

HEARINGS, MEETINGS, LICENSES

9/26/16

ARTICLE 8 DISCUSSION

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9/26/16



Special Town Meeting Warrant

Middleborough Massachusetts

To Joseph Perkins, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School**, on **Monday, October 3, 2016, at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2017, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer \$105,703.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund the Police Department collective bargaining agreements, or act anything thereon.

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer \$21,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund a contract settlement in the Office of the Board of Selectmen, or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$33,680.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund the purchase of a Public Records Request Management Application and an Online Permitting Application for the Information Technology Department and other town departments, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$4,735.33 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund vacation and personal time buyback for the Office of Economic and Community Development, or act anything thereon

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$30,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available

source, to remove asbestos from a town owned structure located on Cambridge Street, Map ID 50I, Parcel 3472, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$32,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, to install air conditioning on the first floor of the Town Hall Annex Building, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$2,609.75 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the lease of an electric vehicle for the Building Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$6,382.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for an archaeological study related to the new septic system and handicap accessible ramp and bathrooms at the Oliver House estate property located on Plymouth Street, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$200,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department, said sum to be in addition to the sum appropriated under Article 13 of the warrant for the 2015 Annual Town Meeting, and to meet this appropriation, if by borrowing, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum under Chapter 44 of the General Laws, or act anything thereon.

ARTICLE 13. To see if the Town will vote to appropriate \$53,020.00 from the Open Space / Recreation Resources Reserve of the Community Preservation Fund for the purpose of repair/replace Bridge #3 at Oliver Mill Park; including up to \$5,000 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 14. To see if the Town will vote to appropriate \$34,100.00 from the Historic Resources Reserve of the Community Preservation Fund for the purpose of conducting an Historic Stonework Assessment & Prioritization Plan at Oliver Mill Park; including up to \$5,100 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 15. To see if the Town will vote to raise, borrow and/or appropriate a sum of money for the acquisition by gift, negotiated purchase or eminent domain of a certain parcel of land together with buildings thereon of approximately 81.09 +/- acres known as "Lion's Head", owned or formerly owned by Sarah Jigerjian and Mary Jigerjian, as described on Assessors Map 21, Parcel 1411, and Map 12, Parcel 4585, and any costs incidental and related thereto, for the purpose of conservation and passive recreation purposes, to be managed and controlled by the Conservation Commission of the Town in accordance with M.G.L Chapter 40, Section 8C, as amended, and any other relevant state statutes relating to conservation; that to meet said appropriation, to see if

the Town will authorize the Treasurer with the approval of the Board of Selectmen to issue bonds or notes for such purpose, pursuant to the recommendation of the Community Preservation Committee, in accordance with M.G.L. Chapter 44B, the Community Preservation Act, or any other enabling authority; that the Town Manager, Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition; and the Town Manager, the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B, as may be necessary on behalf of the Town to effect said acquisition; that said conservation restriction may be granted to the Wildlands Trust or any other organization qualified and willing to hold such a restriction; provided that, the purchase and borrowing authorized hereunder shall be contingent upon the Town receiving a grant award from the Commonwealth of Massachusetts of \$400,000.00 or more; and provided further, that the amount of any bonds or notes issued hereunder shall be reduced by the amount of any grant funds received prior to the issuance of such bonds or notes; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 16. To see if the Town will vote to transfer \$9,000 from Account # 26-930-573-264 - Woloski Park project in the Open Space Resources Reserve of the Community Preservation Fund to Account # 26-931-573-262- Oliver Estate Rehab project in the Historic Resources Reserve; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 17. To see if the Town will vote to amend the handicapped and disabled veterans parking by law adopted under Article 4 of the October 22, 1984 Special Town meeting by deleting Section (d) the penalty clause of the by-law, and replacing it with the following:

Section (d):

- (1) The penalty for violation of this by-law shall be Three Hundred Dollars (\$300.00) for each offense
- (2) Any unauthorized vehicle parked or standing in violation of this by-law shall be removed in accordance with Section 22D of General Laws Chapter 40, or act anything thereon.

ARTICLE 18. To see if the Town will vote to adopt the following by-law:

HANDICAPPED PARKING FINES

Section 1. All funds received by the Town from fines assessed for violations of handicapped parking laws, by-laws, rules or regulations in the Town shall be allocated to the Town's Commission on Disability.

Section 2. Funds received and allocated under Section 1 shall be deposited in a separate account and shall be used solely for the benefit of persons with disabilities and shall otherwise be subject to the provisions of Section 22G of Chapter 40 of the General Laws.

ARTICLE 19. To see if the Town will vote to transfer the care, custody, management and control of 157 Wood Street Map 59 Lot 5999 .23 acres of land (10,019 sq. ft. of land +/-), 159 Wood Street Map 59 Lot 6074 .12 acres of land (5,227 sq. ft. of land +/-), 161 Wood Street Map 59 Lot 6073 .23 acres of land (9,934 sq. ft. of land +/-), 163 Wood Street Map 59 Lot 6057 .23 acres of land (10,019 sq. ft. of land +/-), 0 Wood Street Map 65 Lot

414 2.84 acres of land (123,560 sq. ft. of land +/-), from the Board of Selectmen to the Park Commission for recreational use, or act anything thereon.

ARTICLE 20. To see if the Town will vote to adopt the Massachusetts Stretch Energy Code (on file with the Town Clerk) by adopting the following by-law:

MASSACHUSETTS STRETCH ENERGY CODE

Section 1. The Massachusetts Stretch Energy Code (the “code”) is hereby adopted and incorporated in this by-law. The code shall be in effect in the Town, and the Building Commissioner shall administer and enforce the code.

Section 2. The purpose of the code is to regulate the design and construction of buildings for the effective use of energy.

Section 3. The code is found in Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code.

Section 4. The code version which is hereby adopted shall be the code version which is in effect on the date this by-law is adopted.

ARTICLE 21. To see if the Town will vote to accept Brookside Drive and Fidelity Lane as Town ways as laid out by the Board of Selectmen, to authorize the Selectmen to acquire by eminent domain or by gift the fee in said ways as shown on the road layout plan on file with the Town Clerk entitled “Road Layout Plan of Brookside Drive and Fidelity Lane – Middleborough, Massachusetts 02346” consisting of three sheets, dated August 9th, 2016, and prepared by Outback Engineering, Inc., and any related easements as shown on said plan, to authorize the Board to complete construction of the ways and related easements, to raise and appropriate a sum of money by borrowing for the cost of construction, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under General Laws, Chapter 44 and to authorize the Board of Selectmen to assess betterments for the cost of construction under General Laws, Chapter 80, or act anything thereon.

ARTICLE 22. To see if the Town will vote to appropriate the following surety sums for the following purposes in connection with a subdivision known as “Brookside Estates” as follows:

<u>AMOUNTS</u>	<u>PURPOSES</u>
1. \$400,000.00 (plus accrued interest)	Construction of roads and related infrastructure including without limitation drainage facilities.
2. \$30,000.00 (plus accrued interest)	Work within the Colarusso Drive layout and in Colarusso Woods subdivision related to construction Brookside Estates subdivision.
3. \$2,000.00 (plus accrued interest)	Patch and repair of utility trench cut across Brookside Drive in connection with house construction on Lot 14, Brookside Estates subdivision.

,and to authorize the Board of Selectmen to use the respective appropriations for the respective specified purposes, or act anything thereon.

ARTICLE 23. To see if the Town would vote to accept Captain Hall Road, Augustus Way, Hayden Way and Leland Way as Town ways as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the ways as shown on the road layout plans, on file with the Town Clerk entitled Roadway Acceptance Plan, Captain Hall Road, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc.”, which plan is dated February 4, 2016, and being page 1 of 4 pages; Roadway Acceptance Plan, Augustus Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc. which plan is dated February 4, 2016, and being page 2 of 4 pages; Roadway Acceptance Plan, Hayden Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 3 of 4 pages; and Roadway Acceptance Plan, Leland Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 4 of 4 pages; and also the related easements as shown on the above referenced plans and subdivision plan on file with the Town Clerk entitled “Subdivision ‘Eastwood Estates’ in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: March 20, 2006”, consisting of 20 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 51, Page 1080; and as shown on a plan of land entitled “Plan of Modification of Definitive Subdivision “Eastwood Estates” in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: February 13, 2008” , consisting of 2 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 54, Page 229; or act anything thereon.

Given, under our hands at Middleborough, this 12th day of September, 2016.


Diane Stewart, Chairman


Leilani Dalpe, Vice Chairman


John M. Knowlton


Allin Frawley


Stephen J. McKinnon
BOARD OF SELECTMEN

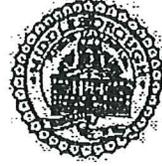
Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the 15th day of September, 2016, that date being more than fourteen days before the time specified for said meeting.


JOSEPH PERKINS
Police Chief

WRPD Fuller Street

HEARINGS, MEETINGS, LICENSES

9/26/16



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

Continued to 9/26/16



September 21, 2016

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

**Re: Final Engineering Review
WRPD Application – Keith McLaughlin
Map 25, Lot 1026 – Fuller Street
ADE Job Number 2518.48**

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our final engineering review of the site plans for the above-referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plan is revised dated 9/23/16 and was prepared by Piling Engineering Group for Keith McLaughlin of West Bridgewater, MA.

The comments from my 9/7/16 letter have been adequately addressed.

Per the Applicant's engineer, the project has received an Order of Conditions from the Conservation Commission and has been considered a "limited project" as there is no other reasonable means of access to the upland area of the lot. Therefore, the project is permissible under WRPD Bylaw Section 8.2.8.3.i.(i).

