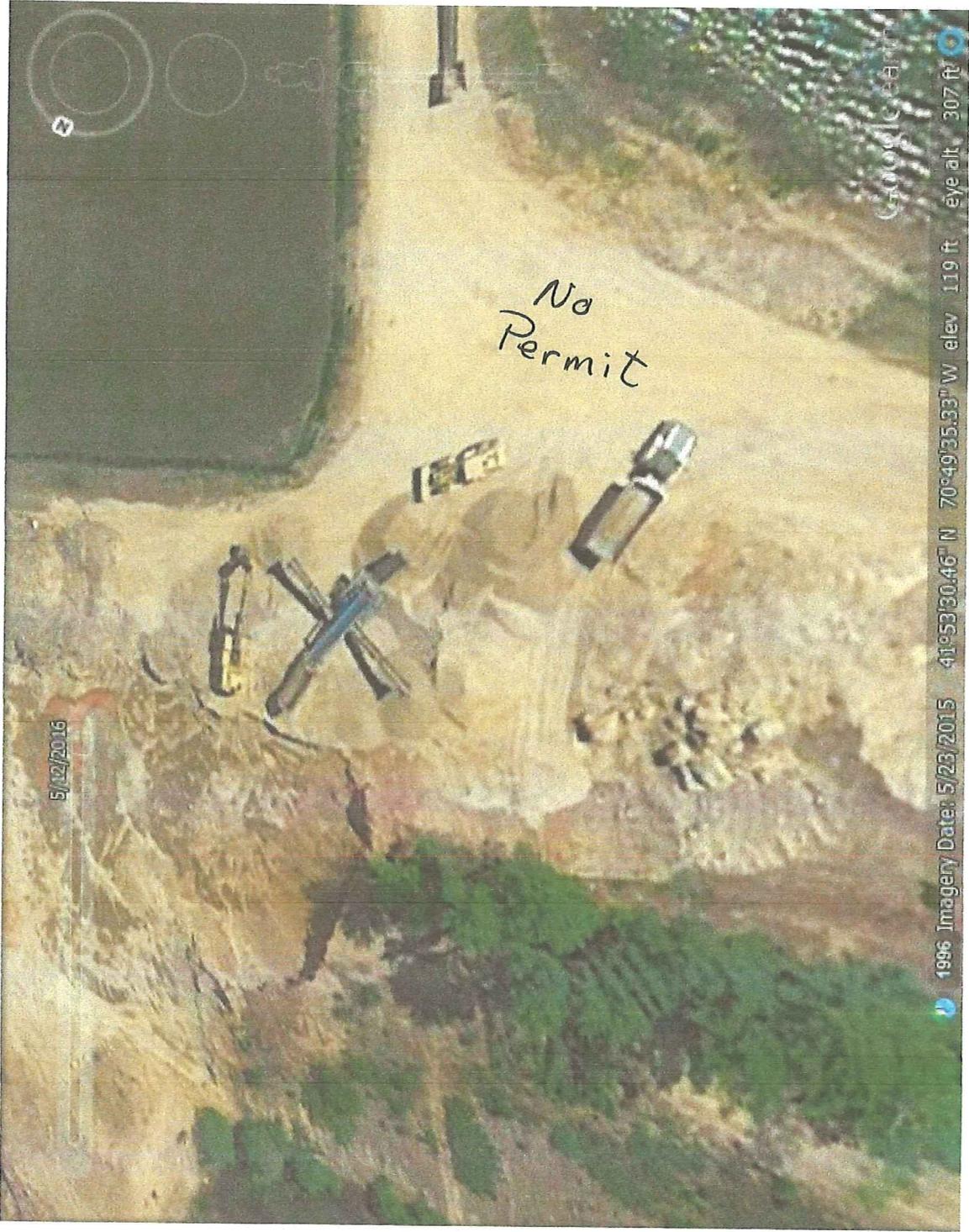
The Morse bog had always been dry picked and has insufficient water for wet harvesting. When owned by Morse Brothers it was an Ocean Spray bog and had a guaranteed market; this is no longer the case. As an independent bog it can be expected to bring in around \$10 a barrel for its harvested berries. As it costs most growers \$20 to \$25 a barrel for production, one can understand why so many of the bogs in our area go fallow. This is not likely to change in the future as what was once a largely local crop is now grown in large scale in many places in North and South America. As a result, many growers have started to look for additional sources of revenue. Some are putting houses around their bogs and some are looking into solar panels. D and D Harju Cranberries is turning the areas around their bogs into sand and gravel pits as there is more money in sand then in cranberries.

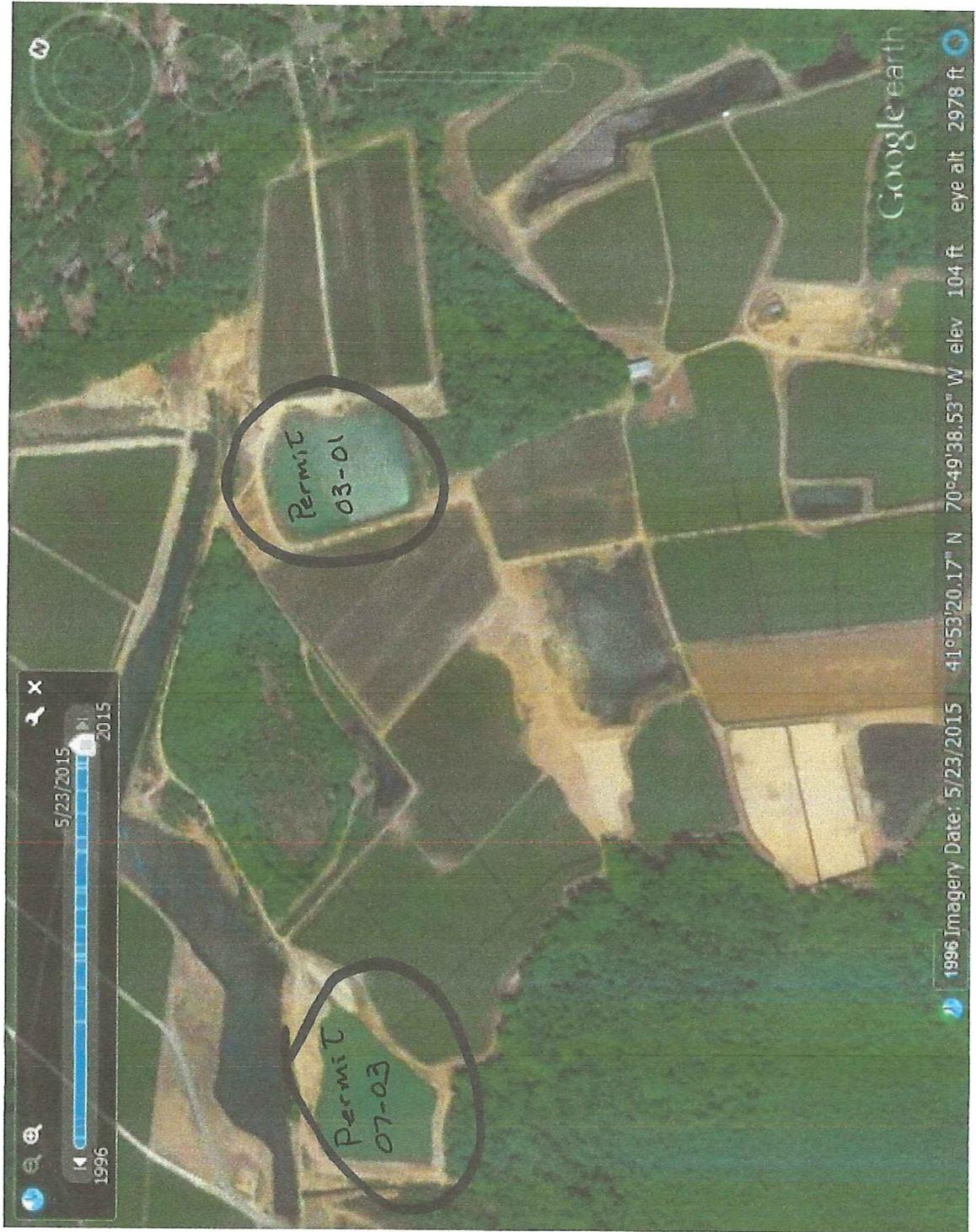
However, while I am sympathetic to the reducing revenues cranberry bog owners face; it does not give them the right to ignore town bylaws or degrade local living conditions. The further removal of the sand ridge and trees is particularly disturbing as it has served to protect us from the mining that has been going on in the area for almost a decade and a half. D and D Harju Cranberries' history of disregarding regulations, not following through on proposed plans, in addition to the hardship continued excavation would cause the local community should disqualify them from any consideration for an additional permit.

