

HEARINGS, MEETINGS, LICENSES

8/22/16

**Discussion on Setting Hearing –
Non-Compliance – Inspection Report
and Findings**

HEARINGS, MEETINGS, LICENSES

8/22/16

July 7, 2016

Diane C. Stewart, Chairman

Middleborough Board of Selectmen

(via email)

RE: Class 2 (used vehicle) motor vehicle license – violations – hearing

Diane:

You asked about the process for holding a hearing regarding violations involving dealership licenses. I assume your inquiry relates to violation(s) by Class 2 (used vehicle) licensees.

Chapter 140, Section 59 provides for a hearing in cases involving license revocations where a licensee is not complying with Sections 57 to 69 inclusive of Chapter 140 or the rules and regulations made thereunder. The statutory scheme should be interpreted to allow a licensing board to hold a disciplinary hearing if a licensee has violated a condition or limitation contained in a license such as exceeding the allowed number of vehicles or non-compliance with hours of operation.

The Board should make findings regarding reason(s) for a decision to take disciplinary action.

I think seven (7) days notice of the hearing to the license holder by certified mail is adequate although I think fourteen (14) days would be preferable. The notice should identify the alleged violation(s) and set forth that the hearing may result in revocation or suspension of the license or other disciplinary action against the licensee.

Very truly yours,

Daniel F. Murray

Town Counsel

DFM/s

16-103

Roadway Acceptance – Eastwood Estates

HEARINGS, MEETINGS, LICENSES

8/22/16



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, September 12, 2016 at 7:30 PM**, for the purpose of discussing an application filed by **Pilling Engineering Group, Inc. on behalf of Keith J. McLaughlin Trustee for a Special Permit** under the Water Resource Protection District By-law to allow for 1000 sq ft of wetland filling for a proposed driveway access to a new single family house and propose 2000 sq ft of wetland replication. **This property is shown as Assessors Map 25, Lot 1026, Zoning District - Residence Rural, WRPD District Z4.** Anyone wishing to be heard on this matter should appear at the time and place designated.

Diane C. Stewart
Allin Frawley
Leilani Dalpe
John M. Knowlton
Stephen J. McKinnon
BOARD OF SELECTMEN
August 25 & September 1, 2016
The Middleboro Gazette Newspaper

Earth Removal Permit - Harju

HEARINGS, MEETINGS, LICENSES

8/22/16

From: Brian Grady
Sent: Thursday, August 18, 2016 6:14 PM
To: Colleen Lieb
Subject: Harju Earth Removal

Coleen,

I have received the comment letter from Outback Engineering and I am working on the response and revised plan. We will not be ready for Monday the 22nd but we will be for Monday August 29. Can you please be sure we are on the agenda for the 29th hearing?

Thanks,

Brian R. Grady, R.S.
G.A.F Engineering, Inc.
266 Main Street Wareham, MA 02571
Office: 508.295.6600 | Fax: 508.295.6634
E-mail: briang@gaf-eng.com



165 East Grove Street
Middleborough, MA 02346

Tel # 508-946-9231

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www.outback-eng.com

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

August 18, 2016

Middleborough Board of Selectmen
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02347

Subject: Purchase Street Tailwater Pond and Earth Removal

Dear Board Members,

Outback Engineering has completed our initial engineering review of the plan entitled "Proposed Tailwater Pond and Earth Removal Plan" prepared by G.A.F. Engineering, Inc. dated 4/5/16 last revised 8/3/16 relative to a Special Permit request under the Earth Removal bylaw.

Other documents provided to us for reference:

- Earth Removal Permit Application, dated April 29, 2016
- Response to Department of Public Works Comments, dated July 29, 2016
- Conservation Farm Plan, dated February 2016

We have the following comments:

1. Per section 8.2.9 WRPD Z4 regulations of the town Zoning Bylaws and subsection 3.d. the "25' No Disturb Zone" is not correctly shown off all of the bogs and wetland resource areas. It appears that work is proposed within the "25' No Disturb Zone" (for instance, but not limited to, along west bogs where dike road is proposed, and adjacent to the small bog on the east side of the proposed pond). The zoning bylaw requires a registered land surveyor to certify wetland locations and the "25' No Disturb Zone" (plan is stamped by professional engineer only).
2. The applicant should verify if a special permit per section 8.2.9,3.d. is required and permissible for work within the "25' No Disturb Zone" or all land disturbing activities should be moved 25' away from all bogs and wetlands.
3. The monitoring wells proposed by the applicant for monitoring groundwater impacts on abutting wells during dewatering activities should be shown on the plan.
4. Siltation fence should be installed along the western side of the proposed pond to prevent sediment from entering the existing bog and reservoir areas.
5. There is proposed clearing within the 100' property line setback near the isolated wetland to the north of the proposed pond. Silt fence should be on or outside of this setback to ensure no clearing within the buffer.
6. There is a section of the proposed treeline located to the north-east of the proposed pond which seems to be cleared further than necessary; the silt fence is

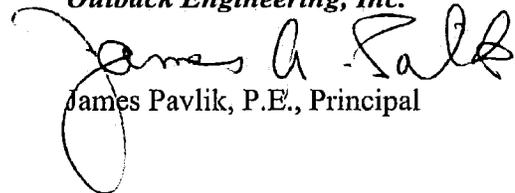
approximately 25' in front of it. Treeline should be revised to limit clearing or silt fence should be moved to limit of work.