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

- 1.0 A copy of the Order of Conditions or other correspondence for the Conservation Commission should be provided to the Board to confirm that the Order is still valid.
- 2.0 This review was completed for the WRPD application for Lot 1 (Map 25, Lot 1026) only. If the driveway or construction activities for Lot 2 (Map 25, Lot 1012) are within the 25' buffer zone, it would require a WRPD Special Permit.



*Board of Selectmen
Final Engineering Review
Map 25, Lot 1026 – Fuller Street
September 21, 2016 - Page 2*

Please call if you have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski', written in a cursive style.

Richard J. Tabaczynski, P.E.
Project Manager

Pilling Engineering Group, Inc.
105R Depot Street
South Easton, MA 02375
(508) 297-1289

September 8, 2016

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

RE: Lot 1 Fuller Street –Application for wetland filling
Response to Review Engineer Comments

Dear Board Members,

In response to the review comment letter dated September 7, 2016 from Atlantic Design Engineers, LLC regarding the Special Permit application to fill wetlands for a driveway at Lot 1 Fuller Street, we offer the following:

1. The project has apparently received an Order of Conditions from the Conservation Commission and has been considered a “limited project” as there is no other reasonable means of access to the upland area of the lot. A copy of the Order or other correspondence from the Conservation Commission should be provided to the Board.
A copy of the Order and the extension are attached.
2. The Board may want to consider requiring some sort of permanent visual barrier (fence, vegetation, signs, etc.) at the limit of the 25 foot no disturb zone to prevent further/future encroachment into it over time.
Conservation markers have been added. Markers consist of a 2” PVC pipe set in the ground, with 2 feet exposed above ground, to be placed at 50 foot intervals along the 25 foot buffer.
3. The checklists (for Site Plan and Project Narrative) typically submitted with the applications were not provided.
The checklists appear to be on the Selectmen’s agenda under documents.
4. The plans need to be stamped/signed by a PE or RLS.
Enclosed are plans with bear the stamp of a PE and an RLS.
5. Specify the type of driveway to be constructed – paved, gravel, etc. and also specify the width of the drive, shoulders, and type of sideslopes. A typical cross section would help.
The driveway is proposed to be paved. A driveway cross section has been added to the plan.

Pilling Engineering Group, Inc.
105R Depot Street
South Easton, MA 02375
(508) 297-1289

6. The Project Narrative states that the driveway is to be “elevated above the wetlands by filling”. However, grading of the proposed driveway is not shown on the plans, particularly in the 25’ buffer zone. This is critical to confirm the limit of disturbance. Also, address stormwater and drainage patterns – is a culvert proposed under the driveway?

The proposed driveway will only be elevated slightly (3-6”), and all grading associated with sloping out the raised grade will occur within the driveway shoulder. The driveway is to be pitched toward the wetland, matching the existing drainage pattern. No culvert is proposed.

7. The haybale/silt fence limits should be extended to the west to Fuller Street to prevent possible siltation at the entrance.

The erosion control has been extended to the edge of pavement on Fuller Street on the revised plan.

8. The total area of 25’ buffer zone disturbance should be clearly shown and labeled on the plans. It should include the area where the driveway is being built, as well as where the replication area is being built.

The areas of disturbance have been added to the plan for the driveway, the wetland filling, the replication area, as well as a total area of disturbance within the 25 foot buffer (4,600+/- s.f.).

9. Is there any grading associated with the replication area? Please show on the plans as it may affect the amount of 25 foot buffer disturbance in this area.

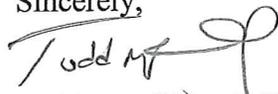
The replication area planting detail was prepared by others in 2007. No significant grading is proposed, only excavation of the holes for the proposed plantings.

10. Plans for Lot 2 (map 25, lot 1012) were provided but not reviewed, as the WRPD application was for map 25 Lot 1026 only. It does appear that the driveway for Lot 2 (Map 25, Lot 1012) is within the 25’ buffer zone and therefore would require a WRPD Special Permit.

Based on the Notice of Intent Plan, the proposed driveway for Lot 2 will be outside the 25 foot buffer (see attached copy of plan). The driveway and replication area for Lot 1 will be constructed prior to starting construction of the driveway on Lot 2.

We look forward to discussing these issues further at the Board of Selectmen meeting.

Sincerely,


Todd M. Pilling, P.E.



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

DEP File Number:
220-1029

A. General Information

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



From: Middleborough
 1. Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Keith McLaughlin Summit Realty Trust
 a. First Name b. Last Name c. Company

46 Brentwood Drive
 d. Mailing Address

North Easton MA 02356
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

same
 a. First Name b. Last Name c. Company

 d. Mailing Address

_____ _____ _____
 e. City/Town f. State g. Zip Code

5. Project Location:

Fuller Street Middleborough
 a. Street Address b. City/Town

Map 25 Lot 1012
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known (note: electronic filers will click for GIS locator):
_____ _____
 e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth
 a. County b. Certificate (if registered land)

27271 127
 c. Book d. Page

7. Dates: 3/5/2007 5/17/2007 5/17/2007
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Notice of Intent Plan Lots 1 & 2 Fuller Street in Middleborough, MA
 a. Plan Title

Thunberg Consulting, Inc. Bernard E. Munro, Sr., Registered Professional Land Surveyor
 b. Prepared By

4/19/2007 1"=60'
 d. Final Revision Date e. Scale

_____ _____
 f. Additional Plan or Document Title g. Date



WPA Form 5 – Order of Conditions

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

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

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 these interests, 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).**

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

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

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 checked="" type="checkbox"/> Bordering Vegetated Wetland	1,000 a. square feet	1,000 b. square feet	2,000 c. square feet	2,000 d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



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

DEP File Number:
220-1029

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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

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

10. Designated Port Areas Indicate size under Land Under the Ocean, below
11. Land Under the Ocean
- | | |
|------------------|------------------|
| a. square feet | b. square feet |
| c. cu.yd dredged | d. cu.yd dredged |
12. Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below
13. Coastal Beaches
- | | | | |
|----------------|----------------|-------------------|-------------------|
| a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
|----------------|----------------|-------------------|-------------------|
14. Coastal Dunes
- | | | | |
|----------------|----------------|-------------------|-------------------|
| a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
|----------------|----------------|-------------------|-------------------|
15. Coastal Banks
- | | |
|----------------|----------------|
| a. linear feet | b. linear feet |
|----------------|----------------|
16. Rocky Intertidal Shores
- | | |
|----------------|----------------|
| a. square feet | b. square feet |
|----------------|----------------|
17. Salt Marshes
- | | | | |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
|----------------|----------------|----------------|----------------|
18. Land Under Salt Ponds
- | | |
|------------------|------------------|
| a. square feet | b. square feet |
| c. cu.yd dredged | d. cu.yd dredged |
19. Land Containing Shellfish
- | | | | |
|----------------|----------------|----------------|----------------|
| a. square feet | b. square feet | c. square feet | d. square feet |
|----------------|----------------|----------------|----------------|
20. Fish Runs Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above
- | | |
|------------------|------------------|
| a. cu.yd dredged | b. cu.yd dredged |
|------------------|------------------|
21. Land Subject to Coastal Storm Flowage
- | | |
|----------------|----------------|
| a. square feet | b. 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

DEP File Number:

220-1029

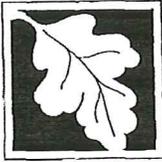
C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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.
6. 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.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been 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 upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number 220-1029"



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. 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.
17. 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.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See attached

If you need more space for additional conditions, select box to 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

DEP File Number:
220-1029

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

5/17/2007
 1. Date of Issuance

Please indicate the number of members who will sign this form:

Five
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Signature]
[Signature]
[Signature]
[Signature]

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth

On this 17th Day of May 2007
 Month Year

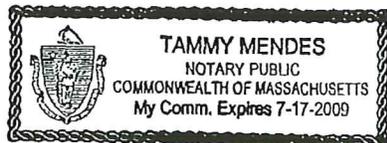
Before me, the undersigned Notary Public, Deborah Kirsch
 personally appeared Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Personally known
 Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Middleborough Conservation Commission
 City/Town



Tammy Mendes
 Signature of Notary Public
Tammy Mendes
 Printed Name of Notary Public
7/17/2009
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on by certified mail, return receipt requested, on

 Date Date



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

DEP File Number:

220-1029

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Section G, Recording Information is available on the following page.



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

DEP File Number:
220-1029

G. Recording Information

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 Page 7 of this form 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:

Fuller Street
 Project Location

220-1029
 DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
 County

27271
 Book

127
 Page

for:

Keith McLaughlin, Summit Realty Trust
 Property Owner

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

 Book

 Page

In accordance with the Order of Conditions issued on:

5/17/2007
 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

STANDARD CONDITIONS

APPLIES
YES NO

- X** Recording of Order is the responsibility of applicant or owner. To be returned prior to commencement of work.
- X** All mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc. are to be installed prior to initiation of any work under the Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work, which is subject to the Order of Conditions, is to be undertaken until approval is received from the Conservation Commission and/or Agent.
- X** Commission to be notified of the date of start of work prior to its commencement.
- X** In addition to the mitigation shown on the plan, staked hay bales or siltation fence is to place where necessary to prevent erosion and siltation into the wetland resource area(s).
- X** Wherever necessary to maintain compliance with M.G.L. CH. 131, s.40, appropriate mitigation, to prevent erosion and siltation to surface waters and Bordering Vegetated Wetlands, is to be installed and maintained until all exposed areas are stabilized.
- X** Any tears, rips, breaks or collapse of siltation barrier shall be repaired immediately (no more than 24 hours).
 - X** Any replication area is to be prepared prior to the destruction of the resource area being replicated.
- X** All detention and/or retention areas are to be completed and vegetated before installation of any impervious material or structure discharging surface water runoff.
- X** Retention/detention basins, included in this plan, are to be maintained on a regular basis. Schedule stated in the Notice of Intent.
- X** All facilities and equipment used within or as part of this project will be continually maintained and operated so as to comply with this Order and the Wetlands Protection Act.
- X** Members and agents of the Conservation Commission shall have the right to enter and inspect the property to determine and evaluate compliance with this order.
- X** Wetland flagging to remain in place until the project has been completed.