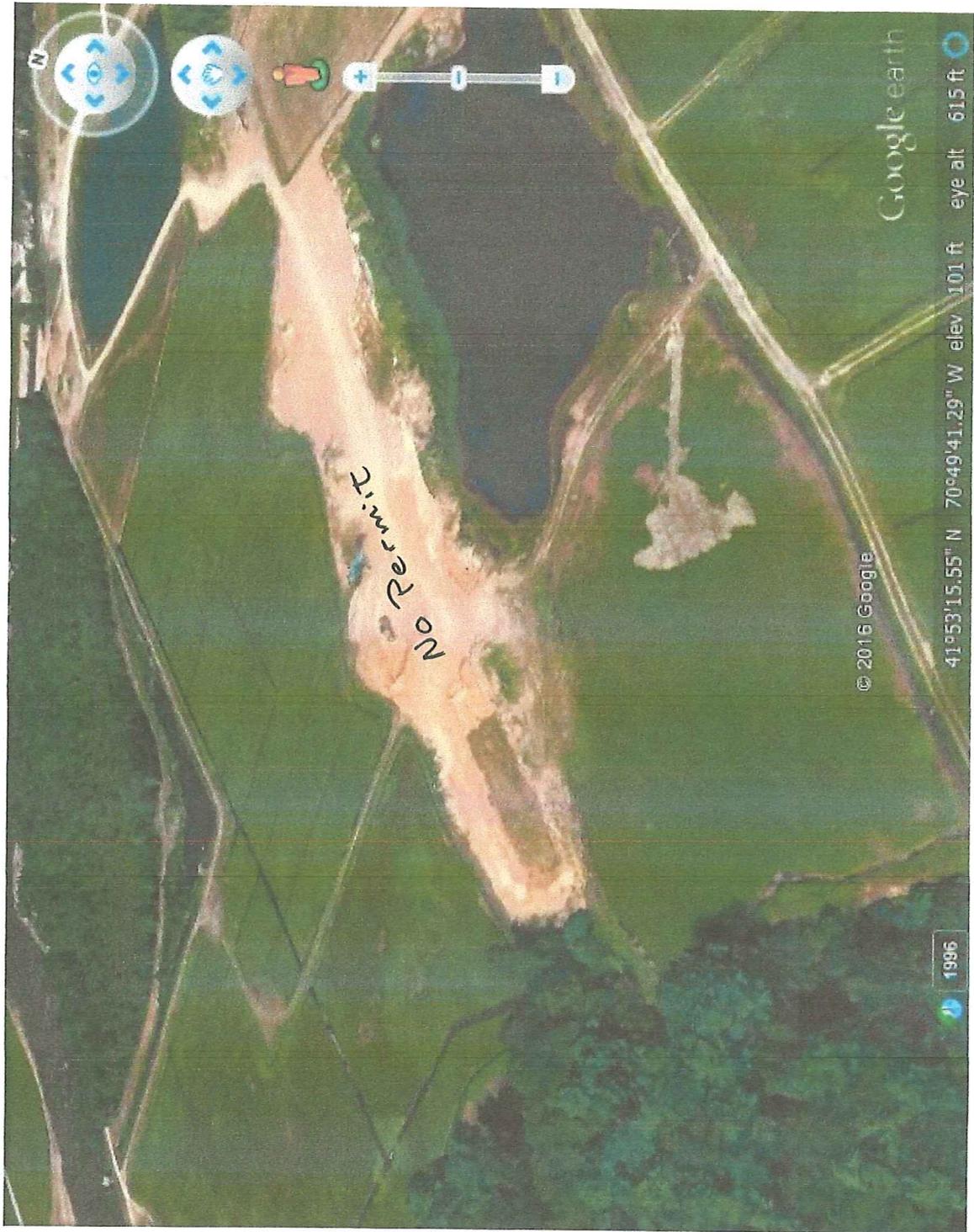
Respectfully,


Martin Cole









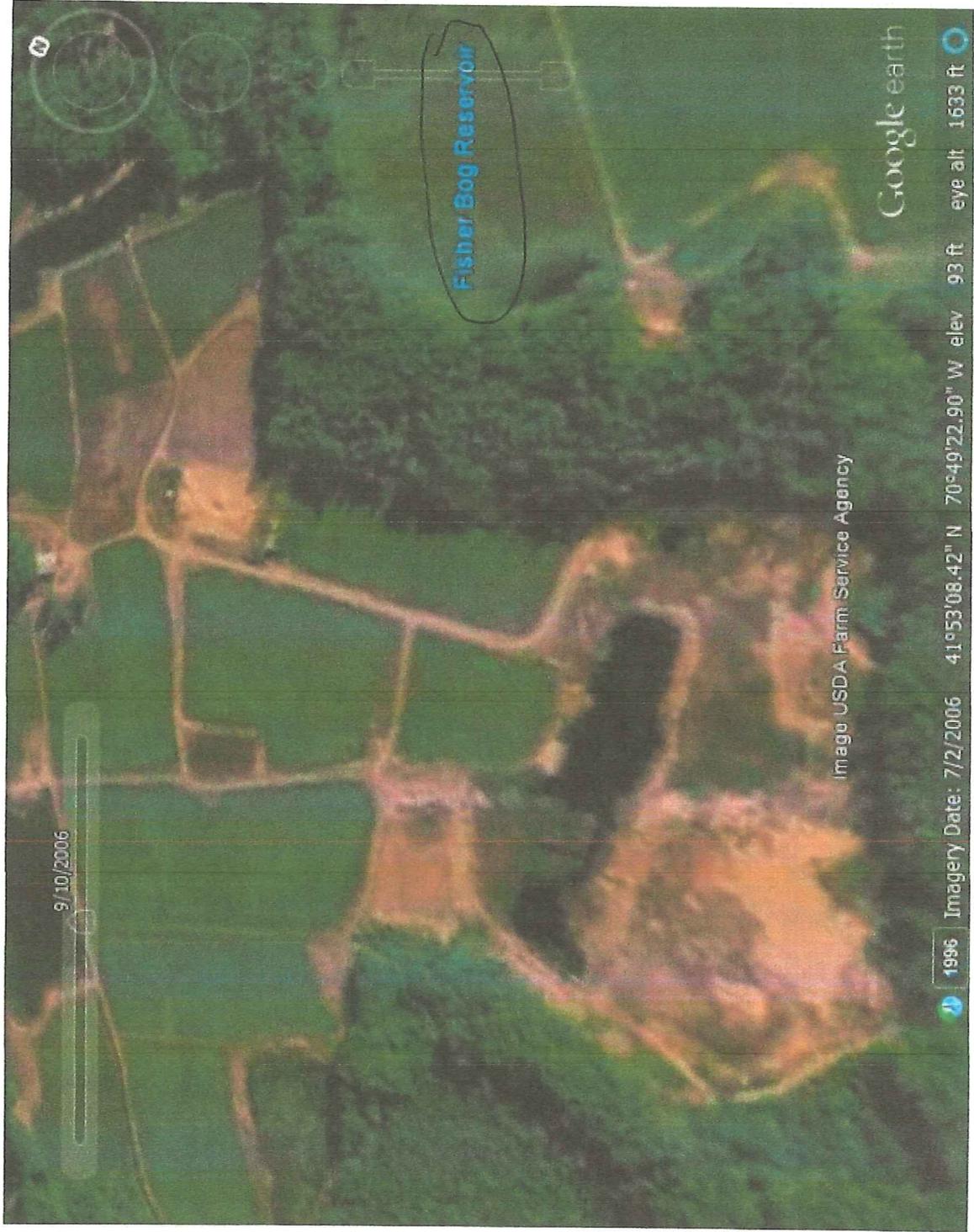
Jim Reservoir

© 2016 Google

41°53'15.55" N 70°49'41.29" W elev 101 ft eye alt 615 ft

1996

Google earth



0

9/10/2006

Fisher Bog Reservoir

Image USDA Farm Service Agency

1996

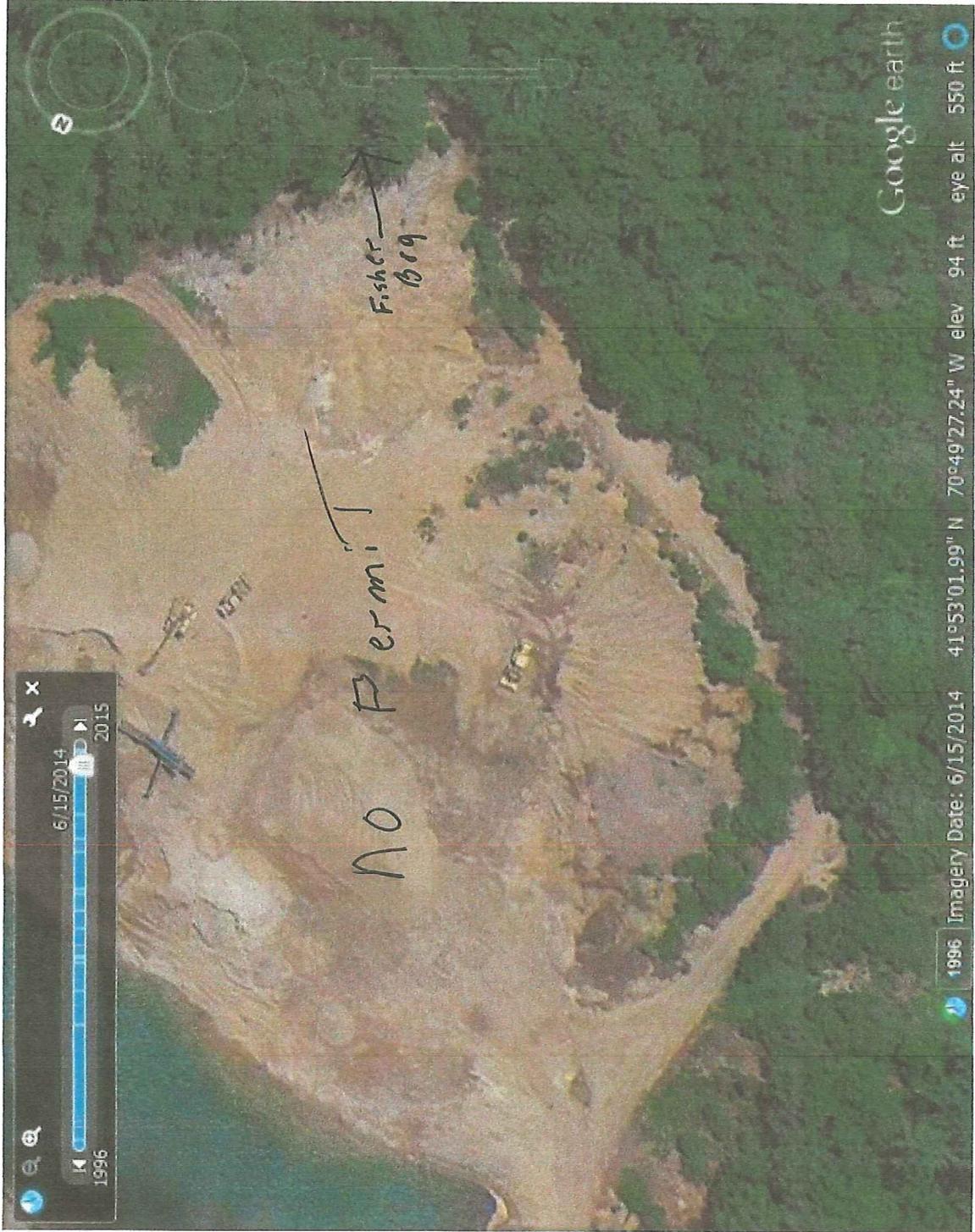
Imagery Date: 7/2/2006

41°53'08.42" N 70°49'22.90" W elev

93 ft

eye alt 1633 ft

Google earth



119430

119430

AD MAKEPEACE
Permit No. 03 - 1

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
05 JUN 2003 12:48PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 25358pg 10-27

Final Conditions for Earth Removal Permit
APRIL 24, 2003

Name	AD Makepeace, Inc.
Street	Off Rocky Meadow Street
Past Earth Removal Permit No.	Not Applicable
New Earth Removal Permit No.	Permit No. 03 - 01
Zoning Map Description	Map 054 - 6425 Map 062 - 1135
Other Permits	Middleborough Conservation Commission Review Completed April, 2003
Proposed Volume	Phase 1 - 432,787 cubic yards Total 432,787 cubic yards

1. Section A - The Project

a. Description of Proposed Project

This project consists of work, described as Phase 1 that involves construction of a reservoir, 7.1 acres in size that will be constructed over a **three (3)** year time frame

Phase 1 work will consist of removal of up to 432,787 cubic yards of fill for construction of a supplemental reservoir, as outlined in a plan prepared by G.A.F. Engineering, Inc., for AD MAKEPEACE CO., entitled: Plan to Accompany Application for Earth Removal Permit, dated December 6, 2002 and updated March 20, 2003.

This 74.0 acre site had previously been issued earth removal permits for the construction of a reservoir system and cranberry bogs. The site presently consists of 19.25 acres of cranberry bogs; 6.0 acres of stump/swamp wetland reservoir system, with the remaining 48.75 acres consisting of bog roadways, Upland and wetland. Up to 21.77 acres will be affected by the proposed reservoir project.

This Phase 1 work begins at the northerly section of the property line moves in a southerly direction. The site will be cleared and grubbed (10 acres) and a site access road will be widened, extended and paved to Rocky Meadow Street, as indicated on the provided plan.

The site will have topsoil stockpiled and stored for future use as slope stabilization material in a designated 1.5 acre area. Materials will be removed to a bottom USGS Elevation 76.00. The proposed reservoir is intended to supplement an existing reservoir system. It is anticipated that waters from the proposed and completed reservoir system will be transferred to the existing reservoir by a tractor mounted lift pump, as conditions warrant.

This proposed site work has been reviewed by the Middleborough Conservation Commission. Existing flagging of property wetland/resource areas shall be maintained for the life of the project. The Order of Conditions issued by the Conservation Commission are made a part of this permit and are attached.

b. Project Requirements

A Project Plan, described in **Section C - Permit Conditions** has been submitted to the Town's Agent (the Town Manager) for review and approval prior to initiation of any work for this project.