7. 100' buffer line from the existing reservoir to the west of the proposed pond appears to be 90-95'. Line should be revised to accurately show the 100' buffer.
8. Distances from proposed pond to abutting properties should be shown per plan checklist.
9. It appears that a Stormwater Pollution Prevention Plan per US EPA NPDES is required for this project where more than 1 acre of land disturbing activities are proposed. Special permit granting authority should make this a condition of approval and require submittal of the required documentation prior to commencing work.
Items to consider:

- a. Per applicant response to DPW dated 7/29/16 erosion control notes should include a provision to monitor and clean the existing driveway off Purchase Street. If necessary a 75' long 6" thick gravel tracking pad consisting of 2" crushed stone should be provided after the paved portion of the trucking route from Purchase Street.
- b. Erosion control notes do not specify any control for the stockpile areas. A note should be added to the effect of the following: The soil stockpile areas shall be surrounded by silt fence and soil stockpiles & exposed soils to receive temporary hydroseed or tarp covering if they will be left unused for >14 days.
- c. A schedule should be provided for the erosion control measures.
Example: Purchase St. shall be inspected weekly for sediment and cleaned as needed.

If you have any questions or comments, please contact me at (508) 946-9231 ext. 203.

Sincerely,
Outback Engineering, Inc.



James Pavlik, P.E., Principal

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

From: Scott Derby
220 Rocky Meadow Street
Middleboro, MA 02346

Subject: Harju Cranberry Bog on Purchase Street

I am writing today to express to you my support of the Harju's in their plan to create a reservoir in their cranberry bog located on Purchase Street near the corner of Rocky Meadow Street. My property sits directly across the street and in full view of the cranberry bog and of the proposed reservoir.

As a neighbor and recreational user of these cranberry bogs I have known the Harju's for almost ten years. I use the bogs frequently for family walks with my wife, three children and our dog. The Harju's have been fantastic neighbors to us this entire time. Because of this on-going and frequent use of the Harju's bogs I can attest to the great work they do to keep their bogs in top condition. This includes the buildings and property around the bogs.

Regarding the creation of a new reservoir I've found that again, the Harju's have been good neighbors. I have attended two informal site walks with them and have had all my questions answered. I have had follow up phone calls from Derek to make sure that all of my questions have been answered. I've also been witness to at least two earth removal projects in bogs off of Rocky Meadow Street since moving to this house in 2006. Though there certainly has been increased truck traffic I have not been adversely affected. The truck drivers have obeyed traffic rules and have been considerate. Further, I've not noted any damage to the local roads because of this work. After hearing the plan I can find no reason to think that the proposed reservoir work will affect me, my family or my property.

As a resident of Middleboro I would urge you, as Selectmen, to limit the scope of this discussion to that of the effect on local residents and their property. In my opinion this should be the only discussion at open forum. It becomes a slippery slope when you allow discussion of aesthetic issues (they are cutting down trees) on their private property. Again, how does this affect the neighbors?

Thank you for your consideration of this matter. Please feel free to reach out with any questions you have of me. Unfortunately, I will be travelling for business and unable to make this week's hearing.

Scott Derby
220 Rocky Meadow Street
srderb@gmail.com
617-828-1264

**Earth Removal Permit – Costello
Dismantling**

HEARINGS, MEETINGS, LICENSES

8/22/16

JAMES ENGINEERING, INC.

125 GREAT ROCK ROAD, HANOVER, MA 02339

8/15/2016

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

RE: Earth Removal Permit Application
Atlantic Design Review

To the Members of the Board;

On behalf of the applicant, Costello Dismantling, Inc., the purpose of this letter is to summarize the changes that have been made to the drawings and the additional data that was submitted in response to the review conducted by Atlantic Design Engineers, Inc. In response to the comments in the review letter submitted April 29, 2016, I offer the following:

1. The width of the buffer required along Wareham Street is 200' and is now shown on the plans as well as the area of existing woodland area proposed to be disturbed in conjunction with the proposed earth removal. In addition, all of the existing measures along Wareham Street which provide a visual barrier will be maintained and a second berm will be added on the northwest corner of the lot to provide a visual barrier in this area.
2. Erosion Controls are not an issue in this application because of the fact that all of the proposed activity will slope away from the wetland area and the existing detention basin will continue to act as a sediment basin for all of the runoff from the proposed activity area during the removal. Additionally, the earth removal is being pursued to make the site usable for the permitted use. As the earth is removed, the working surface of the site will be expanded incrementally in conjunction with the removal, once finish grades are achieved.
3. Nearly all of the area being disturbed will be used as a working surface upon completion. The only areas outside of this surface that will be treated will be the sides of the proposed berm and the proposed extension of the detention basin.
4. Stormwater Calculations have been provided for the proposed sizing of the detention basin at the front of the site. This basin as proposed will essentially replace the originally proposed basin which was located west of the maintenance building and was initiated with the installation of the basin south of the entrance driveway. The remainder of the site flows either into a subsurface system beneath the concrete pad, 3 isolated wetlands at the rear of the site or into the wetlands area south of the site beneath the power lines.

All of the drawing revisions were made several months ago when the revised wetland flags were added. The calculations were completed and submitted approximately a month ago. The wetlands line as flagged was accepted by the Conservation Commission in June. All of the proposed activity is outside of the 100' buffer. Thus, there is no reason to file with the Commission for the proposed activity.

I trust that this information will answer all of the concerns raised by both the Board and it's review engineer regarding this filing. 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 horizontal flourish extending to the right.

Gary D. James, P.E.

Cc: John Hastings, Costello Dismantling, Inc.



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

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Sandwich, MA 02563
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