APPLIES
YES NO

- X Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
- X Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owner's representatives and the Conservation Commission to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
- X No sodium based de-icing agents to be used.
- X The drainage system is to be sealed until all work has been completed and vegetation has been established.
- X Certificate of Compliance to be requested immediately after completion.
- X All conditions are on going and do not expire at the end of three years upon the issuance of a Certificate of Compliance.
- X Request for Certificate of Compliance shall be accompanied by an as-built plan. As-built plan to be overlay map.
- X No partial Certificate of Compliance will be issued unless the balance of the project, at whatever stage it is in at the time of said request.
- X As-built plan to show location of structures, grading, wetland line, resource areas and an deviation from original plan of record.
- X This project to be in compliance with the Order of Conditions, the Wetlands Protection Act and Regulations promulgated thereunder (M.G.L. CH. 131, s.40; 310 CMR).
- X Engineer or other equally qualified person shall be available on-site and responsible for insuring compliance with the Order of Conditions.
- X Written reports to be submitted to the Conservation Agent detailing progress of activities as detailed by the Order of Conditions. To be received the 1st and 15th of the limited project month.
- X If wetland alteration is allowed under limited project status, no wetland alteration is to occur until all local, state and federal permits have been received for the project as submitted to the Conservation Commission.
- X This Order of Conditions is issued for the above referenced plans only. Any alteration to said plans may cause this Order of Conditions to be null and void unless an amendment is submitted and approved by this Board.
- X Prior to commencement of work, applicant is to submit letter certified by a professional engineer stating that any plans submitted for other local, state and federal permits are identical to the plans submitted for this Order of Conditions.



WPA Form 7 – Extension Permit for Orders of Conditions

220-1029
Provided by DEP

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

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) 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, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Middleborough
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

Fuller Street
Project Location

SE220-1029
DEP File Number

has been recorded at the Registry of Deeds of:

Plymouth
County

for:

Keith J. McLaughlin
Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

5/17/2007
Date

27271
Book

127
Page

If recorded land the instrument number which identifies this transaction is:

Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

00053780
BOOK 27271 PAGE 127
Recorded On:
JUL 07 2010 at 08:03P
PLYMOUTH COUNTY REGISTRY OF DEEDS
John K. Borkley, Jr., Registrar



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 7 – Extension Permit for Orders of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 220-1029
 Provided by DEP



2010 00053780
 Bk: 38709Pg: 349 Page: 1 of 2
 Recorded: 07/07/2010 03:03 PM

A. General Information

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



1. Applicant:
 Keith J. McLaughlin
 Name
 P.O. Box 519, 323 Manley Street
 Mailing Address
 W. Bridgewater
 City/Town MA State 02379-0519 Zip Code

2. Property Owner (if different):
 same
 Name
 Mailing Address
 City/Town State Zip Code

ATTEST: John R. Buckley Jr.
 REGISTER,
 PLYMOUTH COUNTY REGISTRY OF DEEDS

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:
 5/17/2007 Middleborough

Date Issued by: Conservation Commission
 5/17/2007 Fuller Street Map 25 Lot 1012
 for work at: Street Address Assessor's Map/Plat Number Parcel/Lot Number
 recorded at the Registry of Deeds for: 27271 127
 Plymouth County Book Page
 Certificate (if registered land)

is hereby extended until: 5/17/2013 Date Date the Order was last extended (if applicable)
 This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<http://www.mass.gov/dep/about/region/findyour.htm>)

Signatures: _____ Date: 5/6/2010

mail to Keith McLaughlin
 P.O. Box 519
 W. Bridgewater, Ma. 02379-0519



September 7, 2016

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

**Re: *Initial Engineering Review
WRPD Application – Keith McLaughlin
Map 25, Lot 1026 – Fuller Street
ADE Job Number 2518.48***

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our initial engineering review of the site plans for the above-referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plan is dated 9/24/12 and is prepared by Piling Engineering Group for Keith McLaughlin of West Bridgewater, MA.

We have the following comments:

1. The project has apparently received an Order of Conditions from the Conservation Commission and has been considered a “limited project” as there is no other reasonable means of access to the upland area of the lot. A copy of the Order or other correspondence from the Conservation Commission should be provided to the Board.
2. The Board may want to consider requiring some sort of permanent visual barrier (fence, vegetation, signs, etc.) at the limit of the 25 foot no disturb zone to prevent further/future encroachment into it over time.
3. The checklists (for Site Plan and Project Narrative) typically submitted with the applications were not provided.
4. The plans need to be stamped/signed by a PE or RLS.
5. Specify the type of driveway to be constructed – paved, gravel, etc. and also specify the width of the drive, shoulders, and type of sideslopes. A typical cross section would help.
6. The Project Narrative states that the driveway is to be “elevated above the wetlands by filling”. However, grading of the proposed driveway is not shown on the plans, particularly in the 25’ buffer zone. This is critical to confirm the limit of disturbance.



Also, address stormwater and drainage patterns – is a culvert proposed under the driveway?

7. The haybale/silt fence limits should be extended to the west to Fuller Street to prevent possible siltation at the entrance.
8. The total area of 25' buffer zone disturbance should be clearly shown and labeled on the plans. It should include the area where the driveway is being built, as well as where the replication area is being built.
9. Is there any grading associated with the replication area? Please show on the plans as it may affect the amount of 25 foot buffer disturbance in this area.
10. Plans for Lot 2 (Map 25, Lot 1012) were provided but not reviewed, as the WRPD application was for Map 25 Lot 1026 only. It does appear that the driveway for Lot 2 (Map 25, Lot 1012) is within the 25' buffer zone and therefore would require a WRPD Special Permit.

Please call if you have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

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

Richard J. Tabaczynski, P.E.
Project 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

August 31, 2016

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

RE: W.R.P.D. Application for Keith McLaughlin for a Special Permit located on Fuller Street, Assessor's Map: 025 Lot: 1026, Zoning District Residence Rural, WRPD District Z4.

Honorable Board,

I have reviewed the plan submitted for Keith McLaughlin designed by Todd Pilling of Pilling Engineering Inc for a W.R.P.D. application for the lot located on Fuller Street. This application is for a Special Permit under the Water Resource Protection District By-Law to allow the construction of a driveway for a single family dwelling within the twenty-five (25) feet of a fresh water wetland area.

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

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

Todd M. Pilling, P.E.
Professional Engineer

Bruce R. Pilling, P.L.S.
Professional Land Surveyor

Pilling Engineering Group, Inc.
105R Depot Street
South Easton, MA 02375
(508) 297-1289

March 15, 2016

Middleboro Selectmen
Town Hall
10 Nickerson Avenue
Middleboro, MA 02346

RE: Project Narrative - Fuller Street
Special Permit for Wetland Filling

Dear Selectmen,

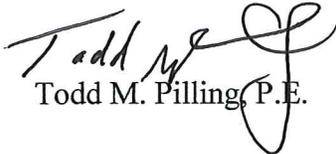
In 2006, Lots 1 and 2 were created. Notices of Intent were filed for both Lots with the Middleboro Conservation Commission and the Natural Heritage Endangered Species Program. Permits for Work were issued by both agencies.

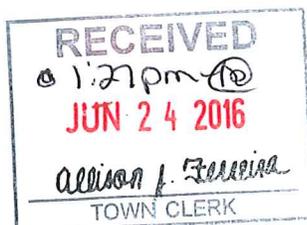
Lot 1 requires filling approximately 1,000 square feet of wetlands for construction of a driveway to a proposed single family home. The site is located in a WRPD Zone Z4. This is considered a limited project under the Wetlands Protection act 10.53(3)(e), as the driveway is being constructed to provide access to the uplands on the lot. This may be permitted by Special Permit.

The project complies with the WRPD bylaws and regulations, as the project involves a conservation restriction on 11.8 acres of the 13.5 acre lot, thereby minimizing large scale disturbances. The project will not remove soils within 4 feet of the water table, as the driveway will be elevated above the wetlands by the filling. The 1,000 s.f. of wetlands being filled will be replicated at a 2:1 ratio, and erosion controls will be installed.

We trust the foregoing address the Board's concerns regarding the application for the Special Permit. If you have any questions or concerns, please do not hesitate to contact the office.

Sincerely,


Todd M. Pilling, P.E.



PROJECTNARRATIVE

RECEIVED
 @ 1:21 pm
 JUN 24 2016
 Allison J. Ferreira
 TOWN CLERK

PETITION APPLICATION FOR A WRPD SPECIAL PERMIT

Five (5) complete paper sets of the petition application, including **all required documents**, such as engineering plans, must be filed with the Town Clerk at 20 Centre Street (former Eastern Bank building), 1st floor, Middleborough, MA. The Town Clerk's office will forward all petitions for a Special Permit to the Board of Selectmen's office.