Phase 1 work shall be substantially completed as determined by the Board of Selectmen's Agent and the Conservation Commission (Conservation Commission Agent).

2. Section B: Earth Removal Permit No. 03 -01 - Existing Conditions

Board of Selectmen

1. Construction of the supplemental reservoir shall be as outlined in the Project Plan required under **Section C - Permit Conditions** of this permit, and approved by the Town's Agent.

2. Existing tree lines, natural land topography and vegetative buffer zones shall be maintained, a minimum of one hundred feet (100 ft.) from all property lines. In the absence of treelines on the property(ies), then the natural vegetated buffer shall be maintained for the same distances and trees planted.

3. A dewatering system, if required will be outlined in the Project Plan. Monitoring wells may be required to determine groundwater levels that could impact adjacent residential overburden and bedrock wells. Note condition 31, under **Section C - Permit Conditions**.

If neighboring overburden wells are determined to be potentially affected by the dewatering operation, work will cease, monitoring wells shall be installed, and an evaluation made from a qualified hydrologist on the dewatering operation, prior to commencement of work. The Town's Agent shall determine if work shall continue, after consultation with the Board of Selectmen.

4. The applicant has prepared a Farm Plan that meets standards set forth from the United States government's - Natural Resource Conservation District (NCRS) and the Massachusetts Department of Food and Agriculture.

3. Section C: Permit Conditions

1. The Permittee shall submit to the Board of Selectmen's Agent and the Conservation Commission Agent a written **Project Plan** that will outline the planned activities and goals for each quarter of the Phase 1" construction work for each year of the permit. A Construction Sequence plan has been submitted for review by the Board of Selectmen's Agent for review and concurrence. The following sections are applicable under this permit:

- a. **General Conditions**
- b. **Board of Selectmen's Agent Requirements**
- c. **Civil Plan or Drawings**
- d. **Bond Requirements**
- e. **Standard Conditions and Site Requirements**

a. General Conditions

All Phase 1 work consisting of regrading shall be completed and any required plantings shall be 'growing' prior to any application for a future earth removal permit. No cutting, clearing or grubbing of areas not included under this phase of the work shall be done for any future work.

Completely ignored



If any aforesaid described work is done in unpermitted areas, prior to submittal of an earth removal permit then future earth removal requests may be forfeited. The Town of Middleborough's Earth Removal Bylaw, as amended should be reviewed by the project proponent.

2 This permit is valid for **three (3) years** and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen.

3 Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is allowed Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until before 7:30 A.M and after 4:30 pm.

4. No operation is allowed on Saturday, Sunday or Town Hall observed holidays, which are as follows:

- | | |
|------------------------|---------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| Presidents Day | Veteran's Day |

Patriots Day
Memorial Day
Independence Day

. Thanksgiving Day
Christmas Day

6. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the plan or at the direction of the Board of Selectmen or through their Agent. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. Minimum of four inches of topsoil must be put back in place. **(not done see pictures)**

7. The permit holder is not permitted to spot excavate to remove better material here and there on the site. **(excavation of various sites were made and stopped when undesirable material was encounter)**

8. Excessive erosion is to be controlled as determined by the Board of Selectmen's Agent or the Town's Conservation Commission's Agent.

9. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding. Any utilized screening plant shall be no larger than 150 to 200 yards per hour.

The permit holder shall provide a written description, time frame and proposed volume of material to be screened for approval by the Town's Agent.

10. The permit holder is allowed use of an onsite screening facility for processing and sorting out of materials for removal from the site.

11. The preferred roadway path by the Board of Selectmen is exit the property onto Rocky Meadow Street to Purchase Street, then either direction.

12. The access roadway shall be paved no less than 300' from Rocky Meadow Street onto the property as outlined in the approved plans, in accordance with the plans, and prior to any loads being removed from the site. **(paved to 225 not 300)**

13. It shall be the responsibility of the applicant to provide to the Board of Selectmen the name of the proposed hauling firm for review and approval. The Board shall review the proposed hauler and may add further conditions onto this permit.

b. Board of Selectmen's Agent Requirements

1. An initial review to confirm compliance
2. With permit conditions and restrictions must be performed by the Board of Selectmen's Agent before the commencement of any earth removal activities.

The fee for this review is \$ **600.00**, due and payable at the time the permit holder notifies the Board of Selectman's Agent that all requirements of the permit which must be done prior *to* commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

2. Quarterly reviews must be performed by the Board of Selectmen's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit.

a. The fee for each such review is **\$600.00**, due and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permitted project.

b. This report, along with **the Project Plan** will be made available to the public at the Town Manager's Office, upon request.

c. Board's Agent will include with the quarterly review a written assessment and update of actual activities and goals that were provided under **the Project Plan**. (has this been done)

d. The Boards' Agent will determine **if the Project Plan** is meeting the proposed activities and goals. If the **Project Plan activities** and goals are not met for three (3) consecutive quarters, the project permit shall be suspended and a hearing with the Board of Selectmen shall be held to determine if the permit shall be reissued. (still not complete 2014)

c. Civil Drawings or Plans

1. The plans, entitled; Plan to Accompany Application for Earth Removal Permit; prepared by G.A.F. Engineering Inc., dated December 6, 2002 and updated March 26, 22003 and any modified plans accepted by the Board of Selectmen, along with the submitted Farm Plan, as prepared by the National Conservation Resource Services, are incorporated herein by reference and is part of this permit, and must be adhered to **strictly**. Failure to do so constitutes a violation of this condition of the Permit. A copy of the Plan and Order of Conditions must be kept on the lot at all times when the lot is being worked, pursuant to this permit.



Permit for reservoir only

d. Bond Requirements

1. A bond, or acceptable alternative surety, in the amount of \$50,000.00 will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.

d. **Standard Conditions and Site Requirements**

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Board of Selectmen or their Agent and be in place prior to commencement of removal operations.
2. The Board of Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.
5. **The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee or any agent of the permittee violates any condition of this permit.**
6. The Town Manager is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.
7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.
8. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Board of Selectmen's Agent to assist in dust control.
9. **This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the board. The Board of Selectmen may, in its discretion, hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.**
10. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
11. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the record plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as shown in the plans.
12. No excavation shall be closer than 200 feet to an existing public way unless

Specifically permitted by the Board of Selectmen at a publicly scheduled hearing. **Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.**

13. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.

14. Gates will be installed on the haul road to prevent unauthorized access to the property.

15. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Board of Selectmen's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".

16. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT#03-01."

17. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.

18. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder. **(A Certificate of Compliance has not been issued)**

19. Monitoring well(s) for water levels, if required, are to be measured every seven (7) days, and the results kept in a daily log. **(has been done)**

20. The Plan shall be modified to include the general location (no survey required) of the monitoring well. **(not on the plan)**

21. No standing trees are to be cut, trimmed or removed from the site, except for those areas shown on the approved plan. Violation shall result in a fine being imposed, in accordance with Earth Removal Bylaw §6, and/or revocation of the Permit.

If any tree needs to be trimmed, cut or removed, prior approval shall be provided by the Board of Selectmen's Agent. **(As shown in the following pictures not only have trees been removed but large scale excavation of sand and gravel has taken place. Significantly more excavation has accrued since these pictures were taken.)**

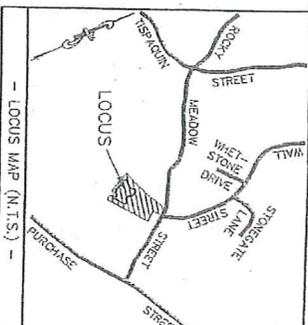
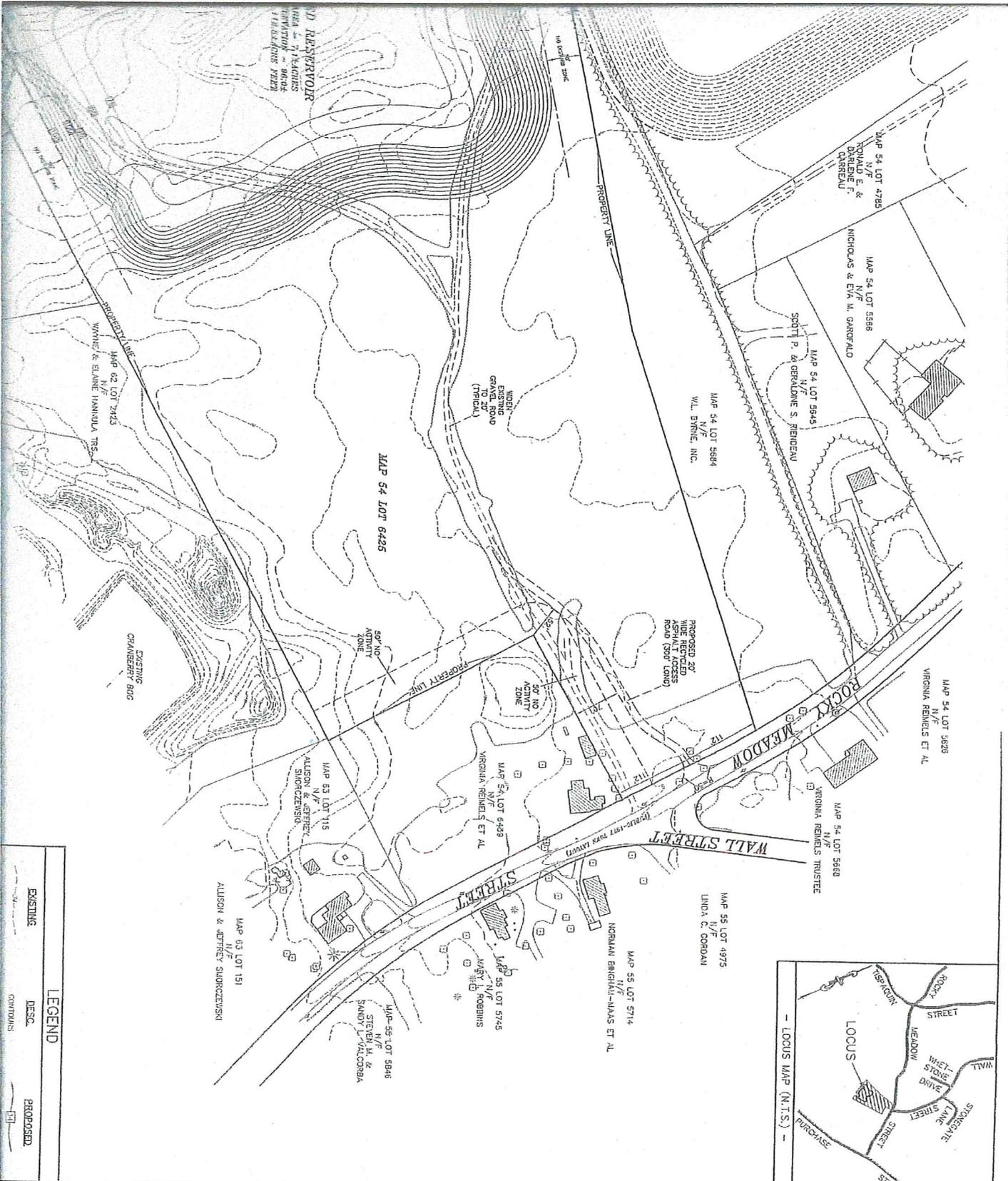
22. No rock crushing is authorized. Any proposed rock crushing may be authorized by the Board of Selectmen following a public hearing on a request for an Earth Removal Permit modification.