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

A. Location of property in question:

Street address: Fuller Street
 Map & Lot 25/1026
 Zoning District Residence Rural
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)
 WRPD District Z4
(Z1, Z2, Z3, Z4)

B. To allow for:

1,000 s.f. of wetland filling for a proposed driveway access to new single family house. Proposed 2,000 s.f. wetland replication.

(As shown on the attached plan)

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

C. Submitted by:

<u>Keith J McLaughlin, trustee</u>	<u>Pilling Engineering Group. Inc.</u>
Printed full name (Individual)	Printed company name/engineering firm
<u>Keith J McLaughlin, trustee</u>	<u>Todd M. Pilling</u>
Signature (Individual)	Signature (company/engineering rep.)
<u>323 Manley St., West Bridgewater</u>	<u>pillling@comcast.net</u>
Address <u>MA 02379</u>	Email address
<u>(508) 509-3861</u>	
Daytime telephone	

Keith McLaughlin
 Fuller Street
 Middleboro, MA

CHECKLIST FOR SITE PLANS

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

No.	Description	Initial	N/A
1.	One (1) electronic version of the site plans must be filed with the Board of Selectmen's office via email at jshanley@middleborough.com .	<u>KJM</u>	_____
2.	Five (5) paper copies of the site plan must be filed with the Town Clerk's office, along with five (5) paper sets of the petition application (see top of "Petition Application" form).	<u>KJM</u>	_____
a.	Show locus to reasonable scale (use corner of the site plan page).	<u>KJM</u>	_____
b.	Show existing and proposed street lines, number & name.	<u>KJM</u>	_____
c.	Show existing and/or proposed building, including accessory buildings.	<u>KJM</u>	_____
d.	Show driveway and driveway openings.	<u>KJM</u>	_____
e.	Show natural waterways (if any).	_____	<u>KJM</u>
f.	Show distance from structure to wetlands.	<u>KJM</u>	_____
g.	Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.	_____	_____
h.	Show setback dimensions or distances from street and abutters.	<u>KJM</u>	_____
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<u>KJM</u>	_____
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>KJM</u>	_____
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<u>KJM</u>	_____
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<u>KJM</u>	_____

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

Keith McLaughlin
Fuller Street
Middleboro, MA

CHECKLIST FOR PROJECT WRITTEN NARRATIVE

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

EARTH REMOVAL PERMIT

375 Wareham Street

HEARINGS, MEETINGS, LICENSES

9/26/16



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, September 12, 2016 at 7:45 pm** for the purpose of discussing an application filed by Foresite Engineering, Inc. on behalf of the Brockton YMCA for an Earth Removal Permit for property located 375 Wareham Street, Assessors Map 073, Lot 5813, Middleborough, MA. The reason for this request is for the removal of approximately 20,000 to 25,000 cubic yards of soil as shown on plan dated July 1, 2016, prepared by Foresite 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
September 1, 2016
The Middleboro Gazette Newspaper

Continued to 9/26/16

From: Rich Tabaczynski
Sent: Friday, September 23, 2016 1:11 PM
To: Colleen Lieb
Cc: Selectman Diane C. Stewart
Subject: RE: Earth Removal - 375 Wareham

Colleen,

I have the plans and have started the review but will not have anything complete until early next week – Tues/Wed.

Richard J. Tabaczynski, P.E.
Vice President
Atlantic Design Engineers, Inc.
P.O. Box 1051
Sandwich, Massachusetts 02563
P: (508) 888 – 9282
F: (508) 888 – 5859
C: (508) 274 – 1712
www.atlanticcompanies.com



Town of Middleborough

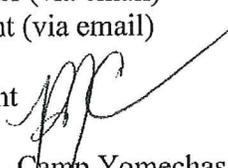
CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Board of Selectmen (via email)
Ruth Geoffroy, Planning Director (via email)
Robert Whalen, Building Commissioner (via email)
Christopher Peck, DPW Superintendent (via email)

FROM: Patricia J. Cassady, Conservation Agent 

RE: Earth Removal Application – YMCA – Camp Yomechas, 375 Wareham Street
(Map 73, Lot 5813)

DATE: September 2, 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) The area where the proposed earth removal is taking place is within a Zone II Wellhead Protection Area.
- 2) This area is *not* in a floodplain or mapped under the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.
- 3) There are bordering vegetated wetlands with a 100-foot buffer zone at the site on the other side of the entrance road. These may be potentially far enough from the project however we would be interested in how they will be protected during the removal of earth through truck traffic.
- 4) There are isolated wetlands near the proposed earth removal area and should be further examined as they may be potential vernal pools and it should be determined through calculations if any of them qualify as Isolated Land Subject to Flooding under the Wetlands Protection Act.
- 5) I would recommend that the applicant and their representative speak with the Conservation Department prior to the commencement of any activity pertaining to the proposed earth removal.

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

Thank you

pjc



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

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

September 7, 2016

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

RE: Earth Removal Permit for Brockton YMCA for a Special Permit located at 375 Wareham Street, Assessor's Map: 073 Lot: 5813, Zoning District Residential Rural, WRPD District Z2.

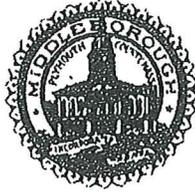
Honorable Board,

I have reviewed the plan submitted for Brockton YMCA designed by Darren Michaelis of Foresight Engineering for an Earth Removal permit for the property located on 375 Wareham Street. This property is the subject of a Special Permit from the Middleborough Zoning Board of Appeals. The applicant would need to apply to the Z.B.A. and receive approval before any of the proposed improvements take place.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d



Town of Middleborough
Massachusetts

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

DATE 7-15-16
NAME OF APPLICANT Old Colony YMCA - Frank McDonald
ADDRESS OF APPLICANT 601 EAST Grove St
ASSESSORS MAP & LOT 073-5813
DAYTIME TELEPHONE 508-958-6662 cell 508-947-1390
NAME OF BUSINESS Old Colony YMCA - Camp Yomechas
OWNER OF PROPERTY TO BE LICENSED Old Colony YMCA
ADDRESS OF PROPERTY TO BE LICENSED 375 Wareham St.
ASSESSORS MAP & LOT 073-5813

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: SEPTEMBER 6, 2016
Days & Hours of Operation: M-F, 8-4 PM

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

Signature Frank McDonald

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? _____

Foresight Engineering

518 County Road
(Wishbone Way)
West Wareham, MA 02576
508-245-2148

July 1, 2016

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

RE: **Project plan**, 375 Wareham Street, Middleborough, MA

1. **Purpose of Project:** The proposed project will include widening of existing gravel roadways within the camp, removal of gravel to create a level area for a proposed baseball field, batting cages, basketball court, concession stand, gravel parking area and spectator walkway surrounding the proposed sports complex area.
2. **Description of site prior to work:** The property is located at 375 Wareham Street in Middleboro and is the location of Camp Yomechas. This is a summer camp ground and day camp for individuals and families. The septic system was upgraded in 2001. The property abuts Tispaquin Pond to the North and East and Residential properties to the South and West. The proposed work area is located to the Southern portion of the camp and abuts residential homes located on Wareham Street. This area is currently used for multiple camp functions and activities. The area has recently been cut and partially cleared.
3. **Reasons for Earth Removal Permit:** The applicant, the Old Colony YMCA, Middleboro Branch, is a non-profit organization that supports family and youth activities in Middleboro. The Middleboro Branch has two main properties, the main Branch at 61 E.Grove St., and Camp Yomechas at 375 Wareham St.. The Middleboro Branch serves around 12,000 members a year, and Camp Yomechas which serves approximately 1500 children throughout the summer. Between 500-600 children attend camp on a scholarship. The earth removal permit applies to the Camp Yomechas site and program. The current facilities at camp are very outdated (basketball court), are not large enough or built according to official specs (baseball/soccer fields), and/or don't exist, e.g., track. The earth removal would enable the Y to improve their program delivery and serve more campers, members and community members, e.g., outreach programs with Middleboro Schools. The earth removal permit would allow the Y to build a sports complex that would feature a ballfield suitable for youth baseball and softball, two youth sized soccer fields, an air-nasium, that is a seasonal steel building with a roof that

would have a rubber playing surface, large enough for high school basketball court that would allow for basketball, volleyball, floor hockey, gymnastics, and more. Lastly, there would be a track along the circumference of the sports complex as well as a concession stand with bathroom(s) that campers, youth and families could use. The earth removal project will be of no charge to the YMCA as the removed soils will be sold to pay for the site work.