AppGeo CARTOON

1" = 435 ft



LEGEND	
	EXISTING
	DESC.
	CONTOURS
	PROPOSED

PLICATION PERMIT
BOROUGH, MA

G.A.F. ENGINEERING, INC.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
454 WAREHAM STREET, PO BOX 953, MARION, MA 02739
TEL: (508) 743-0252 FAX: (508) 748-0542
E-MAIL: gafeng@capecod.net

APPROVED BY: *[Signature]*

[Signature]

APPROVED BY:

DATE: DEC. 6, 2002
DRAWN BY: CDA
CHECKED BY: WFM
JOB NO.: 111-4563
SCALE: 1" = 80'

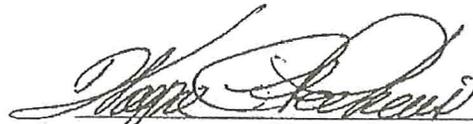
REV.	DATE	BY	APP'D	DESCRIPTION
01	03-18-03	AWN	WFM	GRAVEL ROAD

DATE PLOTTED: 12/10/02
 PLOT NO.: 111-4563-01
 PLOT SCALE: 1" = 80'

AD MAKEPEACE
Permit No. 03 - 1

23. Excessive noise levels, as determined by the Board of Selectman's Agent, shall result in onsite equipment modification within one (1) week of notification.

24. De-watering operation plans shall be provided in the Project Plan. De-watering may be limited during the summer months. Siltation barriers will be provided as required by the Board of Selectmen's Agent.



Wayne C.
Perkins,
Chairman
BOARD OF
SELECTMEN

tz/?,i??
Date

COMMONWEALTH OF
MASSACHUSETTS

PLYMOUTH, SS.
10/20/07 2007.3

Then personally appeared the above named Wayne C. Perkins, Chairman of the Middleborough Board of Selectmen, and acknowledged the foregoing as the free act and deed of the Middleborough Board of Selectmen, before me,

Diane M. Henault
-fl-----,t..=.: UIt
Diane M. Henault / *[Signature]* Notary Public:
My Commiuiion Explotet
'August :4, 2006



ATTACHMENT

CONSERVATION COMMISSION ORDER OF CON...



ENGINEERING,
INC.



ENGINEERS
SURVEYORS

June 28, 2016

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

Re: Earth Removal Permit Application
D & D Cranberries, LLC
G.A.F. Job No. 16-8682

Dear Honorable Selectmen:

Please find enclosed three (3) copies of revised plans for the proposed earth removal project off of Purchase Street. We have also enclosed a copy of the Order of Conditions issued by the Conservation Commission.

The plans have been revised to address comments made by the Conservation Commission. If you have any questions, please contact me.

Sincerely,

Kevin W. Forgue

KWF/mas

Enclosures

Cc: D & D Cranberries, LLC

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



gaf@gaf-eng.com



WPA Form 5 – Order of Conditions

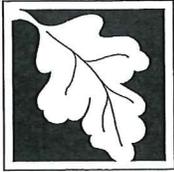
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 25-feet
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1283

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1283

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1283

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Standard Conditions

Special Condition: 1) Submit a copies of the Quarterly Inspection Reports by the Department of Public Works

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

Standard Conditions

DEP File #: SE220-1283

**Applicant: Dana & Derek Harju, D & D Harju
Cranberries, LLC**

- c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program;
 - d. Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.
7. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones (unless authorized to do so) under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
 8. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.
 9. There shall be no pumping of water from wetland resource areas.
 10. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this OOC.
 11. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.
 12. Any material placed in wetland resource areas by the applicant without express authorization under this OOC shall be removed by the applicant upon demand by the Conservation Commission or its agent.
 13. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
 14. Removal and storage of hazardous waste, if in an area subject to protection under the Wetlands Protection Act shall be as follows:
 - a. Removal and storage shall be conducted only when approved and directed by DEP, the U.S. Environmental Protection Agency (EPA) or other applicable state or federal agency under which remedial activities are



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1283

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):

Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE220-1283
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Middleborough
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Middleborough
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Purchase Street (Maps 63 & 62, Lots 3453 & 2411) SE220-1283
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth _____ _____
County Book Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

46080 & 41335 300 & 50
Book Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

April 29, 2016

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

Re: Earth Removal Permit Application
D and D Harju Cranberries, LLC
Purchase Street (Map 063 Lot 3453, Map 062 Lot 2411)
G.A.F. Job No. 16-8682

Dear Members of the Board:

On behalf of our client, D and D Harju Cranberries, LLC, G.A.F. Engineering, Inc. respectfully submits an Application for Earth Removal in the Town of Middleborough at the above referenced site.

G.A.F. Engineering, Inc. has enclosed for your review two (2) copies of the following supporting documentation, along with the filing fee in the amount of \$300.00.

- (1) Earth Removal Permit Application
- (2) Application for License
- (3) Project Plan
- (4) Copy of Deeds
- (5) Copy of Water Management, Registration No. 4-24-182.04
- (6) Certified Abutters list
- (7) Assessor's Location Map
- (8) Locus Map
- (9) Traffic Route Map
- (10) Site Plans and Checklist
- (11) USDA NRCS Farm Plan

Thank you for your anticipated consideration of this request and should you have any questions, please feel free to contact our office.

Sincerely,

Kevin W. Fargue

KWF/mas

Cc: D and D Harju Cranberries, LLC

266 MAIN ST.

WAREHAM, MA

02571

TEL 508.295.6600

FAX 508.295.6634

gaf@gaf-eng.com

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: D & D Harju Cranberries, LLC

Address of Applicant: 253 France Street

Town or City: Middleborough

Owner of Property: D & D Harju Cranberries, LLC

Location of Property: Purchase Street

Assessor's Parcel and Map Numbers Map 062 Parcel 2411

Map 063 Parcel 3453

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: NEW

Request for an Extension of Time for existing permit. N/A

Existing Permit Number: N/A

Parcel(s) Acreage: _____

Estimated Number of Cubic Yards to be Removed: 178,790 cubic yards

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

Removal of Approximately 178,790 cubic yards of sand and gravel in conjunction with the
construction of a tailwater/water supply reservoir.

3. Project Plan

Has a Project Plan being submitted with this Application? YES

An Application for an Earth Removal Permit will not be accepted by the Board of Selectmen for a public hearing, unless submitted with this application.

4. Planning Information

a. **Proposed Traffic Route** from site to unloading of materials.

See Site Plan

b. Has a plan and Notice of Applicability (NOA) or Intent (NOI) been submitted to the Town of Middleborough's Conservation Commission? YES

c. Has Order of Conditions by Conservation Commission been issued: If so what is project number and date of conditions : _____

d. Provide a copy of the Order of Conditions so they may be attached to the permit.

e. Is there a Department of Environmental Protection – Water Management Act Registration or Permit for this property? YES

Permit No. _____ Registration No. 4-24-182.04

f. Has a Farm Plan been completed? YES Please provide a copy.

g. Expected Date of Project Completion: JUNE 2019

5. Engineering General Information

Engineering Firm Name: G.A.F. Engineering, Inc.

Engineer's Contact/Name : Kevin W. Fogue

Street: 266 Main Street

Town/City Wareham, MA 02571

Phone Number: 508-295-6600

7. Financial Obligations

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current?

_____yes no

8. Authorization of Applicant

a. Have you authorized the engineer to speak on your behalf regarding project questions that may come up prior to the public hearing?

yes _____no

b. I have reviewed this Application Package and attached information and deem it to be correct.

Dana Harju

Signature of Applicant

Dana Harju, D & D Harju Cranberries, LLC

Printed Name of Applicant

Date April 27, 2016

Phone Number: 508-320-3186



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN
APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 4/22/2016
NAME OF APPLICANT D & D HARJU CRANBERRIES, LLC
ADDRESS OF APPLICANT 253 FRANCE STREET, MIDDLEBOROUGH, MA 02346
ASSESSORS MAP & LOT MAP 062 LOT 2411
DAYTIME TELEPHONE 508-320-3186

NAME OF BUSINESS D & D HARJU CRANBERRIES, LLC
OWNER OF PROPERTY TO BE LICENSED DANA & DEREK HARJU
ADDRESS OF PROPERTY TO BE LICENSED PURCHASE STREET
ASSESSORS MAP & LOT MAP 062 LOT 2411

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: JUNE 2016
Days & Hours of Operation: MONDAY THRU FRIDAY 8:00 AM - 5:00 PM

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain: NO

Signature Dana Harju

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? No

V. Matrascano



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN
APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE APRIL 7, 2016
NAME OF APPLICANT D & D HARJU CRANBERRIES, LLC
ADDRESS OF APPLICANT 253 FRANCE STREET, MIDDLEBOROUGH, MA 02346
ASSESSORS MAP & LOT MAP 63 LOT 3453 & MAP 62 LOT 4855
DAYTIME TELEPHONE 508-320-3186

NAME OF BUSINESS D & D HARJU CRANBERRIES, LLC
OWNER OF PROPERTY TO BE LICENSED DANA & DEREK HARJU
ADDRESS OF PROPERTY TO BE LICENSED PURCHASE STREET
ASSESSORS MAP & LOT ~~MAP 62 LOT 4855~~ Map 63 Lot 3453

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: JUNE 2016
Days & Hours of Operation: MONDAY THRU FRIDAY 8AM - 5PM

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:
NO

Signature Dana Harju

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? No

V. Maliniano

Project Plan

D and D Harju Cranberries, LLC
Purchase Street
Middleborough, MA
Earth Removal Permit Application
G.A.F. Job No. 16-8682

PROJECT PURPOSE:

Removal of sand and gravel associated the construction of a tailwater / water supply Pond for the cultivation of cranberries.

SITE DESCRIPTION:

The site is presently used for cranberry cultivation. There are two farm properties owned by D and D Cranberries, LLC. The first property is known as Coswell bog consisting of 26.91 acres of cranberry bogs and the second is known as Fisher Bog consisting of 13.89 acres of cranberry bogs. The removal of earth is required to construct the proposed tailwater / water supply pond.

The enclosed Farm Plan states that "The availability of surface water has historically been the largest limiting factor for the bog system."

PROJECT CONSTRUCTION:

The proposed project is subject to the Wetlands Protection Act and will require an Order of Conditions from the Conservation Commission. Upon the issuance of the Order of Condition and a permit from the Board of Selectmen all required erosion control and wetland protection measures will be installed on site. The removal of earth is anticipated to progress from east to west from the Fisher Bog property toward the Coswell Bog property. The project is estimated to be approximately three (3) years in duration.

PROPOSED ACTIVITIES:

The project involves the removal of 178,790 cubic yards of material over the estimated three (3) year time frame. It is expected that no more than 59,600.00 cubic yards of material will be removed in any given year.

A one hundred (100') foot buffer zone to abutting properties will consist of an undisturbed vegetated buffer and no removal of material is proposed within two hundred (200') feet of the town roadway.

PROPOSED ACTIVITIES CONTINUED:

If dewatering within the proposed tailwater pond is required during excavation, the water will be discharged to the existing tailwater pond located at the south end of the Coswell Bogs. In doing so, the groundwater system will not experience a depletion in its capacity and there will not be a localized lowering of the groundwater table as would be the case were the water to be discharged downgradient to a different groundwater system.

Dust will be controlled by applying water from a water truck or other source.

All side slopes will be graded at 3:1 horizontal to vertical finished with four (4") inches of topsoil and seeded.

No screening or rock crushing is proposed.

Costello Dismantling Co. Earth Removal

HEARINGS, MEETINGS, LICENSES

7/25/16



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

Allin Frawley, Chairman
Leilani Dalpe

John M. Knowlton

Diane C. Stewart

Stephen J. McKinnon

BOARD OF SELECTMEN

March 17, 2016

The Middleboro Gazette Newspaper

Continued to May 2, 2016

7:30pm

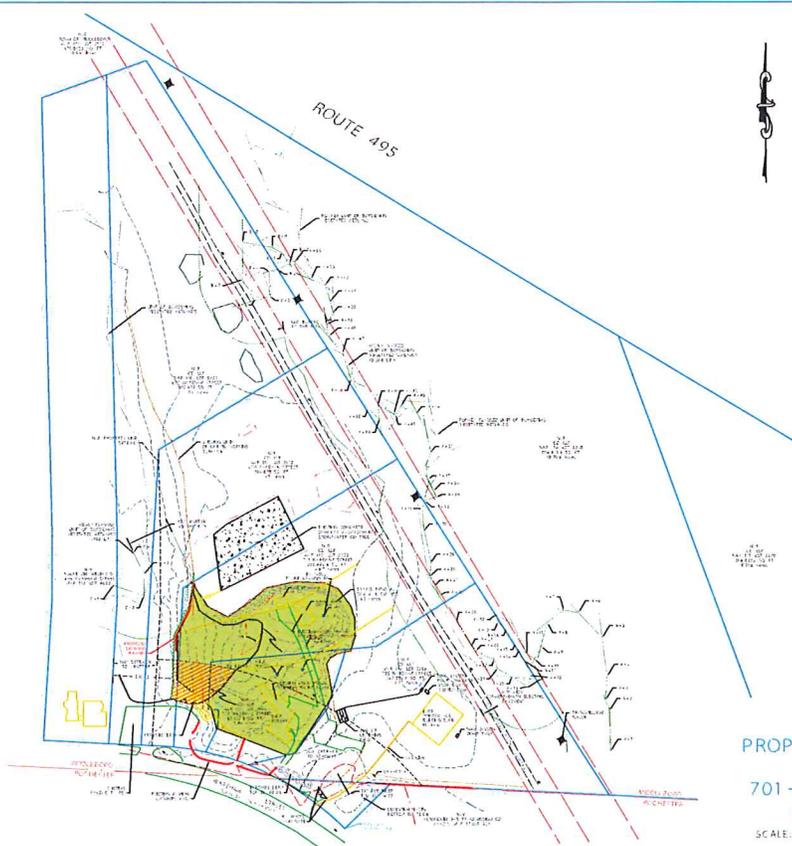
Continue to 6.27.16

Continue to 7.11.16

Continue to 7.25.16



LOCUS PLAN
TAP 11 FROM MASS GIS



FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MASSACHUSETTS.

DATE: FEBRUARY 7, 2016

REV.	DATE	DESCRIPTION

- NOTE:**
1. THE PROPOSED GRAVEL REMOVAL AREA IS SHOWN IN GREEN.
 2. THE PROPOSED GRAVEL REMOVAL AREA IS SHOWN IN GREEN.
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 9. THE PROPOSED GRAVEL REMOVAL AREA IS SHOWN IN GREEN.
 10. THE PROPOSED GRAVEL REMOVAL AREA IS SHOWN IN GREEN.