4. **Describe past earth removal activities and compliance issues that may have occurred:** There have been no past earth removal activities on this site.
5. **Project Phase Timelines:** Please refer to Sheet 3 of 3 of the project plans for detailed construction processes. Phase 1- Widening of existing gravel roads, entrance pad construction, removal of stumps and brush.(one Week) Phase 2- Excavation of proposed work area and rough grading, relocation of utility poles, and stock piling in proposed parking area.(two Weeks) Phase 3-All final grading for all proposed projects. Planting of groundcover for all sloped areas.(two Weeks) Phase 4- All final loam and seed spread. All sports areas are constructed as shown on plan. Walkway is completed. Gravel parking area drainage installed. Proposed Concession Stand and septic area are to be left undisturbed until Concession Stand is constructed. (three Weeks). Total Project timeline = 24Months.
6. **Time Duration Requested for Permit:** The applicant is requesting a 3 year time frame period for this permit. The applicant also understands that they may request an extension for up to one year thereafter at the discretion of the Board of Selectmen. The Earth Removal portion of this project is projected to take 12 weeks.
7. **Contractor Goals:**
 - A. Please refer to item 5 above for a description of the phases and associated timelines. We have estimated 20,000 to 25,000 cubic yards of soil will be removed to offsite locations. The loading and trucking of materials will be from the site to various locations The truck types will vary from small dump trucks to tractor trailers, and would use Wareham Street for access to the site. The daily truck trips estimated for the project are 40-50 trucks per day maximum. This is approximately 12 trucks entering and exiting the site per hour for an 8 hr work day.
 - B. A minimum of a 50' buffer will be maintained on all property boundaries abutting the work area.
 - C. The only material to be stockpiled on site will be done so in the proposed gravel parking area.
 - D. All proposed sloping on the southern property line is 2:1 and 3:1 as shown on the plan.
 - E. Contractors shall take steps to minimize the amount of dust generated on the site including those procedures contained below: the contractor shall ensure that all surfaces to be excavated are wet prior to, and if necessary, during excavation. Please refer to Sheet 2 of 3 for more procedures.
 - F. All disturbed areas are to be loamed and seeded as soon as possible to prevent washout and erosion.
 - G. Screening Equipment will only be used for all soils to be removed.

H. Multiple pieces of equipment will remain on site daily. These vehicles are to be left near the proposed parking area.

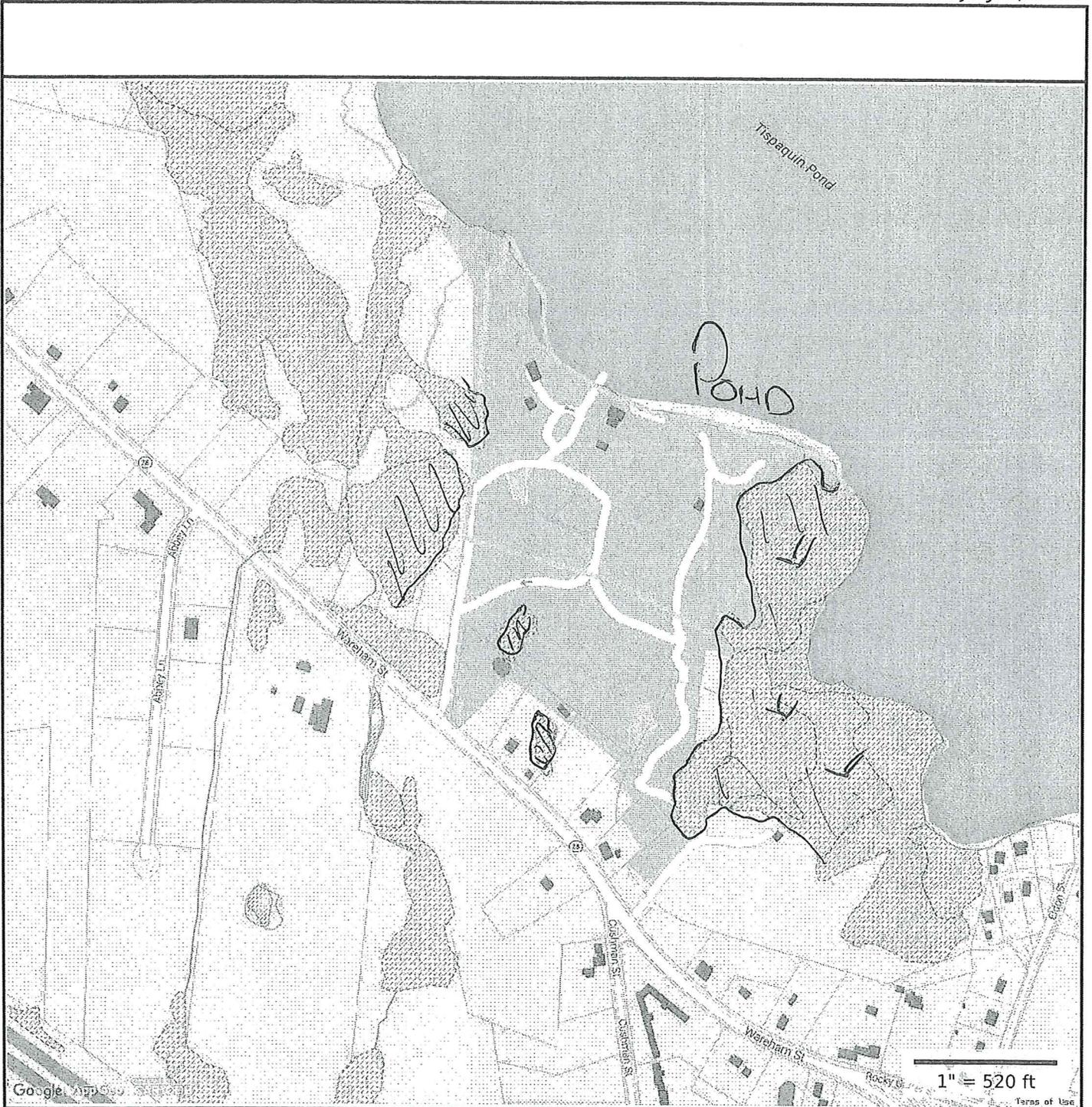
8. As- built plans will be submitted as Phase 4 comes to a completion.

We look forward to presenting the project to the Board and discuss our application. If you should have any questions, please contact my office.

Sincerely,



Darren Michaelis
Design Engineer



Property Information

Property ID 073-5813
Location 375 WAREHAM ST
Owner BROCKTON YMCA

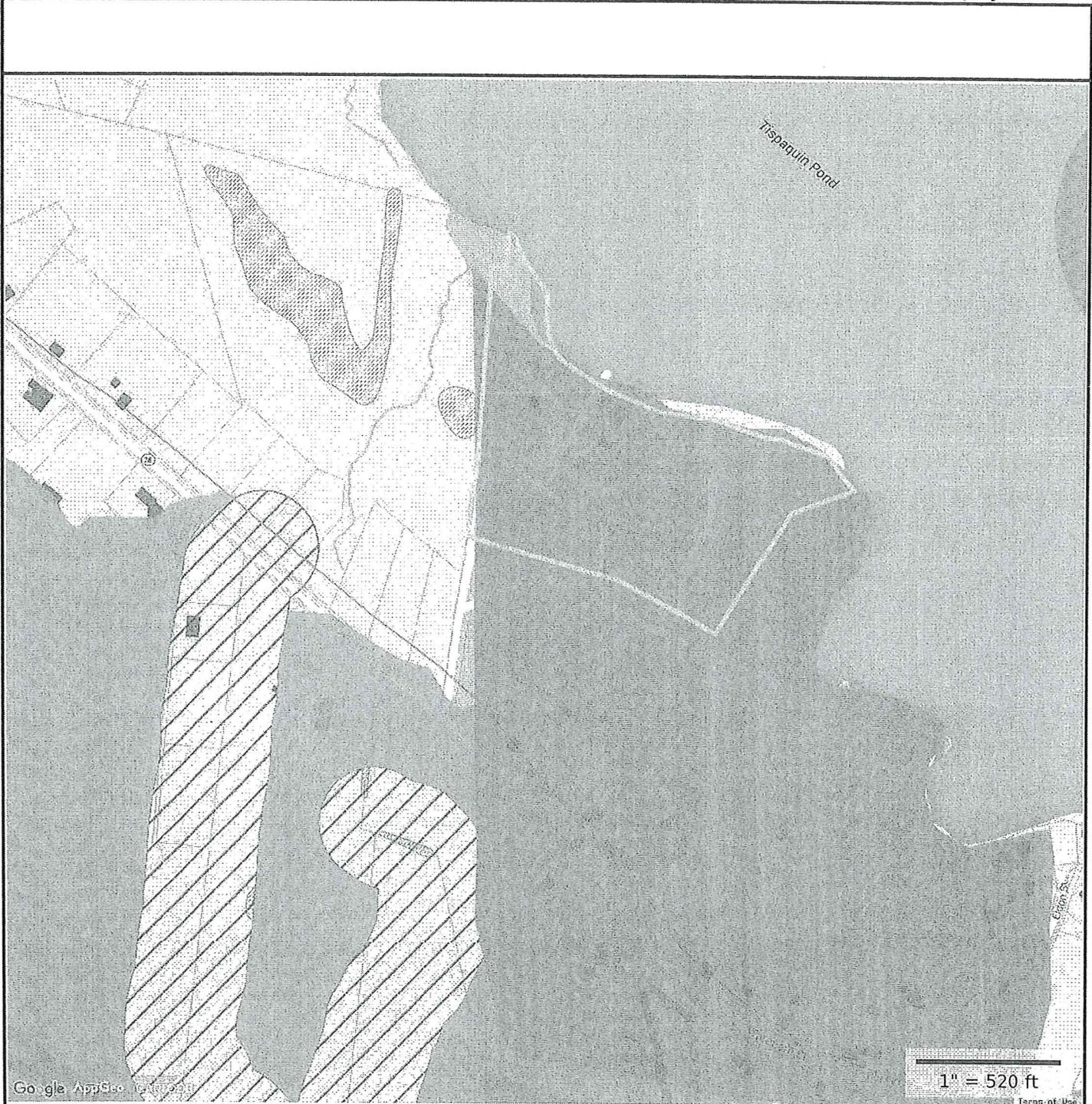


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Town of Middleborough, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 9/1/2015
 Properties updated 10/1/2015

WETLANDS



Property Information

Property ID 073-5813
Location 375 WAREHAM ST
Owner BROCKTON YMCA



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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Parcels updated 9/1/2015
 Properties updated 10/1/2015

WRPO
 ZONE II



Property Information

Property ID 073-5813
Location 375 WAREHAM ST
Owner BROCKTON YMCA



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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Parcels updated 9/1/2015
 Properties updated 10/1/2015

NHESP

Map Theme Legends

Natural Resource Protection

NHESP Certified Vernal Pools



NHESP Priority Habitats of Rare
Species

NHESP Estimated Habitats of
Rare Wildlife



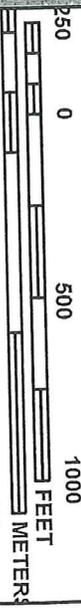
Areas of Critical Environmental
Concern



Massachusetts DCR, Natural Heritage and Endangered Species Program



MAP SCALE 1" = 500'



NFIP

PANEL 0451J

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

PANEL 451 OF 650
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
 COMMUNITY NUMBER PANEL SUBFEET
 MIDDLEBOROUGH, 250275 0451 J
 TOWN OF

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

MAP NUMBER
 25023C0451J
 EFFECTIVE DATE
 JULY 17, 2012



Federal Emergency Management Agency

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

BOARD OF SELECTMEN
EARTH REMOVAL BY-LAW REGULATION – OUTSIDE CONSULTANTS

- SECTION 1. The Board of Selectmen (hereafter the Board) may employ outside consultants to assist the Board in carrying out its responsibilities under the Earth Removal By-Law. The Board may require an applicant for an earth removal permit under said By-Law to pay to the town reasonable fees for the employment by the Board of outside consultants to assist the Board with respect to its responsibilities under law and arising out of or in connection with an application for an earth removal permit or the grant of an earth removal permit.
- SECTION 2. Upon receipt by the Board of an application for an earth removal permit, the Board may send a bill to the applicant for the estimated cost of reasonable fees for employment by the Board of outside consultants. The Board may send a bill to the applicant for the cost of reasonable fees for employment by the Board of outside consultants if the amount in a bill for the estimated costs is not sufficient to pay for employment of outside consultants or if a bill for estimated costs has not been sent by the Board. The applicant shall pay all bills sent by the Board within thirty days of the date of the bill.
- SECTION 3. The Board shall notify the applicant in writing of the Board's selection of each consultant. The applicant shall have an administrative appeal from the selection of any consultant. The appeal shall be to the Board. The grounds for such appeal shall be limited to claims that a consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Board shall be extended by the duration of an administrative appeal. In the event that no decision is made by the Board within one month following the filing of an appeal, the selection made by the Board shall stand. All appeals shall be in writing and filed with the Town Clerk not later than fourteen days after the date of the notice to applicant of the selection of a consultant.
- SECTION 4. The Treasurer shall establish a separate special account into which all fees received from applicants with respect to consultants shall be deposited. The special account including interest, if any, shall be expended at the direction of the Board without further appropriation provided that such funds shall be expended only in connection with carrying out the Board's responsibilities under law. Any excess amount in the account attributable to a specific project including accrued interest, if any, shall be paid to the applicant or to the applicant's successor in interest, if applicable, at the completion of the project. The Board shall provide a final report of the account attributable to the project to the applicant or to the applicant's successor in interest, if the successor in interest is entitled to receive any excess. The Board may require proof that an applicant's successor in interest is entitled to receive any excess amount before authorizing payment of any excess to a successor in interest.

AUTHORITY FOR REGULATION; General Laws, Chapter 122 of Acts of 2012

REGULATION ADOPTED BY THE BOARD OF SELECTMEN – September 10, 2012

**TOWN OF MIDDLEBOROUGH
EARTH REMOVAL PERMIT
APPLICATION PACKAGE**

*** * * ***

BOARD OF SELECTMEN

*** * * ***

EFFECTIVE MAY 1, 2003

Revised February 2, 2009

TABLE OF CONTENTS

Existing Process

- General
- Earth Removal Bylaw and Amendment
- Rules and Regulations
- Permitting Process
- Conservation Commission
- Farm Plan
- Town Taxes and Municipal Financial Obligations

Application Process

- General
- Checklist
- Project Plan

Appendix

- A. Project Plan
- B. Plan Check List
- C. Earth Removal By Law
- D. Inspection Checklist
- E. Typical Order of Conditions
- F. Application Form

EXISTING PROCESS

General

Proponents of earth removal permits are required to submit an application form through the Board of Selectmen's office that outlines the applicant's: name, address, Owner of property; location of property by referencing the Assessor's map and page number; number of acres of the property; and number of cubic yards of material to be removed.

The reasons for the permit request are to be outlined, along with proposed traffic route. Conservation Commission Order of Conditions are mentioned, along with identification of the engineer whom prepares the plan; the expected date of project start and completion and if this is a new application or renewal.

The earth removal application also requires listing of the abutter's property's name, address and assessor's map and page number. Included in Appendix A is a paper providing suggestions on how to be effective in dealing with Town Boards for your use.

Earth Removal Bylaw and Amendment

The Town's Earth Removal Bylaw (ERB) outlines definitions and the scope of the permitting process. The bylaw is provided in Appendix B. In order for a permit to be issued by the Board of Selectmen (BOS), an application must be filed and a public hearing conducted. Based on information provided, the Board of Selectmen may grant or deny an application. The ERB was passed by Special Town Meeting in May, 1970 and amended in 1992. The ERB amendment states that no 'other' work can be performed at the site, once the Earth Removal Permit Application has been submitted to the Board of Selectmen.

Exemptions are provided from the ERB based on the volume to be removed, or when a subdivision plan is reviewed and approved by the Town's Planning Board.

There is no time frame provided for when an ERB permit must be issued by the Board of Selectmen in regards to the process of application, final approval or denial.

Rules and Regulations

Rules, regulations and forms utilized by the Board of Selectmen or their Agent are provided in Appendix D that outlines site inspection review requirements and quarterly fees.

Permitting Process

The present permitting process takes into account various reviews and approvals that have been added by the BOS over the years. A review by the Conservation Commission for site conditions that could impact water resource areas is required.

Conservation Commission

The Conservation Commission is required by statutory law to review any proposed work within one hundred feet (100 feet) of any water resource area. The Town's Conservation Commission's agent should be contacted and appropriate documentation provided. An ERB permit will not be issued unless the required permit application is submitted and approved.

Farm Plan

A farm plan outlines the property agricultural needs and can be prepared professionally by a private, local, state or federal entities. It is recommended that the applicant contact the Cape Cod Cranberry Growers Association for guidance on preparing a farm plan for submittal with the Middleborough Earth Removal request or upon completion of the permitting and earth removal process to be submitted with the Certificate of Completion or to be made part of the applicant's final package.

Town Taxes and Municipal Financial Obligations

The Town, through the Board of Selectmen and Town Tax Collector request an update of tax debt, by a proponent, with the application process. Information regarding the status of any existing property tax or other legal obligations to the Town monies that may be owed on the property is required to be submitted.

APPLICATION PROCESS

General

The process for submittal of an application for an ERB permit is as follows:

1. Applicant receives an application package from the BOS and is advised that the complete process, if it includes Conservation Commission hearings, may take up to eight (8) weeks.

The application package is available through email, by the BOS's Secretary. Please contact the BOS office for email address.

2. Applicant is advised to prepare a civil engineering plan that meets with the ERB permitting and project plan requirements to the Conservation Commission, along with Notice of Intent or other required forms.

Conservation Commission hearings require notification of abutters.

ConCom may require at least twenty one (21) days from receipt of a notice to schedule a hearing (recheck this out with Rosemary). And fourteen (14) days after the hearing the Order of Conditions may be issued.

3. If there are not any Conservation Commission requirements, proceed to No. 5.
4. Upon completion of required Conservation Commission public hearings and issuance of any Order of Conditions or finding - proceed to No. 5
5. Submit six (6) completed or revised plans, Project Plan and Order of Conditions to the Board of Selectmen's office and request a public hearing, along with a check for three hundred dollars (\$ 300.00), made out to the Board of Selectmen – Town of Middleborough.
6. Abutters are required to be notified by registered mail by the proponent.
7. The Board of Selectmen will submit a form for sign off and review by the Town Tax Collector/Treasurer for a check on whether property taxes, water, sewer or other financial obligations are current.

The BOS will review the application for completeness and advise that a public hearing can be advertised. The applicant is responsible for costs associated with advertisements.

8. A public hearing will be scheduled conducted by the Board of Selectmen at a regularly or specially scheduled meeting.
9. The Board of Selectmen will complete the public hearing and provide an Order of Conditions, if acted upon favorably no later than three (3) weeks after hearing.

Checklist

The town's representative will conduct quarterly inspections of the project and utilizes a checklist. This project checklist is included in the Appendix of this Application Package.

Project Plan

As part of the Application Package submittal, a project plan is required. The town's representative will review this proposed project schedule and work outline for compliance. The applicant can review with the town's representative and adjust if necessary - as site conditions warrant - with the expressed approval of the town's representative. Approval of any change to the project plan will be noted on the quarterly checklist.

APPENDIX A

PROJECT PLAN

APPENDIX A
PROJECT PLAN

The purpose of the project plan is to provide a written description of the property, Past activities, state permit requirements and how the project will move through construction. The project proponent is encouraged to 'paint a picture' of how the project will proceed over the requested permit time period. The following items must be included in the project plan.

1. Purpose of project
2. Description of site and prior work
3. Reasons for earth removal permit
4. Describe past earth removal activities and compliance issues that may have occurred.
5. How project will be constructed with phases and time lines provided
6. Time duration requested for permit
7. **Describe:**
 - a. The phases, associated time lines and anticipated (**volumes, yardage and daily truckloads**) to be removed each year.
 - b. Describe the buffer zones that are to be maintained from the site excavation or pond limits to the property lines, keeping in mind that a treed buffer zone is desired by the Board of 100 feet from individual property lines, and 200 feet from town roadways.
 - c. Any specific site conditions that require special attention.
 - d. Proposed dewatering system for the area should include the abutters who have overburden wells in the area (2000 feet in circumference).

Note that there may be a requirement of determining hydrological affects if abutters complain of insufficient waters in their wells.
 - e. If ponds -reservoirs - tailwater recovery systems are to be constructed, please utilize the Soil Conservation Service - Pond Specifications for Excavated Ponds, contained in the Appendix as guidelines.
 - f. Estimated volume of material to be excavated and removed from site.
 - g. Estimated volume and site location of materials to be kept on site
 - h. Maximum sloping
 - i. Show volume of pond required for bog size.

- j. Criteria for excavation of ponds and water storage areas
- k. Dust Control measures
- l. Erosion Control measures
- m. Final topsoil and plantings
- n. Is there proposed rock crushing?
- o. Is there proposed screening equipment?
- p. Is there additional equipment requested for the site?

8. Record Plans

Once the project is completed or permit times have been exhausted, the approved applicant is required to submit Completed record plans to receive the Town's Certificate of Completion and release any bond that has been secured for the project.

APPENDIX B
PLAN CHECK LIST

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

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

X _____

C. Civil Drawing Sheet Number 2 (as applicable)

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

NA _____
X _____
NA _____

APPENDIX C

EARTH REMOVAL BYLAW (S)

APPENDIX D

INSPECTION CHECKLIST

EARTH REMOVAL PERMIT
INSPECTION CHECKLIST

PROJECT NAME:

PROJECT #:

PAYMENT RECEIVED:

EXP. DATE:

YES _____ NO _____

CHECK # _____

LOCATION:

(CIRCLE YES OR NO)

1. Knowledge of Town Hall observed Holidays: **Yes No** Comments: _____

2. Topsoil stockpile: **Yes No** Comments: _____

3. Bond or surety in place: **Yes No** Comments: _____

4. Standard highway signs in place: **Yes No** Comments: _____

5. No refining or screening: **Yes No** Comments: _____

6. Provisions for dust control adequate: **Yes No** Comments: _____

7. Depth and slope compliance: **Yes No** Comments: _____

8. Drainage compliance: **Yes No** Comments: _____

9. Warning signs along property line meet requirements:
Yes No Comments: _____

10. Special conditions (Specified Below): **Yes No** Comments: _____
(ex: berm, 5 acre maximum, tree cutting, buffer, truck signs or assigned route, etc.)

General comments and observations: _____

Inspector's Signature

APPENDIX E
TYPICAL ORDER OF CONDITIONS

APPENDIX E

TYPICAL ORDER OF CONDITIONS

Board of Selectmen Conditions

1. Construction of the Ballfield 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 OR WILL PREPARE 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.
5. Blasting on site is discouraged. Special permission shall be provided by the Board of Selectmen, prior to permitting application to the town Fire Department.

General 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. Standard Conditions and Site Requirements
 - c. Special Conditions
 - d. Inspection Fees and Bonding

a, General Conditions

1. 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.

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** OR for a lesser time approved by the Board of Selectmen at the time of application and hearing - 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	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

5. 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.

6. The permit holder is not permitted to spot excavate to remove better material here and there on the site.

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

8. 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.

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

b. 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 - ____".

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.

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.

20. The Plan shall be modified to include the general location (no survey required) of the monitoring well.

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.

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.

23. Excessive noise levels, as determined by the Board of Selectmen'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.

c. Special Conditions

1. _____
2. _____
3. _____
4. _____

d. Inspection Fees and Bonding

Inspection Fees

1. An initial review to confirm compliance 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 Selectmen'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. The 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**.

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.

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.

APPENDIX F
APPLICATION FORM

APPLICATION FORM

The project proponent must submit the following information as part of the package for the Board of Selectmen. Incomplete packages will not be accepted by the Board's administrative staff.

It is suggested that the application package be completed by a registered civil engineer.

1. Set of Plans with completed checklist
2. Application Information and Project Plan .
3. Additional submittals as identified in the application information .
4. Conservation Commission Order of Conditions
5. **Application Fee of three hundred dollars (\$ 300.00)**

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: Old Colony Ymca - Frank Mc Donald

Address of Applicant: 61 East Grove St Middleboro

Town or City: Middleboro

Owner of Property: Old Colony Ymca

Location of Property: 375 Wareham Street

Assessor's Parcel and Map Numbers Map 073 Parcel 5813

Map _____ Parcel _____

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: New

Request for an Extension of Time for existing permit. _____

Existing Permit Number: _____

Parcel(s) Acreage: _____

Estimated Number of Cubic Yards to be Removed: 20,000 - 25,000 cubic yards

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

Widen existing Roadways, removal of gravel to create a level area for a ballfield, sports complex and concession stand.

3. Project Plan

Has a Project Plan being submitted with this Application?

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.

Right onto Route 28, Right onto Wood St Continuing
to Dodge water, Also left onto Route 28 to Route
445

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

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? _____

Permit No. _____ Registration No. _____

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

g. Expected Date of Project Completion: _____

5. Engineering General Information

Engineering Firm Name: Foresight Engineering

Engineer's Contact/Name: Darren Michaelis

Street: 518 County Road

Town/City W. Wareham

Phone Number: 508-245-2148

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?

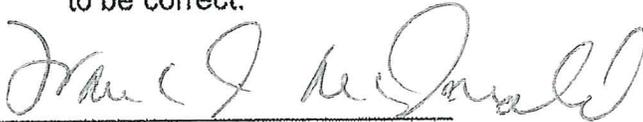
_____yes X no

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?

X yes _____ no

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



Signature of Applicant

FRANK D. McDONALD

Printed Name of Applicant

Date 7-15-16

Phone Number: 508-958-6600
508-947-1390

EARTH REMOVAL BY-LAW

ARTICLE 4: Voted by a majority vote to amend the Town's earth removal by-law adopted under Article 7 of the 1970 Special Town Meeting of May 28th, by deleting it in its entirety and substituting therefore the following:

TOWN OF MIDDLEBOROUGH EARTH REMOVAL BY-LAW

Section 1: DEFINITIONS

- A. The term "earth" shall mean all forms of soil, including, but limited to, loam, sand, gravel, clay, peat, hardpan or rock.
- B. The term "removal" shall mean stripping, excavating or blasting earth from one lot and carrying it away from said lot.
- C. The term "lot" shall mean a single parcel of land lying in a single body and separated from contiguous land by property liens, street lines, or Town lines.
- D. The term "property line" shall mean a line separating land in one ownership from land in a different ownership, or from other land in the same ownership. A municipal boundary shall be a property line.
- E. The term "owner" shall mean the owner of the land from which earth is sought to be removed.
- F. The term "Board" shall mean the Board of Selectmen of the Town of Middleborough.

Section 2: SCOPE

This By-law shall apply to all earth removal activities in the Town of Middleborough, except as otherwise limited herein.

Section 3: PERMITS REQUIRED

No earth shall be removed from any lot in the Town of Middleborough unless a permit shall have first been obtained by the owner from the Board pursuant to this By-law, except as otherwise provided herein. All permits granted by the Board shall be subject to conditions which will guarantee, to the satisfaction of the Board, proper and reasonable surface drainage during and after operations and reasonable re-use of available topsoil. The Board shall adopt regulations including, but limited to, exhibits, fees and bond requirements. The Board may impose permit conditions or restrictions on any permit in the best interest of the Town. The conditions or restrictions related to a permit, including the expiration date, shall be clearly set forth on the permit. No such permit shall be issued until an application therefore has been filed with the Board and the Board has held a public hearing on the application. Notice of the filing of an application and the date and time of the public hearing thereon shall be advertised, at the expense of the applicant, in a newspaper in general circulation in the Town, seven days at least before such hearing and by written notice to the Planning Board, the Conservation Commission and the abutters. Following the hearing, the Board may grant, grant in part, or deny the application.

Section 4: EXEMPTIONS

The following are exempted from the provisions of this By-law:

- a.) Any earth removal operations involving 25 cubic yards or less per lot per year.
- b.) Any earth removal operations involving 800 cubic yards or less per acre on lots of 4 acres or less occurring in conjunction with work subject to a valid Building Permit.
- c.) Any earth removal operations in compliance with the requirements of a subdivision plan approved by the Town's Planning Board.

Section 5: LENGTH OF PERMIT

A permit may be issued for a period of up to three (3) years. At the Board's discretion a permit may be extended for up to one (1) year beyond the initial permit period. If an Earth Removal project is not completed following the initial period plus any extension period, the applicant must reapply to the Board for a new permit to complete the project. The applicant must meet all By-law and regulation requirements in effect at the time of reapplication for a new permit. Current valid permits which are in effect prior to August 1, 1992, may continue in operation for up to three (3) years from the adoption of this By-law subject to all conditions and restriction of the permit and Article 7 of the May 28, 1970 Town Meeting By-law requirements without applying for annual renewal. Such existing earth removal project shall be subject to the provisions of this By-law after three years from the adoption of this By-law.

A copy of the earth Removal Order of Conditions must be filed with the Registry of Deeds, at the applicants expense, as a notice to all that the conditions restrict work on the lot under the Permit.

A Certificate of Completion must be issued by the Board of Selectmen at the completion of the project attesting that the project was completed in accordance with the approved plans. Issuance of the Certificate of Completion operates to terminate the permit. The Certificate of Completion must also be filed with the Registry of Deeds at the applicants expense.

Section 6: ENFORCEMENT

The Board of Selectmen shall be responsible for the administration and enforcement of this By-law. A violation of a condition or restriction of the permit shall be a violation of the By-law. The Town Manager shall be the Agent of the Board for enforcement purposes and may issue a written cease and desist order requiring the immediate cessation of all work on the permitted property if the Town Manager believes a violation of any condition or restriction of the permit has occurred. In the absence of the Town Manager the Board of Selectmen may designate another Agent. The Written order shall specify the alleged violation. A copy of the order will be given to the Board members as soon as possible after it is issued. The Board of Selectmen shall, within three (3) weeks of the issuance of the cease and desist order, hold a public hearing to review the facts and to determine whether a violation has occurred. If a violation is found, the Board, in its discretion, may revoke, revise or modify the conditions or restriction of the permit. The penalty for violation of this By-law shall be a fine of up to \$50 for the first offense, \$100 for the second offense and \$200 for each offense after the second offense. Each day of operation in violation of the By-law shall be treated as a separate offense.

Section 7: GENERAL PROVISIONS

An earth removal permit issued under this By-law shall not authorize a use which is not permitted under applicable provisions of the Town of Middleborough Zone By-law. No earth removal permit shall authorize screening or other processing of earth materials in a Residential Zone. This shall not be construed to prohibit screening of earth on a lot which is the subject of an earth removal permit, in a Residential Zone, for use on the same lot to provide gravel for roadways, loam for final grading and/or sand for bogs.

Section 8: SEVERABILITY CLAUSE

The provisions of this By-law are severable; and if any provision or application of such provision to any person or circumstances is held invalid or unconstitutional, this shall not affect the remaining provisions.

**Article 4 of 11/9/92 Special Town Meeting
Approved by Attorney General on 2/18/93**

ARTICLE 25: To see if the Town will vote to amend Section 3. Of its Earth Removal By-law, by adding the following paragraph:

After an Earth Removal Permit Application has been submitted, no tree removal, utility installation, ditching, grading or construction of roads, no grading of land, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be initiated on any part of that area in which the proposed earth removal will take place until the application has been received and approved and an Order of Conditions issued as provided for by this By-law, and that all activity, as described above, shall continue to be prohibited throughout the duration of the Earth Removal Permit except for what is permitted and referenced on the approved plan. This paragraph shall not apply to land in active agricultural use including normal maintenance of cranberry bogs.

Adopted at Fall 1996 STM

EARTH REMOVAL RULES & REGULATIONS

Initial Review:

An Initial Review to conform compliance with permit conditions and restrictions must be performed by the Board's Agent before the commencement of any earth removal activities. The fee for this review is due and payable at the time the permit holder notifies the Board's Agent that all requirements of the permit which must be done prior to the commencement of work have been accomplished, and the permit holder is ready for the agent to perform the Initial Review.

Quarterly Review:

Quarterly Reviews must be performed by the Board's Agent following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit. The fee for each such review is 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.

Required Reviews and Fees:

The fee for each review (both Initial and Quarterly) is based on the size of the earth removal project as follows:

<u>SIZE OF PROJECT</u>	<u># OF HOURS</u>	<u>HOURLY RATE</u>	<u>FEE</u>
Up to 250,000 c.yds.	10	\$40	\$ 400
250,000-500,000 c.yds.	15	\$40	\$ 600
500,000-750,000 c.yds.	20	\$40	\$ 800
Over 750,000 c.yds.	40	\$40	\$1600

Permit Duration and Commencement of Removal:

The Board of Selectmen may issue a permit for up to three years duration. If the earth removal work and site restoration is not completed within the initial permit period, the Selectmen may vote to extend the permit for one additional year, not to exceed a total of four years. If the Permit expires, either because the three year period ends without completion of the project and the Selectmen do not extend the permit, or, in the event of a one-year extension, the full four year period ends without completion of the project, the Permit Holder/Applicant just reapply to the Board, in the same manner as an Initial Application for a permit to complete the project. A public hearing will be held on the application, and notices to abutters will be required. The applicant must meet all By-law and regulation requirements in effect at the time of reapplication for a new permit.

If the permit period expires and work is not completed and the Permit Holder/Applicant does not reapply or is denied a permit on reapplication, the Board may elect to call any performance bond and use the proceeds to restore the area to a safe conditions, replace topsoil and seed the area.

Following the Initial Review by the Board's Agent, the Agent will file a written report with the Board of Selectmen. If the Agent reports that all permit conditions and restrictions which must be performed prior to commencement of removal have been

accomplished, the Board's Agent will notify the Board of the authorized date of Initial Removal. Said date will become the date of the commencement of earth removal for purposes of determining the duration of the Permit.

If actual earth removal does not commence within six months of the signing of the Earth Removal Order of Conditions by the Selectmen, the date of commencement of earth removal for purposes of determining the duration of the permit will revert to the date of the signing of the Earth Removal Order of Conditions.

COMPLAINCE REVIEW FORM

Standard Conditions:

Special Conditions:

Maintenance of:

- Buffers
- Signs
- Fences
- Slopes
- Dust Control
- Erosion Control

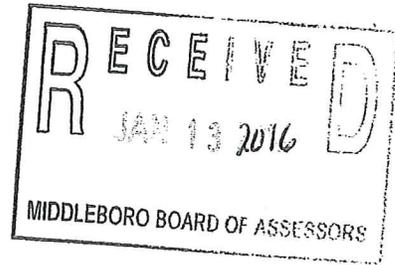
Complaints, if any, including date:

- Corrective action, if any, on complaints

Phone Contact to Abutters:

Construction in Compliance with Plan:

No Balance



CERTIFIED ABUTTERS LIST REQUEST

Date: 1-12-16

LOCUS: Map 73 Lot 5813 Unit _____

Property Address: 375 Wareham St

Board or Office For: Selectmen

Subdivision/Reason for Project: Earth Removal

Owner's Name(s) & Address: Old Colony YMCA

61 E. Grove St

Applicant Name & Address: Middleboro, ma
(if different from Owner)

CONTACT NAME & PHONE #: Sue Okolita 508-947-1390
ext 12

*Selectman's Office, Zoning Board and Planning Board require a certified abutter's list of all abutters within 300' in all directions including across the street. If it is for a Liquor License, all schools and churches within 500' will be included on the list.

*Planning Board also requires a Form E to be included with the submission of the list.

*Road Completion will include every parcel that abuts the roadway (locus lots) and every direct abutter to those lots (non-locus lots). The locus and non-locus lots will be listed on separate pages.

FEES: The Abutters list fee is \$25.00 for the first page or the first 13 abutters and then \$2.00 for each additional abutter on the remaining pages. The first \$25.00 is due with the submission of the request.

NO REFUNDS: Once the abutter's list request is submitted and completed by this office, absolutely no refunds will be given.

THE CERTIFICATION MAY TAKE UP TO 10 WORKING DAYS: The Contact Person will be notified once the certified abutter's list is complete.

parcel ID	Location	Owner name	C/O Owner	Mailing Address	City	State	Zip
072-4015	TISPAQUIN ST	CAMP AVODA, INC	C/O PAUL DAVIS	11 ESSEX ST	LYNNFIELD	MA	01940
072-5695	WAREHAM ST	CAMP AVODA, INC	C/O PAUL DAVIS	11 ESSEX ST	LYNNFIELD	MA	01940
073-4182	WAREHAM ST (OFF)	BROCKTON YMCA		320 MAIN ST	BROCKTON	MA	02401
073-5942	WAREHAM ST (OFF)	BROCKTON YMCA		320 MAIN ST	BROCKTON	MA	02401
079-831	369 WAREHAM ST	HERLIHY, SHAWN P ETAL		369 WAREHAM ST	MIDDLEBORO	MA	02346
079-839	371 WAREHAM ST	BAVIN, MARIE E		371 WAREHAM ST	MIDDLEBORO	MA	02346
080-1093	389 WAREHAM ST	TOWN OF MIDDLEBOROUGH RAMSEY, STEPHEN & MELISSA	WATER DEPT- WELL SITE	10 NICKERSON AVE	MIDDLEBORO	MA	02346
080-141	373 WAREHAM ST	PHELPS, TYLER B & BISSO, GINA M		373 WAREHAM ST	MIDDLEBORO	MA	02346
080-185	377 WAREHAM ST			377 WAREHAM ST	MIDDLEBORO	MA	02346
080-255	WAREHAM ST	BROCKTON YMCA		320 MAIN ST	BROCKTON	MA	02401



LOCUS

MAP 73 LOT 5813
375 WAREHAM STREET

OWNER NAME
OLD COLONY YMCA

APPLICANT NAME
OLD COLONY YMCA

PAGES
1

REASON FOR PROJECT

EARTH REMOVAL

NAME OF BOARD

SELECTMEN

CONTACT #

508 947-1390 X12

DATE

1/13/2016