APPLICANT
JAMES SWANBERG, INC.
132 GREAT ROCK ROAD
MIDDLEBORO, MASS 01545
TEL: 508-833-1166

COVER SHEET
PROPOSED GRAVEL REMOVAL
AT
701-703 WAREHAM STREET
MIDDLEBORO, MA

SCALE: 1"=100' DATE: FEBRUARY 7, 2016

JAMES SWANBERG, INC.
132 GREAT ROCK ROAD
MIDDLEBORO, MASS 01545
TEL: 508-833-1166

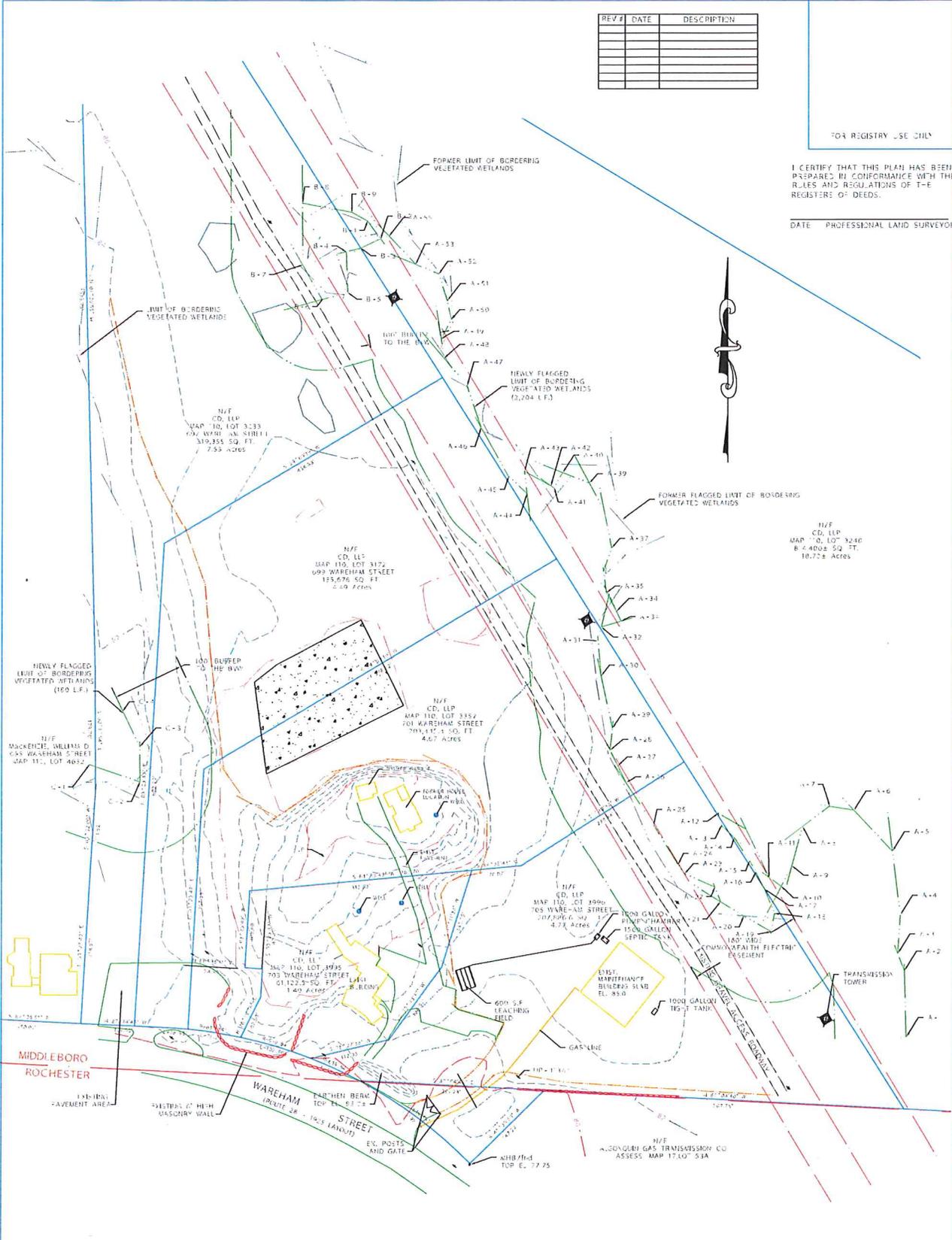


REV #	DATE	DESCRIPTION

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____ PROFESSIONAL LAND SURVEYOR _____



EXISTING CONDITIONS

AT
701-703 WAREHAM STREET
MIDDLEBORO, MA

SCALE: 1"=60' MAY 3, 2016

JAMES ENGINEERING, INC.
 125 GREAT ROCK ROAD
 HANOVER, MASS. 01830
 TEL: 1-(939)-927-1186



- NOTE:
1. PROPERTY LINE AND EXISTING BUILDING LOCATIONS TAKEN FROM PLANS PREPARED BY GREEN SEAL ENVIRONMENTAL, INC. ASSOCIATED WITH PRIOR GRAVEL REMOVAL PERMIT APPLICATION.
 2. AS-BUILT LOCATION OF SEPTIC SYSTEM TAKEN FROM AS-BUILT PLAN PREPARED BY GREEN SEAL ON RECORD AT THE BOARD OF HEALTH OFFICE.
 3. MAINTENANCE BUILDING LOCATION AND TOPOGRAPHIC INFORMATION BASED UPON SURVEY CONDUCTED BY WILLIAM E. RANNEY P.L.S., IN DECEMBER 2015.
 4. WETLANDS FLAGGED BY INDEPENDENT ENVIRONMENTAL CONSULTANTS, FAIRBOUTH, MN. IN APRIL 2016 AND LOCATED BY WILLIAM E. RANNEY P.L.S.

APPLICANT
 COSTELLO DISMANTLING, INC.
 45 KINGS HIGHWAY
 ROCHESTER, MA



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN
APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE Feb 17, 2016
NAME OF APPLICANT Costello Dismantling
ADDRESS OF APPLICANT 46 King's Highway, Rochester, MA
ASSESSORS MAP & LOT Map 110. Lots 3352 & 3995
DAYTIME TELEPHONE 5

NAME OF BUSINESS Costello Dismantling, Inc
OWNER OF PROPERTY TO BE LICENSED CDD,LLP
ADDRESS OF PROPERTY TO BE LICENSED 701 & 703 Wareham Street
ASSESSORS MAP & LOT Map 110, Lots 3352 & 3995
3952 & 3985

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____ WRPD _____
Class I Automobile Dealer License _____ Earth Removal Permit X
Class II Automobile Dealer License _____ Liquor License _____
Class III Automobile Dealer License _____ Junk Dealer _____
Entertainment _____ Other _____

Anticipated Start Date for Business: March 15, 2016
Days & Hours of Operation: Monday - Friday, 7:00 A.M. - 5:00 P.M.

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

Yes, earth removal permit issued on this site for removal of same material but material was not removed within time limits allotted.

Signature [Handwritten 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? no

[Large Handwritten Signature]

APPENDIX B
PLAN CHECKLIST

PLEASE COMPLETE CHECKLISTS FOR PLANS AND PROJECT PLAN AND INITIAL:

PLANS	Check	Initials
A. Cover page that shows:		
1. Name of project:	<input checked="" type="checkbox"/>	_____
2. General directional and town locus:	<input checked="" type="checkbox"/>	_____
3. Water Resource Protection District limits	<input checked="" type="checkbox"/>	_____
4. Engineering Firm Name and address	<input checked="" type="checkbox"/>	_____
5. Flood Map limits (if applicable)	<u>N/A</u>	_____
6. Zoning District limits	_____	_____
B. Civil Drawing Sheet 1 - that show at a minimum:		
1. Existing streets	<input checked="" type="checkbox"/>	_____
2. Property lines and names of adjacent properties/abutters	<input checked="" type="checkbox"/>	_____
3. Existing tree lines	<input checked="" type="checkbox"/>	_____
4. Existing and proposed topographical contours (5' foot minimum)	<input checked="" type="checkbox"/>	_____
5. Town roadways	<input checked="" type="checkbox"/>	_____
6. Proposed treed buffer zones between edges of excavation and abutters	<input checked="" type="checkbox"/>	_____
7. Proposed buffer zones between property excavation and town street(s)	<input checked="" type="checkbox"/>	_____
8. Distances of proposed reservoir or excavations from property lines of abutters.	<u>N/A</u>	_____
9. Location and type of proposed excavation and work	<input checked="" type="checkbox"/>	_____
10. Locations of stockpiling of materials	<input checked="" type="checkbox"/>	_____
11. Proposed reservoir volume, slopes and bottom elevations	<u>N/A</u>	_____
12. Site of proposed dewatering pond, discharge and overflow structure	<u>N/A</u>	_____
13. Any proposed buildings, structures or utilities	<u>N/A</u>	_____
14. Roadway systems and gates, and proposed paving areas	<u>N/A</u>	_____
15. Proposed areas of agricultural uses	<u>N/A</u>	_____
16. Indications of phased operations	<u>N/A</u>	_____
17. Areas to be seeded	<u>N/A</u>	_____
18. Existing and proposed slopes with limits of final grading	<input checked="" type="checkbox"/>	_____
19. Locations of ditches	<u>N/A</u>	_____
20. Wetlands and water resource areas	<input checked="" type="checkbox"/>	_____
21. Elevations of water (high, low) as applicable	<u>N/A</u>	_____
22. Drainage patterns with directional arrows showing flow	<input checked="" type="checkbox"/>	_____
23. Fencing	<u>N/A</u>	_____
24. Professional Engineers Civil stamp	<input checked="" type="checkbox"/>	_____

25. Date of preparation
Other information as appropriate to good engineering design

✓ _____

C. Civil Drawing Sheet Number 2 (as applicable)

1. Pond specifications with erosion controls
2. Erosion controls
3. Side Flow Profile

N/A _____
N/A _____
N/A _____



April 29, 2016

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

**Re: *Engineering Review
Earth Removal Permit Application
Costello Dismantling, Inc.
701 – 703 Wareham Road – Middleborough, MA
ADE Project #2518.44***

Dear Board Members:

Atlantic Design Engineers, Inc. (Atlantic) has completed our engineering review of the site plans and application materials for the above-referenced project relative to an application for a permit under the Earth Removal bylaw. The plans are dated 2/7/16 and are prepared by James Engineering, Inc. for Costello Dismantling, Inc. of Rochester, MA.

We have the following comments for consideration of the Board:

1. The width of the buffer to Wareham Road is not listed on the plans or in the application. Please clarify. Also, will there be any proposed plantings to supplement the buffer to Wareham Road? There doesn't appear to be any existing vegetation that will be preserved.
2. Erosion control measures are not shown on the plans.
3. Clarify that disturbed areas that are outside the limit of the proposed gravel working surface are to be loamed and seeded and/or stabilized with vegetation.
4. Stormwater calculations have not been provided, so we cannot confirm the adequacy of the existing detention basin or inlet pipes.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.



Richard J. Tabaczynski, P.E.
Vice President

P.O. Box 1051
Sandwich, MA 02563
(508) 888-9282 - FAX 888-5859
email: ade@atlanticcompanies.com
www.atlanticcompanies.com

JAMES ENGINEERING, INC.

125 GREAT ROCK ROAD, HANOVER, MA 02339

2/9/2016

Board of Selectmen
Town of Middleboro
267 Main Street
Middleboro, MA

RE: Earth Removal Permit Application

To the Members of the Board;

On behalf of the applicant, Costello Dismantling, Inc., attached for your review and approval is an application for an Earth Removal Permit for 701 & 703 Wareham Street. The package includes 5 sets of plans, the application, and the completed checklist. The proposed earth removal is to complete the removal of the final 20,000 cubic yards of material that remains on this site in order to grade the site to its final approved grades.

The applicant had already obtained an earth removal permit from the Board for the removal of this material about 10 years ago. The 20,000 cubic yards remaining is located on 2.63 acres in the center of the site and was included in the 45,000± yards permitted back then. This material was not removed pending resolution of the existing dwelling and the commercial structure at the above noted address. It has now been determined that these structures cannot be saved or utilized any further and will be removed. As this permit is being prepared, the existing house has already been razed. The former restaurant structure is scheduled for removal this summer. The removal of these two structures will finally allow the applicant the ability to utilize the entire site in accordance with the original intent.

Although the parcel has been subdivided into 5 separate parcels, it is currently being used by a single user as a contractor's yard and Asphalt, Brick & Concrete recycling facility in accordance with the State issued permit. Except for the 2.63 acres where the earth removal will occur, the remainder of the site has been graded to a relatively flat surface which is covered by either recycled asphalt or recycled concrete. These materials when compacted produce an excellent working surface for the current use for both vehicular movement and material storage. In addition, there is a concrete pad in the middle of the site which is comprised of 10'x10' sections of concrete slab that were removed from a site in conjunction with a demolition project. There is a subsurface disposal system beneath this slab which infiltrates all of the runoff from this surface.

The area of the proposed removal is located in the middle of the lot and is located outside of the limits of the 100' buffer to the bordering vegetated wetlands as flagged in the prior filings. This area is also being maintained as a vegetated buffer for the abutter to the west. The excavation of the material will proceed from south to north. This will insure that none of the runoff from the exposed surfaces of the excavation will flow towards the wetlands to the north. Runoff which flows southward will be collected and treated in a storm water basin that is located just southeast of the entrance. In conjunction with this excavation, all of the existing paved driveway access to the former dwelling will be removed.

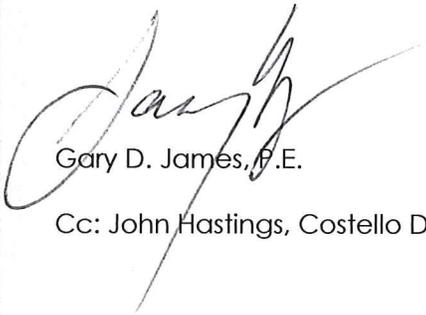
The site is bounded by Route 495 to the northeast and Route 28 (Wareham Street) to the southwest. The abutter to the east is the applicant. Since the first permit, the applicant has purchased both of the parcels which were previously owned by the Town of Middleboro, and is maintaining them as a buffer. To the west, the office building at 695 Wareham Street, is the only abutting active use. As noted above, a 130'± buffer will be maintained both for the benefit of the abutter and to maintain the 100' buffer to

the wetlands. Along Wareham Street, the existing 6' high masonry wall will be maintained as a visual barrier for traffic along this way. In addition, a berm has been installed south of the wall which also acts as a visual barrier between the wall and the current entrance. To the west, a berm is also proposed along the outside edge of the existing parking lot area. This berm will block the view of the site activity for both the abutter and vehicular traffic on Wareham Street.

The material will also be processed on site in conjunction with the removal. It will be screened to either a 2" minus or 3/4" minus. The screening plant along with the processed material stockpiles, will be located along the easterly outside edge of the excavation towards the middle of the site. This will insure that the abutter to the west is more than 800' from this activity. Pending the demolition and removal of the former restaurant structure, we are anticipating that the material will be removed from the site in a year. Trucks leaving the site will proceed south on Route 28, to Route 58 and 495. All of this traffic will be outside of Middleboro, since the Town line separates the site from the driveway entrance which is located in Rochester.

I look forward to meeting with the Board to discuss this matter further. If you have any further questions or concerns before the meeting, please do not hesitate to contact me.

Sincerely:

A handwritten signature in black ink, appearing to read "Gary D. James", with a long, sweeping flourish extending to the right.

Gary D. James, P.E.

Cc: John Hastings, Costello Dismantling, 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
Ruth Geoffroy, Planning Director
Robert Whalen, Building Commissioner
Christopher Peck, DPW Superintendent

FROM: Patricia J. Cassady, Conservation Agent 

RE: Earth Removal Application – Costello Dismantling, Wareham Street (Map 110, Lots 3952 & 3985)

DATE: March 24, 2016

This memorandum is in response to the earth removal permit that the above-mentioned applicant has submitted to the Board of Selectmen.

I have the following comments regarding this site:

- 1) Per the DEP Water Resources Mapping this site is within an Interim Wellhead Protection Area.
- 2) The site does not have floodplain nor is it mapped under the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.
- 3) The Conservation Commission issued an Order of Resource Area Delineation approving the wetland line on April 16, 2009 under DEP # SE220-1075. This permit was valid for 3 years and was to expire on April 16, 2012 but through the Permit Extension Act this permit was valid for an additional 4 years. This permit is set to expire on **April 16, 2016**.
- 4) The wetland line was mostly delineated from July 15 through July 30, 2007 and some was delineated on April 8, 2009. That would make this wetland line almost 10 years old.
- 5) There is a potential vernal pool in the powerline easement.
- 6) **This wetland line will need to be re-delineated and approved by the Conservation Commission if work is to take place after April 16, 2016.**

If you have any further questions, don't hesitate to contact the Conservation Office at 508-946-2406.

Thank you

pjc

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

Hi Colleen

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

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

Thanks Gary

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough
Massachusetts

Department of Public Works
48 Wareham Street
Middleborough, MA 02346
Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

March 24, 2016

Mr. Allin Frawley, Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: Costello Dismantling (701/703 Wareham St.)- Earth Removal Permit Review Letter

Dear Mr. McKinnon,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by James Engineering Inc. on behalf of their client Costello Dismantling. As part of the submittal I received the following:

- Earth Removal Permit Application dated February 17, 2016, prepared for Costello Dismantling, prepared by James Engineering, Inc.
- Project Plan prepared by James Engineering, Inc.

The Department of Public Works comments are as follows:

1. It is assumed that the exiting trucks will utilize the existing site driveway located southwest of the proposed earth removal area. Please clarify. The applicant should take measures to prevent sediment from being tracked out onto Route 28 which is owned and maintained by MassDOT.
2. The plan notes "100.0' Buffer to be maintained" and "Proposed limit of clearing" contradict each other. The proposed limit of clearing is shown within the 100 foot buffer. Please clarify.
3. The applicant should provide protection of the existing leaching field to prevent possible damage to the leaching field. The limit of excavation is approximately 50 feet from the existing leaching field.

4. It appears there will be approximately a 14 foot cut in the area of the northerly portion of the earth removal. The applicant should maintain a stabilized slope condition at all times during the earth removal.
5. Please verify the map and lot numbers of 703 Wareham Street. The proposed plans show Map 110, Lot 3995, while the town assessor's map shows Map 110, Lot 3985.

Very Truly Yours,



Christopher Peck
Director of Public Works

Cc: Town Manager



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

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

March 28, 2016

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

RE: Application for Earth Removal Permit, Costello Dismantling
Map 110, Lots 3952 & 3985

Honorable Board,

I have reviewed the plan submitted by Gary James, Registered Professional Engineer of James Engineering, Inc. dated: February 7, 2016 for an Earth Removal permit for Costello Dismantling.

I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner