
HEARINGS, MEETINGS, LICENSES

1-27-14

dated February 28, 2013. The EOEEA Secretary issued a Certificate on the Notice of Project Change on April 5, 2013 (the "Certificate"), determining that no further MEPA review was required. The Certificate noted that "the project was the subject of previous review under MEPA as an Environmental Notification Form in 1990 and a previous Notice of Project Change in 2004, for which EIRs were not required."

The Massachusetts Department of Environmental Protection ("MassDEP") determined that the proposed increase in daily tonnage was considered a solid waste management facility "expansion", and as such the proposed tonnage increase would require that the Landfill's solid waste site assignment be modified. Pursuant to the requirements of 310 CMR 16.22(2), an application for a Major Modification of a Solid Waste Site Assignment (BWPSW38) was required.

The instructions on the BWPSW38 Site Suitability Application for a Major Modification of an Existing Site Assignment indicate that when applying for a Major Modification, the applicant need only complete those sections of the form that concern criteria affected by the major modification as determined in writing by MassDEP. On September 4, 2013, MassDEP provided a Pre-Submittal Application Authorization indicating that in addition to a general narrative explanation of the proposed project, the following section/parts of the BWPSW38 application should be addressed: Part B - "Traffic", Part F2 - "Air Quality Impacts Non-Combustion Facilities" and Part G - "Nuisance Conditions".

On behalf of WMMA and the Town, Civil and Environmental Consulting, Inc. ("CEC") submitted the Site Suitability Application for a Major Modification of an Existing Site Assignment to MassDEP on September 9, 2013 (the "Application"). In response to the Application, MassDEP issued a Report on Site Suitability on November 19, 2013 (the "Site Suitability Report"), in which MassDEP determined that the proposed site assignment modification is suitable for the existing Landfill.

In accordance with the DEP Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00 (the "DEP SWF Regulations"), the Middleborough Board of Health (the "Board") scheduled its public hearing for December 18, 2013, within thirty (30) days of receipt of the Site Suitability Report, and proper notice of the December 18, 2013 hearing was given.

The Board held its public hearing on December 18, 2013. As provided under 310 CMR 16.20(10)(k), the Board is required to render its decision within forty-five (45) days of the December 18, 2013 public hearing, *i.e.*, by February 3, 2014.¹

This *Statement of Findings and Decision* is issued by the Board on the basis of the evidence presented at the public hearing in this matter (the "Record"). Pursuant to M.G.L. Chapter 111, Sections 150A and 150A½, and the DEP SWF Regulations, the

¹ The forty-five (45) day period is extended until February 3, 2014 because February 1, 2014 falls on a Saturday. 310 CMR 16.03(1).

Board issues this *Statement of Findings and Decision* on the site assignment modification application submitted by the Applicant to increase the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively.

II. STANDARD OF DECISION

The standard of decision for the Board is set forth at M.G.L. Chapter 111, Section 150A:

A local board of health shall assign a place requested by an applicant as a site for a new facility or the expansion of an existing facility unless it makes a finding, based on the siting criteria established by said section one hundred and fifty A½, that the siting thereof would constitute a danger to public health or safety or the environment.

MassDEP's regulations governing site assignment amplify this presumption in favor of granting a requested site assignment, and clarify that any adverse finding must be based on evidence in the administrative record:

A board shall determine that a site is suitable for assignment for a new or expanded solid waste facility unless it makes a finding, supported by the record of the hearing, that the siting thereof would constitute a danger to the public health, safety or environment, based on the siting criteria set forth and established under 310 CMR 16.40.

310 CMR 16.20(10)(k)2.

III. SUMMARY OF PROCEDURAL MATTERS

A. SELECTION OF A HEARING OFFICER

The DEP SWF Regulations provide that a Board of Health shall select, by majority vote, a Hearing Officer for the site assignment public hearing. 310 CMR 16.20(11). The Board selected John Shea, Esq., of Mackie Shea O'Brien, P.C., as the Hearing Officer for the public hearing on the Application.

B. PARTIES

In addition to the Applicant and the Board of Health, the DEP SWF Regulations provide that any person who with good cause wishes to intervene in a public hearing on a site assignment shall file a written request (petition) for leave to intervene. Persons whom the Hearing Officer determines are specifically and substantively affected by the hearing shall be allowed to intervene. Any abutter or group of abutters that files a timely Party Registration Statement before the hearing commences is deemed to be specifically and substantially affected, and eligible to register as an intervener to the hearing. Intervention

is limited to the issues of the impacts to public health, safety and damage to the environment and the elimination or reduction thereof. 310 CMR 16.20(9).

No requests for leave to intervene were filed for the public hearing.

C. SPECIFIC CRITERIA FOR REVIEW OF SITE SUITABILITY

The DEP SWF Regulations provide that “[a] major modification [of a prior site assignment] shall require submittal of a new site assignment application that addresses all criteria affected by the modification, as determined by the Department [of Environmental Protection] in writing, and shall be reviewed in accordance with the requirements established at 310 CMR 16.08 through 16.20.” 310 CMR 16.22(2). As noted above, on September 4, 2013, MassDEP provided a Pre-Submittal Application Authorization indicating that the criteria affected by the modification were limited to Traffic, Potential Air Quality Impacts and Nuisance Conditions.

D. PUBLIC HEARING

Peter Richer, Barry VanLaarhoven, Amy Knight, Jay Viamari and Jay Enos (the “Witnesses”) were sworn under oath, testified, and were available for cross-examination. The hearing was recorded by stenographer Alan Brock of Farmer Arsenault Brock LLC.

During the public hearing, a total of twenty-one (21) exhibits (identified as Exhibit # 1 through Exhibit #21) were entered into and accepted as part of the Record. *See* Record of Exhibits (attached).

IV. APPLICABLE SITE SUITABILITY CRITERIA

A. TRAFFIC AND ACCESS TO THE SITE

Under 310 CMR 16.40(4)(b), MassDEP must find that traffic impacts from Facility operations would not constitute a danger to the public health, safety, or the environment, taking into consideration the following factors:

- (a) traffic congestion,
- (b) pedestrian and vehicular safety,
- (c) road configurations,
- (d) alternate routes, and
- (e) vehicle emissions.

The evidence presented in the Record and at the public hearing indicates that the proposed modification will result in an average increase of approximately 14 truck trips per day, from approximately 38 truck trips per day to 52 truck trips per day, and a maximum increase of approximately 24 truck trips per day, from approximately 44 truck trips per day to 68 truck trips per day on peak days. Factoring in additional truck traffic associated with daily cover, up to 74 total truck trips per day may occur on peak days. The proposed increase in the Landfill's maximum daily tonnage will not result in an exceedance of the projected 200 truck trips per day identified in the previously authorized MEPA determination of 1990 regarding the development of the Landfill. Additionally, the projected maximum traffic trips of 74 truck trips per day is significantly less than MEPA's established vehicle emissions threshold criteria of greater than 3000 trips per day.

Upon review of the Application, MassDEP found that the proposed modification would not constitute a danger to public health, safety, or the environment when taking into consideration traffic congestion, pedestrian and vehicular safety, road configurations, alternate routes, and vehicle emissions.

Based on the foregoing, the Board has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(b), and the proposed modification will not result in traffic impacts which would constitute a danger to the public health, safety, or the environment.

B. POTENTIAL AIR QUALITY IMPACTS

Under 310 CMR 16.40(4)(f), MassDEP must find that the anticipated air emissions from the Facility would meet required state and federal air quality standards or criteria and would not otherwise constitute a danger to the public health, safety or the environment, taking into consideration:

- (a) the concentration and dispersion of emissions,
- (b) the number and proximity of sensitive receptors, and
- (c) the attainment status of the area.

The evidence presented in the Record and at the public hearing indicates that the proposed increase in daily tonnage will not involve any operations that will violate state or federal air quality standards. The anticipated truck trips will be approximately 52 on average waste acceptance days and 68 on peak waste acceptance days (or up to 74 taking truck traffic associated with daily cover into consideration), which is considerably less than the 200 trips per day identified in the previously authorized MEPA determination of 1990 regarding the development of the Landfill. Additionally, the projected maximum traffic trips of

74 truck trips per day is significantly less than MEPA's established vehicle emissions threshold criteria of greater than 3000 trips per day.

Landfill gas emissions are, and will continue to be, collected via the existing active landfill gas collection system, which will be expanded and improved as necessary as landfill operations progress.

Upon review of the Application, MassDEP found that the proposed modification would not constitute a threat to public health, safety, or the environment, taking into consideration the concentration and dispersion of emissions, the number and proximity of sensitive receptors, and the attainment status of the area.

Based on the foregoing, the Board has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(f) because the Facility will meet required state and federal air quality standards or criteria and will not otherwise constitute a danger to the public health, safety or the environment.

C. POTENTIAL FOR THE CREATION OF NUISANCES

Under 310 CMR 16.40(4)(g), MassDEP must find that the establishment or operation of the Facility would not result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration:

- (a) noise,
- (b) litter,
- (c) vermin,
- (d) odors,
- (e) bird hazards to air traffic, and
- (f) other potential nuisance problems.

The evidence presented in the Record and at the public hearing indicates that the proposed modification will not require additional landfill equipment. Therefore, additional equipment noise will not be generated as a result of the modification. Although the modification will result in some additional trucks accessing the Landfill, the noise impacts from such additional trucks will be minimal.

The potential for litter at the Landfill will continue to be mitigated by minimizing the size of the active working face, applying daily cover material, and using litter fencing in appropriate locations. In addition, WMMA will continue to use litter pickup crews to

perform general housekeeping of the Landfill and surrounding areas, including Plympton Street and abutting properties.

The potential for vermin will continue to be mitigated by diligently covering the active face of the waste disposal area with daily cover material at the end of each operating day and placing cover immediately, as necessary, when refuse loads which contain a high percentage of putrescible waste are delivered.

The potential sources of odors at the Landfill include emissions of landfill gas that are generated in the mass of the Landfill, including potential odors that are part of the as-received waste deposited at the active face of the Landfill. WMMA collects and controls the emissions of landfill gas generated throughout the mass of the Landfill through an active landfill gas collection and control system. The potential for odor impacts will continue to be mitigated by expansion of the existing landfill gas management system, and continued diligence during all stages of Landfill construction and operation. WMMA will continue to use operating measures to mitigate potential odor impacts, including minimizing the working face area for waste placement, scheduling excavation work during weather conditions that minimize generation of odors, using daily cover material, and using odor counteractant agents such as dry lime and other odor neutralizing/masking agents, as needed. WMMA will continue to maintain the 24-hour continuous emergency and hotline phone number to receive complaints related to Landfill operations, including any complaints related to odors.

The potential for bird hazards will be mitigated by WMMA's continued implementation of bird control techniques, which include timely cover placement, habitat control sonic devices, audible distress signals and use of a depredation permit. The techniques for bird control are implemented in accordance with the "Manual for Gull Control at Massachusetts Landfill" developed in part by MassDEP. The nearest airport to the Landfill is located approximately 13 miles away in Berkley, Massachusetts. According to MassDEP criteria, the applicable setback distance for a landfill to an airport is 2.5 miles for propeller-driven aircraft and 5.0 miles for jet-propelled aircraft.

Other potential nuisance impacts, such as dust, will be mitigated by wetting down sources of dust during dry periods, and using a street sweeper on the access road and other paved surfaces at the site to sweep dust and dirt, as necessary. WMMA has improved the roadways and extended the paved surfaces of the vehicle travel areas on the Landfill property. In addition, the residential solid waste and recyclable drop-off area is being improved with a new pavement surface. These ongoing improvements to Facility roadways will further mitigate the potential for dust.

In its Site Suitability Report, MassDEP noted that a review of MassDEP records indicated that litter, vermin and dust have not been an issue from the existing Landfill operations. Upon review of the Application, MassDEP found that the proposed modification would not result in nuisance conditions which would constitute a danger to

public health, safety or the environment, taking into consideration noise, litter, vermin, odors, bird hazards to air traffic, and other potential nuisance problems.

Based on the foregoing, the Board has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(g) because the proposed modification will not result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration noise, litter, vermin, odors, bird hazards to air traffic, and other nuisance problems.

V. SITE ASSIGNMENT DECISION

Based on the evidence presented in the Record and at the public hearing, the Board finds that the proposed major modification to the existing site assignment for the Middleborough Sanitary Landfill does not present a threat to the public health, safety or the environment. The Board therefore hereby approves the request to increase the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively, at the Middleborough Sanitary Landfill, 207 Plympton Street, Middleborough, MA., with the following conditions:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Pursuant to the provisions of M.G.L. Chapter 111, Section 150A, any person aggrieved by this decision may, within thirty (30) days of the publication of notice thereof, appeal under the provisions of M.G.L. Chapter 30A, Section 14.

Dated this ____ day of _____, 2014.

STATEMENT OF FINDINGS AND DECISION
MIDDLEBOROUGH BOARD OF HEALTH
_____, 2014

MODIFICATION OF EXISTING SITE ASSIGNMENTS
FOR MIDDLEBOROUGH SANITARY LANDFILL
207 PLYMPTON STREET, MIDDLEBOROUGH MA

MIDDLEBOROUGH BOARD OF HEALTH

By: _____

By: _____

By: _____

By: _____

By: _____

COMMONWEALTH OF MASSACHUSETTS

_____ SS.

_____, 2014

Then personally appeared the above-named _____
_____ as they constitute the Members of the Middleborough Board of Health
and acknowledged the foregoing instrument to be their free act, before me,

Notary Public
My commission expires:

STATEMENT OF FINDINGS AND DECISION
MIDDLEBOROUGH BOARD OF HEALTH
_____, 2014

MODIFICATION OF EXISTING SITE ASSIGNMENTS
FOR MIDDLEBOROUGH SANITARY LANDFILL
207 PLYMPTON STREET, MIDDLEBOROUGH MA

RECORD OF EXHIBITS

**TOWN OF MIDDLEBOROUGH
BOARD OF HEALTH**

**NOTICE OF DECISION
SITE ASSIGNMENT
TOWN OF MIDDLEBOROUGH, MASSACHUSETTS**

Public notice is hereby issued pursuant to M.G.L. Chapter 111, Sections 150A and 150A ½, and the Department of Environmental Protection Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00, that the Board of Health of the Town of Middleborough voted on _____, 2014 to issue a major modification to the existing site assignment for the Middleborough Sanitary Landfill located at 207 Plympton Street, Middleborough, MA. The Middleborough Sanitary Landfill is owned by the Town of Middleborough (10 Nickerson Avenue, Middleborough, MA 02346) and operated by Waste Management of Massachusetts, Inc. (26 Patriot Place, Suite 300, Foxborough, MA 02035).

The proposed site assignment modification requests an increase in the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively.

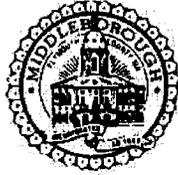
The Department of Environmental Protection has issued a report in which it determined that the proposed site assignment modification is suitable for the existing landfill.

Any person aggrieved by the decision of the Town of Middleborough Board of Health may, within thirty (30) days of publication of this Notice of Decision, appeal under the provisions of M.G.L. Chapter 30A, Section 14.

Middleborough Landfill

Draft Site Assignment Conditions

1. The Landfill Operator will monitor the streets in the vicinity of the landfill and adjacent properties on a daily basis for windblown litter and remove litter that has emanated from the landfill or waste hauling vehicles throughout the day and at end of day.
2. The Landfill Operator will perform odor patrols in accordance with the current Site Specific Odor Survey Plan twice daily during operating days and whenever the landfill is notified of a specific odor complaint.
3. The Landfill Operator will maintain an odor complaint hotline number, staffed 24 hours a day/7 days a week. Complaints to this number will be responded to within an hour by a Waste Management employee or consultant with experience in determining types and sources of landfill odors.
4. The Landfill Operator will maintain a log of all odor patrols and odor complaint response actions for review by the Board of Health which will be submitted to the Health Department on a quarterly basis.
5. The Landfill Operator will be responsible for sweeping the landfill entrance and adjacent streets as often as necessary to keep the paved surfaces reasonably free of dirt and mud to prevent the generation of dust.
6. The Landfill Operator will maintain a functioning water truck on site to be used as necessary to prevent the generation of excessive dust from the non-paved areas of the landfill.
7. The Landfill Operator will prohibit truck drivers from stopping, idling, or staging along Plympton Street, or other surrounding side streets, upon exit from the landfill. Signage will be installed adjacent to the weigh scale exit informing drivers of this prohibition.
8. The Landfill Operator will prohibit the queuing of trucks outside of the landfill entrance gate, or along Plympton Street adjacent to the landfill entrance, prior to the landfill opening, entering the landfill or exiting the landfill.
9. The Landfill Operator will plant and maintain deer resistant evergreen shrubs (e.g. arborvitaes, rhododendrons), with a minimum height of 5 feet, along the top of the earthen berm adjacent to the landfill entrance. The number of shrubs installed will be sufficient to create a visual barrier from adjacent residential properties. The Landfill Operator will replace any damaged or dead shrubs promptly (season/weather permitting) to ensure that the visual barrier is maintained.
10. The Landfill Operator will review the compost location and operation and maintenance procedures to eliminate any potential nuisance impacts to abutters.



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, January 27, 2014 at 7:40 PM, for the purpose of discussing an application filed by Marcus, Errico, Emmer & Brooks, P.C. on behalf of Cumberland Farms, Inc., for a Special Permit under the Water Resource Protection District By-law to allow for the construction of a convenience store and gasoline station at 90 East Grove Street, Assessors Map 65, Lot 299, 92 East Grove Street, Assessors Map 65, Lot 1112, and 147 Wood Street, Assessors Map 65, Lot 372 Zoning District – General Use, WRPD District Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

Stephen J. McKinnon
Allin Frawley
Ben Quelle
Leilani Dalpe
John M. Knowlton
BOARD OF SELECTMEN

Publish: January 16th & January 23rd, 2014

Payment forthcoming – Advertiser #300074



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

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

January 21, 2014

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

RE: Water Resource Protection District Application for Cumberland Farms located at 90
East Grove Street, Map: 065 Lots: 299, 372 & 1112.

Honorable Board,

I have reviewed the plans submitted by Marcus, Errico, Emmer & Brooks, P. C. for their request for a W.R.P.D. special permit for Cumberland Farms. I suggest that the board have the plans reviewed by our own engineer as this project does not require approval by any other town board. The property is zoned General Use, W.R.P.D. Z4 and this use would be allowed by special permit.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

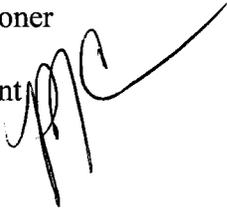


Town of Middleborough

CONSERVATION COMMISSION MEMORANDUM

TO: Board of Selectmen

CC: Ruth Geoffroy, Town Planner
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Patricia Cassady, Conservation Agent 

DATE: January 15, 2014

RE: W.R.P.D. Application: 90 East Grove St. (M65, L299), 92 East Grove St. (M65, L1112) & 147 Wood St. (M65, L372)

The above mentioned properties are not required to submit a permit application to the Conservation Commission because the properties are not within 100-feet of a wetland or within 200-feet of a perennial stream.

I did note that 92 East Grove Street (M65, L1112) has a small portion of the property mapped with the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program protected habitat. (See attached map) This state agency should also be notified of the proposed work.

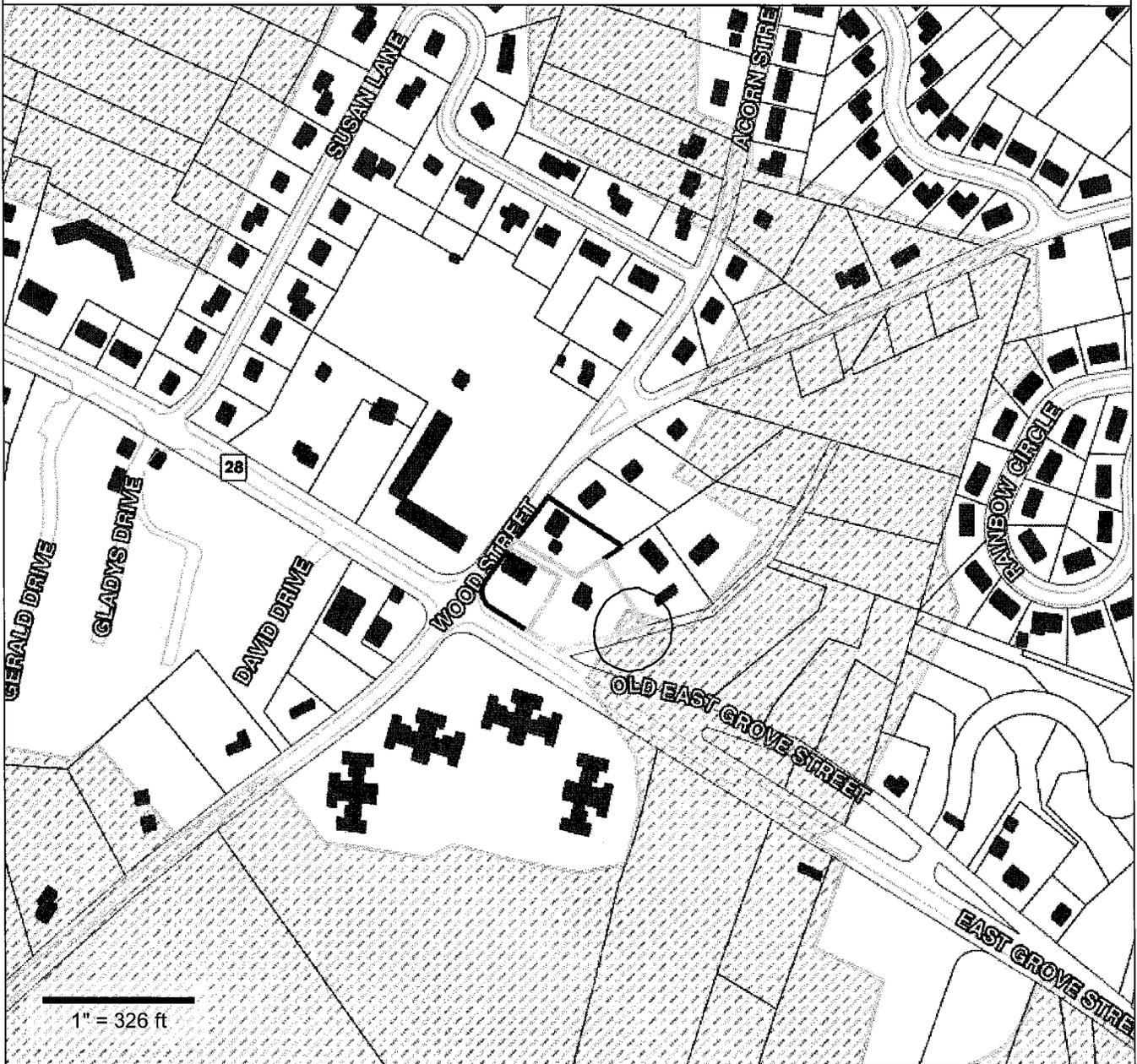
Although this area is within a W.R.P.D. Zone 4 I would hope that the gas tanks underground would be of the highest quality to prevent any contamination from entering the surrounding soil.

Also, Cumberland Farms should be vigilant in maintaining the proposed stormwater systems from run-off that contains residues from the gas station operation so as to prevent any contamination to the soils below. Because some of the soils are classified as Merrimac series they have moderate permeability in which contaminants could permeate through the soil quite easily. I would also recommend that stormwater maintenance records/logs be kept on site.

If you have any questions regarding this application don't hesitate to contact the Conservation Department at 508-946-2406.

pjc

90 & 92 East Grove & 147 Wood Sts. Natural Heritage Map



Property Information

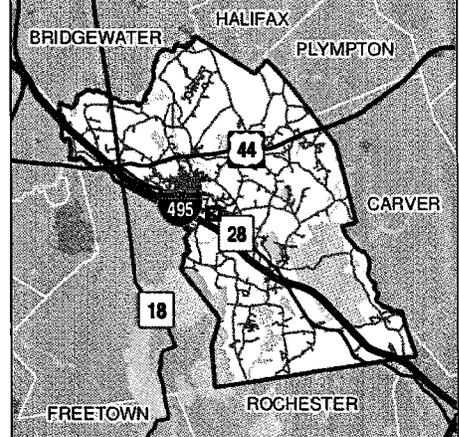
Property ID 065-1112
Location 92 EAST GROVE ST
Owner WALANTIS, BRENDA J TRST



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

Parcels updated 12/31/2012





Town of Middleborough
Massachusetts

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

DATE 12-20-13
NAME OF APPLICANT Kathleen Sousa, Cumberland Farms, Inc.
ADDRESS OF APPLICANT 100 Crossing Blvd., Framingham, MA 01702
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 508-270-1466

NAME OF BUSINESS _____
OWNER OF PROPERTY TO BE LICENSED Tomi, LLC-92 East Grove Street Realty Trust*
ADDRESS OF PROPERTY TO BE LICENSED 90 and 92 East Grove St. and 147 Wood St.
ASSESSORS MAP & LOT Map 065 - Lots 299, 1112 and 372

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____ WRPD Z4
Class I Automobile Dealer License _____ Earth Removal Permit _____
Class II Automobile Dealer License _____ Liquor License _____
Class III Automobile Dealer License _____ Junk Dealer _____
Entertainment _____ Other _____

Anticipated Start Date for Business: Spring 2014
Days & Hours of Operation: Seven days per week - 5 a.m. to 12 a.m.

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

Signature Cumberland Farms, Inc.
Kathleen A. Sousa

Land Planning Manager
DATE OF HEARING: TBD

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

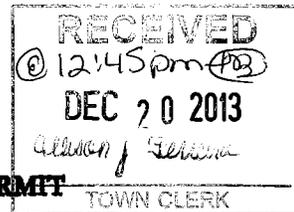
Dear Treasurer/Collector:

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

* and Red Fish ^{SH} Realty Trust

Judy M. MacDonald



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:	90 East Grove St.	92 East Grove St.	147 Wood St.
Map & Lot	065-299	065-1112	065-372
Zoning District	GU	GU	GU
	(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)		
WRPD District	- - Z4		
	(Z1, Z2, Z3, Z4)		

B. To allow for:

The construction of a convenience store and gasoline station at the above-referenced properties. The applicant further directs the Board's attention to the Memorandum in Support of the Applicant's Application for WRPD Special Permit in support herewith.

(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:

Kathleen Sousa
Printed full name (Individual)

Cumberland Farms, Inc.
Printed company name/~~engineering firm~~

Kathleen A. Sousa
~~Signature (Individual)~~ Land Planning manager

Bw: Kathleen A. Sousa
Signature (company/~~engineering firm~~)

100 Crossing Boulevard
Framingham, MA 01702
Address

ksousa@cumberlandgulf.com
Email address

(508) 270-1466
Daytime telephone

CHECKLIST FOR SITE PLANS

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

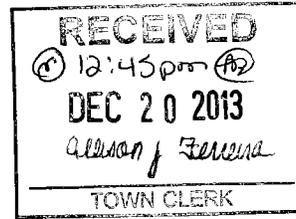
No.	Description	Initial	N/A
1.	One (1) electronic version of the site plans must be filed with the Board of Selectmen's office via email at jshanley@middleborough.com .	<u>DT</u>	_____
2.	Five (5) paper copies of the site plan must be filed with the Town Clerk's office, along with five (5) paper sets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

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

CHECKLIST FOR PROJECT WRITTEN NARRATIVE

No.	Description	Initial	N/A
1.	Provide a written narrative explaining how you see the project complying with the WRPD bylaws and regulations.	<u>DT</u>	___
2.	The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave.	<u>DT</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>DT</u>	___
4.	The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<u>DT</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>DT</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>DT</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>DT</u>	___
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	___	<u>DT</u>

**MARCUS, ERRICO,
EMMER & BROOKS, P.C.**
Attorneys At Law



Douglas A. Troyer
(781) 843-5000 ext. 140
dtroyer@mceb.com
admitted in: MA, ME

**MEMORANDUM IN SUPPORT OF CUMBERLAND FARMS, INC.'S
APPLICATION FOR WRPD-Z4 SPECIAL PERMIT**

TO: Town of Middleborough Board of Selectmen

FROM: Douglas A. Troyer

DATE : December 20, 2013

RE: Application for Water Resource Protection District - Z4 Special Permit submitted by Applicant Cumberland Farms, Inc. Relating to 90 & 92 East Grove Street, Map 65, Lots 299 & 1112 Respectively, and 147 Wood Street, Map 65, Lot 372 – General Use District

This Memorandum is submitted to the Town of Middleborough Board of Selectmen (hereinafter the "Board") on behalf of our client, Cumberland Farms, Inc. ("Applicant" or "CFI") in support of its application for a Water Resource Protective District ("WRPD") Z4 Special Permit relating to properties located at 90 & 92 East Grove Street, and 147 Wood Street, Middleborough, MA (the "Subject Property" or the "Site"). The Applicant seeks to raze the existing buildings and construct a new 4,513 sq. ft. convenience store with self-service gasoline sales.

The Property is located in a GU District to which Retail Use and Motor Vehicle Light Service are permitted as of right pursuant to Section 3.1(D)(10) & (12) of the Town of Middleborough Zoning Bylaws ("Bylaw") respectively. The Site is also located within the WRPD Z4. Therefore, the Applicant specifically seeks a Special Permit pursuant to Section 8.2.9(3)(j) of the Bylaw.

45 Braintree Hill Office Park, Suite 107, Braintree, MA 02184-8733
781.843.5000 ■ Fax 781.843.1529 ■ www.mceb.com

I. FACTUAL BACKGROUND

A. Summary of Existing Conditions, Proposed Use and Site Improvements

Tomi, LLC currently owns the property located at 90 East Grove Street - Map 065, Lot 299, which is in a GU District and within the WRPD Z4. The property is currently being operated as an automotive repair work station under a WRPD Z4 special permit granted by the Board in or around March 2006. (See copy of the Town of Middleborough Property Card of the above-mentioned property appended hereto as **Attachment "1"**).

92 East Grove Street Realty Trust owns the property located at 92 East Grove Street - Map 065, Lot 1112, which is also in a GU District and within the WRPD Z4. The property is currently used as a single family dwelling. (See copy of the Town of Middleborough Property Card of the above-mentioned property appended hereto as **Attachment "2"**).

Red Fish Realty Trust owns the property located at 147 Wood Street - Map 065, Lot 372, which is also in a GU District and within the WRPD Z4. The property is currently used as a single family dwelling. (See copy of the Town of Middleborough Property Card of the above-mentioned property appended hereto as **Attachment "3"**). 90 & 92 East Grove Street and 147 Wood Street shall hereinafter be referred to as "Subject Property."

CFI owns the property across the street from the Subject Property located at 87 East Grove Street - Map 065, Lot 1023, which is currently be used as a convenience store with gasoline use and currently seeks to move it operations across the street to the Subject Property. On May 24, 2013, CFI entered into a Purchase and Sale Agreement with the owners of the Subject Property for the sale of the Subject Property to CFI. Said sale is contingent upon CFI being able to obtain all necessary permitting to construct a convenience store with self-service gasoline sales on the Subject Property.¹

II. SPECIFIC DETAILS OF CFI'S PROJECT

1. Design

The Applicant will raze the existing buildings on the Subject Property and rebuild a new 4,513 sq. ft colonial-style convenience store, and provide self-service gasoline sales to its customers (generally referred to herein as the "Project").² The proposed colonial-style

¹ Please be advised that the current owners of the Subject Property have provided authorization to CFI to submit this application on their behalf, as they are the current owners of the land to be affected by the proposed request for relief. (See copy of the Owners' Authorization appended hereto as **Attachment "4"**).

² Pursuant to Art. 25 ("Structure Demolition By-Law") of the Town of Middleborough Bylaws, CFI has sought preliminary informal review by the Historical Commission of the Subject Property. The Historical Commission conducted an on-site visit in or around August 2013 and determined informally that it would have no interest in the three buildings which are proposed to be demolished in connection with CFI's Project and which would subject CFI to demo-delay bylaw. The Historical Commission further indicated that once

design will be consistent with the character of the buildings of the neighborhood and the Town. (See Proposed Site Plan submitted in support herewith).

In addition to raising the existing buildings and rebuilding a new colonial-style building, and making parking, traffic flow and other site improvements, the Applicant will construct four (4) gasoline islands with eight (8) self-service gasoline dispensers on the south westerly side of the lot; construct a protective canopy with downward-reflecting lighting over the gasoline islands; and install state-of-the-art underground storage tanks that meet all applicable EPA regulations. The Exterior Building Lighting Plan enhances safety on the Site and has been designed to keep lighting and glare within the Property lines. (See Exterior Lighting Plan submitted in support herewith). Also, the proposed drainage system, as discussed more fully below, will provide improved storm water management on the Site. Thus, the Project will have no negative impact on the natural environment.

The Applicant proposes having the operating hours of the convenience store and gas use being 5 a.m. to 12 a.m. daily. During operating hours, the Applicant will have at least four (4) employees with one (1) employee working who will supervise the operation of the gas use.

The landscaping is proposed to be enhanced throughout the site, and the design has avoided, where feasible, major topographic changes, and impact on natural environmental conditions, all as shown on the Landscaping Plan. (See Landscaping Plan submitted in support herewith). Furthermore, in order to maintain the landscaping improvements it is the intention of the Applicant to perform regular maintenance of the landscaping on the site in order to maintain its aesthetic function. Further, the dumpster area will be screened and will improve the aesthetics of the Property. The Project affords increased landscaped buffers and preserves views, light and air to surrounding properties.

The Applicant will also provide increased screening of the property in the rear and side buffer zones which abut the residential property located to the north of the Site. The Applicant intends to install a 6 foot vinyl fence around the dumpster enclosure and a staggered row of Dark American Arborvitae along the abutting property line where no wooded buffer currently exists. (See Landscaping Plan). It is CFI's position that effective use of topography, landscaping, and building placement has been made to the extent feasible to maintain and enhance the character of the neighborhood.

The colonial design mansard will be consistent with the character of the buildings of the neighborhood and the Town. The new building will be utilized and will be consistent with the scale of the buildings of the neighborhood and the Town. The proposed colonial-style design will distinguish the store fascia providing visual interest and the customer service area, loading area, and dumpsters will be screened. All electric power, telephone, cable TV and other utilities will be installed underground.

CFI purchased the Subject Property that it would conduct further research and make a formal determination at that time.

In addition, and in connection with the proposed gasoline sales use, the Applicant proposes to install underground storage tanks and piping with new, state-of-the-art double wall fiberglass tanks and piping.³ As stated above, the proposed double-wall fiberglass underground storage tanks and piping with associated monitoring devices enhance the environmental quality of the site by providing systems that meet and exceed those mandated by State and Federal regulations. The Applicant will install one new 20,000 gallon and one new compartmental tank of 20,000 gallons (one of 12,000 gallons and one of 8,000 gallons).⁴ Both tanks are double-wall fiberglass, rustproof underground storage tanks, with secondary containment, continuous leak detection, monitoring wells in the pad surrounding the tanks, and a built-in precision test capability. The Applicant will install a new Stage II vapor recovery line and a Veeder-Root TLS-350 interstitial monitoring system with an audio-visual alarm system. This state-of-the-art tank monitoring system manufactured by Veeder-Root provides continuous monitoring of the interstitial space of the double-wall tanks and leak detection that meets all applicable EPA regulations. The tank inventory monitor is connected to the Applicant's central computer system for dispatching trucks. Tank overfills are prevented because the Applicant's dispatcher will schedule deliveries only when tanks are empty and require filling. The added feature to this system is that, if any other system monitors are activated, the dispatcher is automatically notified. The system also notifies store employees immediately when the sensor is activated. When the tank is being filled, the inventory monitor acts as a high level gauge activating an audible and visual alarm when the volume in the tank reaches 90% of the tank volume. The driver is required to be at the tanker truck manifold and therefore has sufficient time to stop flow into the tank.

Further, spill containment manholes, where the tanker hose connects to the fill pipe, are required to contain only 3 gallons of potential spill. The Applicant's spill containment manholes can hold up to 25 gallons. Fuel dispensing hoses are equipped with "break away connections" which prevent spills should a customer forget to return the nozzle to the dispenser. These design and institutional features, such as the double-wall tanks and sophisticated monitoring system, provide adequate site and environmental protection and a technologically superior facility equipped to address any potential environmental concerns.

The Applicant further states that it has retained Environmental Compliance Services, Inc. which will provide monitoring efforts of the gasoline service station at the site.

Finally, the Project seeks to install one (1) free standing sign, one (1) wall sign on the front of the building, one (1) wall sign on the side of the building, and two (2) wall signs on the sides of canopy.

³ The Applicant has also filed an application for underground storage tank license in connection with the Project, which application is currently pending before this Board.

⁴ The compartment tank affords the opportunity for the sale of diesel fuel.

It is the Applicant's position that based on the above, the Site is an appropriate location for the proposed convenience store and continued gasoline service station uses, and that such uses are not detrimental to the established or future character of the neighborhood or town.

2. Intensity Regulations

CFI's project conforms with all intensity regulations provided for in a GU District. As provided for in CFI's Site Plan, the following information concerns CFI's compliance with the dimensional requirements for the Project:

ZONING DISTRICT: GU
INTENSITY REGULATIONS

	<u>REQUIREMENT</u>		<u>PROPOSED</u>
<u>MINIMUM LOT AREA</u>	NONE		69,179± Sq.Ft.
<u>MINIMUM LOT FRONTAGE</u>	75 FT		213.62' ALONG EAST GROVE STREET 261.72' ALONG WOOD STREET 191.07' ALONG OLD WOOD STREET
<u>MINIMUM FRONT YARD SETBACK TO EAST GROVE STREET</u>	35'		124.2' TO BUILDING 54.4' TO CANOPY
<u>MINIMUM FRONT YARD SETBACK TO WOOD STREET</u>	35'		84.6' TO BUILDING 60.6' TO CANOPY
<u>MINIMUM FRONT YEAR SETBACK TO OLD WOOD STREET</u>	35'		94.6' TO BUILDING 62.5' TO CANOPY

<u>MINIMUM REAR YARD SETBACK</u>	25'		28.8'
<u>MINIMUM LANDSCAPE SETBACK</u>	25' FRONT, 15' SIDE/REAR		26' FRONT, 16' SIDE/REAR
<u>MINIMUM LOT OPEN SPACE</u>	40% (27,672 Sq. Ft.)		51.7% (35,793 Sq. Ft.)
<u>PARKING SPACE DIMENSIONS</u>	10' x 20'		10' x 20'
<u>MINIMUM NUMBER OF PARKING SPACES</u>	1 SPACE/250 Sq. Ft. (GFA) (4,513 Sq. Ft. x 1 SP/250) = 18 parking spaces required		20 SPACES PROVIDED: - 17 CUSTOMER SPACES - 1 HANDICAP SPACE - 2 EMPLOYEE SPACES (NOT INCLUDING AN ADDITIONAL 8 SPACES AT DISPENSERS)
<u>LOADING</u>	NONE REQUIRED.		22.5' WIDE LOADING ZONE LOCATED AT THE NORTH EASTERLY PORTION OF THE SITE
<u>USE</u>	RETAIL -- ALLOWED BY RIGHT. MOTOR VEHICLE LIGHT SERVICE - ALLOWED BY RIGHT WRPD Z4 - SPECIAL PERMIT FROM BOARD OF SELECTMEN		CONVENIENCE STORE GASOLINE GAS SERVICE STATION <hr/> SELF-SERVE FUEL SALES

III. SPECIAL PERMIT UNDER WRPD Z4 OF THE BYLAW

Pursuant to 8.2.11 of the Bylaw the Board may:

After notice and public hearings and after due consideration of the reports and recommendations from the town boards/departments . . . grant a Special Permit provided that the proposed use meets the standards specified in [the] Bylaw and any regulations or guidelines adopted by the [Board] and provided that the [Board] finds that the proposed use:

1. Is in harmony with the purpose and intent of the WRPD Bylaw and will promote the purposes of the Water Resource Protection Districts;
2. Is appropriate to the natural topography, soils and other characteristics of the site to be developed;
3. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town; and,
4. Will not adversely affect existing or potential water supply.

It is the Applicant's understanding that the purpose of the WRPD is to protect the quality and quantity of drinking water; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

The Applicant respectfully submits that as described in Section II(1) above, and the plans submitted herewith, the construction of the Project will be: in harmony with the purpose and intent of the WRPD and will promote the purposes of the WRPD Z4 District; is appropriate to the natural topography, soils and other characteristics of the Site; will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town; and will not adversely affect existing or potential water supply. As provided above, in addition to the construction of a convenience store, the Site will be utilized as a gasoline station to which the underground storage tanks will include environmental safeguards such as continuous tank monitoring systems, leak line detector, and double-wall flexible fuel lines. The tanks will meet or exceed Federal and State requirements and offer enhanced protection to the Property and surrounding areas, and will allow for fewer gas deliveries. Additionally, all of the fueling system components will be state-of-the art and will include environmental protection measures such as piping, containment, and continuous monitoring.

Furthermore, the Project includes installing a new stormwater management system which meets the requirements of the MADEP Stormwater Management Handbook and will

infiltrate clean runoff from the rooftop areas, increase groundwater discharge, and route all surface runoff through water quality structures. This system is a significant improvement to the Site.

In response to the Checklist for Project Written Narrative Nos. 4-8 contained in the Town's application materials, the Applicant provides the following specific responses:

4. The Applicant directs the Board's attention to the Stormwater Management, Drainage Calculations & Best Management Practices Report, dated December 9, 2013, and prepared by MHF Design Consultants, Inc. ("Stormwater Report"), which provides the calculations for the proposed on-site stormwater retainage, storage tanks, and spill containment, on site drainage and recharge.

5. The Applicant states 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 groundwater. (See Plans submitted in support herewith and the Stormwater Report).

6. The Applicant states that this checklist item is not applicable to the Project.

7. The Applicant states that as provided more fully in Section II(1) above, the Applicant is utilizing appropriate methods in containing any spillage of hazardous wastes, sludges, dicing chemicals, fertilizers, or oil which may be used at the Subject Property.

8. The Applicant states that there will be no outside stored material which will impact the groundwater, thus this checklist item is not applicable to the Project.

IV. CONCLUSION

For all of the above reasons, the Applicant respectfully submits that it has shown sufficient evidence to support findings consistent with the grant of the WRPD Z4 Special Permit under Section 8.2.11 of the Bylaw. The Property will undergo a significant aesthetic upgrade in building design, lighting and landscaping, will offer improved drainage and waste disposal and will undergo a significant upgrade in Site circulation, traffic management and pedestrian and vehicular safety. The gas use has been designed with new, state-of-the-art storage tanks, monitoring systems, and other user and environmental safeguards. The proposed use will protect the quality and quantity of drinking water; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

Therefore, the Applicant respectfully requests that the Board grant the Special Permit as requested.

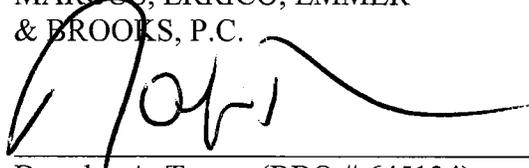
Should the Board require any additional information, please do not hesitate to contact me directly and I will seek to obtain and forward such requested additional information.

Thank you for your attention to this matter.

Respectfully submitted,
CUMBERLAND FARMS, INC.,

By its attorneys,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.



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Enclosures:

cc: Cumberland Farms, Inc. (*without plans*)



MIDDLEBORO, MA



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90 EAST GROVE ST

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Location 90 EAST GROVE ST
 Assessment \$337,600
 PID 8166
Mblu 065/ / 299/ /
 Appraisal \$337,600
 Building 1
Acct# 065-299
 Count
Owner TOMI, LLC

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$238,000	\$99,600	\$337,600

Assessment			
Valuation Year	Improvements	Land	Total
2013	\$238,000	\$99,600	\$337,600

Owner of Record

Owner TOMI, LLC
 Sale Price \$435,000
Co-Owner C/O HYLAN AUTO SALES
 Book & Page 32570/ 063
Address 90 EAST GROVE ST
 Sale Date 04/26/2006
 MIDDLEBORO, MA 02346

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
LEVESQUE, PAUL E TRUSTEE	\$170,000	15692/ 45	12/01/1997
CANNON, WILLIAM P	\$0	8973/ 341	02/03/1989

Building Information

Building 1 : Section 1

Year Built: 1968
Building Area: 4455
Replacement Cost: \$271,782
Depreciation Percent: 84
Replacement Cost
Less Depreciation: \$228,300

Building Photo

Building Attributes	
Field	Description
STYLE	Garage/Office
MODEL	Garage/Svc Sta
Grade	Above Ave
Stories:	1.5
Occupancy	1
Exterior Wall 1	Concr/Cinder
Exterior Wall 2	
Roof Structure	Gambrel
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Minim/Masonry
Interior Wall 2	Drywall/Sheet
Interior Floor 1	Concr-Finished
Interior Floor 2	Vinyl/Asphalt
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	AUTO REPR
Total Rooms	
Total Bedrms	00
Total Baths	2
1st Floor Use:	3320
Heat/AC	NONE
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & MIN WL
Rooms/Prtns	AVERAGE
Wall Height	14
% Comn Wall	0



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Building Layout



Building Sub-Areas			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	2700	2700	
FHS	Half Story, Finished	2700	1755	
		5400	4455	

Extra Features

Extra Features					Legend
Code	Description	Size	Value	Bldg #	
LFT2	LIFT-HEAVY	1 UNITS	\$4,200		1

Land

Land Use

Use Code 3320
Description AUTO REPR
Zone GU
Neighborhood 2500
Alt Land Appr No

Land Line Valuation

Size (Acres) 0.4
Frontage 0
Depth 0
Assessed Value \$99,600
Appraised Value \$99,600

Category

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			5000 S.F.	\$5,500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$262,000	\$136,300	\$398,300
2012	\$262,000	\$136,300	\$398,300
2011	\$264,100	\$136,300	\$400,400

Assessment			
Valuation Year	Improvements	Land	Total
2013	\$262,000	\$136,300	\$398,300
2012	\$262,000	\$136,300	\$398,300
2011	\$264,100	\$136,300	\$400,400

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92 EAST GROVE ST

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Location	92 EAST GROVE ST	Assessment	\$190,500	PID	8167
Mblu	065/ / 1112/ /	Appraisal	\$190,500	Building Count	1
Acct#	065-1112				
Owner	WALANTIS, BRENDA J TRST				

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$85,000	\$105,500	\$190,500
Assessment			
Valuation Year	Improvements	Land	Total
2013	\$85,000	\$105,500	\$190,500

Owner of Record

Owner	WALANTIS, BRENDA J TRST	Sale Price	\$235,000
Co-Owner		Book & Page	38430/ 87
Address	92 EAST GROVE ST MIDDLEBORO, MA 02346	Sale Date	04/16/2010

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
MORRILL, CECILE	\$0	3538/ 396	08/04/1969

Building Information

Building 1 : Section 1

Year Built: 1940
Building Area: 1548
Replacement Cost: \$149,598
Depreciation Percent: 52
Replacement Cost Less Depreciation: \$77,800

Building Photo

Building Attributes	
Field	Description
Style	Cape Cod
Model	Residential
Grade:	Average
Stories:	1 1/4 Stories
Occupancy	1
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	Wood Shingle
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Vinyl
Heat Fuel	Gas
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Rooms:	6 Rooms
Bath Style:	Average
Kitchen Style:	Average
Extra Kitchens	
Kitchenettes	
Interior Flr 3	



(http://gis.vgsi.com/photos/MiddleboroughMAPPhotos//00\01\29\72.jpg)

Building Layout



Building Sub-Areas			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1052	1052	
EAF	Attic, Expansion, Finished	902	451	
FAT	Attic, Finished	150	45	
FCP	Carport	240	0	
FOP	Porch, Open	90	0	
UBM	Basement, Unfinished	1052	0	
		3486	1548	

Extra Features

Extra Features				Legend	
Code	Description	Size	Value	Bldg #	
FPL1	FIREPLACE 1 ST	1 UNITS	\$1,800	1	
FLU2	FLUE-BRICK	1 UNITS	\$900	1	

Land

Land Use

Use Code 1010

Land Line Valuation

Size (Acres) 0.69

Description	SINGLE FAMILY	Frontage	0
Zone	GU	Depth	0
Neighborhood		Assessed Value	\$105,500
Alt Land Appr	No	Appraised Value	\$105,500
Category			

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			648 S.F.	\$4,500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$87,700	\$97,700	\$185,400
2012	\$94,400	\$105,900	\$200,300
2011	\$112,600	\$134,200	\$246,800

Assessment			
Valuation Year	Improvements	Land	Total
2013	\$87,700	\$97,700	\$185,400
2012	\$94,400	\$105,900	\$200,300
2011	\$112,600	\$134,200	\$246,800

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147 WOOD ST

[Sales](#)
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Location	147 WOOD ST	Assessment	\$202,200	PID	8165
Mblu	065/ / 372/ /	Appraisal	\$202,200	Building Count	1
Acct#	065-372				
Owner	WALANTIS, TODD TRUSTEE				

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$97,200	\$105,000	\$202,200
Assessment			
Valuation Year	Improvements	Land	Total
2013	\$97,200	\$105,000	\$202,200

Owner of Record

Owner	WALANTIS, TODD TRUSTEE	Sale Price	\$0
Co-Owner		Book & Page	42438/ 299
Address	90 EAST GROVE ST MIDDLEBORO, MA 02346	Sale Date	12/21/2012

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
WALANTIS, TODD	\$98,000	42438/ 292	12/21/2012
WELDON, EUGENE & CAROLINE	\$95,744	10506/ 2	09/30/1991
MANN, ALBERT & PAULINE	\$0	4268/ 174	05/23/1977

Building Information

Building 1 : Section 1

Year Built: 1915
Building Area: 1206
Replacement Cost: \$157,393

Building Photo

Depreciation Percent: 57
Replacement Cost
Less Depreciation: \$89,700

Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Grade:	Average
Stories:	1 1/4 Stories
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	Stone/Masonry
Roof Structure:	Gable
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Rooms:	5 Rooms
Bath Style:	Average
Kitchen Style:	Average
Extra Kitchens	
Kitchenettes	
Interior Flr 3	



(http://gis.vgsi.com/photos/MiddleboroughMAPotos//\00\01\45\93.jpg)

Building Layout



Building Sub-Areas			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	884	884	
FHS	Half Story, Finished	336	252	
EAF	Attic, Expansion, Finished	140	70	
FEP	Porch, Enclosed	634	0	
UBM	Basement, Unfinished	476	0	
		2470	1206	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FLU1	FLUE-CONCRETE	1 UNITS	\$900	1
FLU2	FLUE-BRICK	1 UNITS	\$1,000	1

Land

Land Use

Use Code 1010
Description SINGLE FAMILY

Land Line Valuation

Size (Acres) 0.48
Frontage 0

Zone GU **Depth** 0
Neighborhood **Assessed Value** \$105,000
Alt Land Appr No **Appraised Value** \$105,000
Category

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			320 S.F.	\$5,600	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$95,800	\$94,800	\$190,600
2012	\$103,100	\$101,300	\$204,400
2011	\$85,500	\$126,700	\$212,200

Assessment			
Valuation Year	Improvements	Land	Total
2013	\$95,800	\$94,800	\$190,600
2012	\$103,100	\$101,300	\$204,400
2011	\$85,500	\$126,700	\$212,200

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OWNERS' AUTHORIZATION

**Tomi, LLC
90 East Grove Street
Middleborough, MA
Map 065, Lot 299**

**92 East Grove Street Realty Trust
92 East Grove Street
Middleborough, MA
Map 065, Lot 1112**

**Red Fish Realty Trust
147 Wood Street
Middleborough, MA
Map 065, Lot 372**

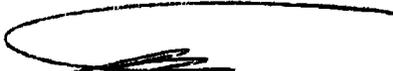
Tomi, LLC, 92 East Grove Street Realty Trust and Red Fish Realty Trust are the current owners of the properties referenced above. The undersigned hereby confirm the owners' consent to the filing and processing of the applications required for the permitting required for the construction of a convenience store and gasoline station by Cumberland Farms, Inc. and its agents.

90 East Grove Street
Tomi, LLC,



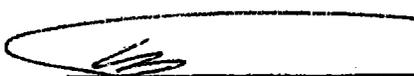
Todd H. Walantis, Manager

92 East Grove Street Realty Trust,



Todd H. Walantis, as Trustee

147 Wood Street
RedFishRealty Trust,



Todd H. Walantis, as Trustee

Dated: December 10, 2013



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, January 27, 2014 at 7:50 PM, for the purpose of discussing an application filed by Marcus, Errico, Emmer & Brooks, P.C. on behalf of Cumberland Farms, Inc., for an Underground Fuel Storage Tank permit with a total quantity of 32,000 gallons of all flammable liquids to be stored and a total quantity of 8,000 gallons of all combustible liquids to be stored for property located at 90 and 92 East Grove Street and 147 Wood Street, Assessors Map 065, Lot 299, Map 065, 112, and 372 Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

Stephen J. McKinnon
Allin Frawley
Ben Quelle
Leilani Dalpe
John M. Knowlton
BOARD OF SELECTMEN

Publish: January 16 2014

Payment forthcoming – Advertiser #300074



FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts

City/Town of Middleborough

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 90 + 92 East Grove Street and 147 Wood Street 065-299, 065-112, 065-372
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Tomi, LLC; 92 East Grove Street Realty Trust; Red First Realty Trust

Applicant: Cumberland Farms, Inc.

Address of Land Owner: See attached authorization

Address of Applicant: 100 Crossing Boulevard, Framingham, MA 01702

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
Gasoline*	IB	20,000	gal.	UST
Gasoline**	IB	12,000	gal.	UST
Diesel	II	8,000	gal.	UST

*compartment tank

**20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Land Planning Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Cumberland Farms, Inc.

Signature By: Kathleen A. Sousa Date _____ Name Kathleen A. Sousa, Land Planning Mgr
Kathleen A. Sousa

Fire Department Use Only

I, Lance Benjamin, Head of the Middleborough Fire Department endorse this application with my

Approval Disapproval

Signature of Head of the Fire Department [Signature]

Date 1/9/14

Recommendations: _____

OWNERS' AUTHORIZATION

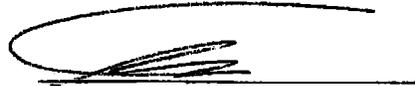
**Tomi, LLC
90 East Grove Street
Middleborough, MA
Map 065, Lot 299**

**92 East Grove Street Realty Trust
92 East Grove Street
Middleborough, MA
Map 065, Lot 1112**

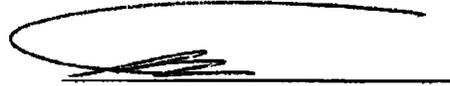
**Red First Realty Trust
147 Wood Street
Middleborough, MA
Map 065, Lot 372**

Tomi, LLC, 92 East Grove Street Realty Trust and Red First Realty Trust are the current owners of the properties referenced above. The undersigned hereby confirm the owners' consent to the filing and processing of the applications required for the permitting required for the construction of a convenience store and gasoline station by Cumberland Farms, Inc. and its agents.

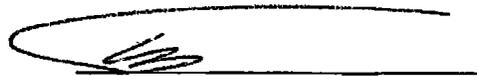
90 East Grove Street
Tomi, LLC,


Todd H. Walantis, Manager

92 East Grove Street Realty Trust,


Todd H. Walantis, as Trustee

147 Wood Street
Red First Realty Trust,


Todd H. Walantis, as Trustee

Dated: December 10, 2013



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, January 27, 2014 at 8:00 PM, for the purpose of discussing an application filed by G.A.F. Engineering, Inc. on behalf of Riverrock Realty Trust, for an Earth Removal Permit for property located 288 Thompson Street, Middleborough, Assessors Map 033, Lots 2968, 2065, 2146 & 1366. The reason for this request is for the construction of a cranberry bog and a water supply/tailwater pond. Anyone desiring to be heard on this matter should appear at the time and place designated.

Stephen J. McKinnon
Allin Frawley
Ben Quelle
Leilani Dalpe
John M. Knowlton
BOARD OF SELECTMEN

Publish: January 16, 2014

Payment forthcoming - Advertiser #300074



DESIGN ENGINEERS, INC.

ENGINEERS & ENVIRONMENTAL SCIENTISTS



January 23, 2014

Board of Selectmen
c/o Mr. Charles J. Cristello, Town Manager
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346

**Re: *Initial Engineering Review
Earth Removal Application
288 Thompson Street
ADE Project #2518.23***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of the site plans and application materials for the above-referenced project relative to a Special Permit request under the Earth Removal bylaw. The plans and materials are dated 12/30/13 and are prepared by GAF Engineering, Inc. for River Rock Realty Trust of Raynham, MA.

We have the following comments:

1. The certified abutters list is for Map 33 lots 1366 and 3656. These lots do not appear to match up with the lots on the plan or the application. Please clarify.
2. The following items were checked off in the Plan Checklist but could not be found in the information provided:
 - B.8 Distance of reservoir or excavations from property line of abutters.
 - B.12 Site of de-watering pond discharge or overflow.
 - B.23 Fencing
3. The anticipated truck trips per day is not provided. It should be estimated for each phase of the project construction.
4. It appears improvements may be needed at the site entrance at Fuller Street to accommodate the size and volume of trucks entering/exiting the site. The angle of the proposed access road is skewed and the radius is very tight.
5. De-watering plans, methodologies, details have not been provided. Are there any private wells nearby that may be affected?
6. Calculations and the criteria for sizing the reservoir have not been provided.

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



Board of Selectmen
c/o Mr. Charles J. Cristello, Town Manager
Initial Engineering Review
Earth Removal Application – 288 Thompson Street
January 23, 2014 – Page 2

7. With an excavation of over 75 feet deep proposed for the reservoir, will blasting be required?
8. The property line setback to the Sampson property to the north has not been labeled on the plans.
9. The dust control note on the plan is very general and not detailed enough to be effective or enforced. Please expand to include amounts, times, methods, etc.
10. The proposed operation times have not been provided.
11. A tracking pad should be provided at the entrance. Provide a detail of the pad also.
12. Erosion control measures should be provided downgradient of the temporary stockpile area adjacent to the bog/wetland/flood zone.
13. Are there any wetlands surrounding the pond on the southwestern corner of the site? The buffer zone should be shown to confirm that work is outside of it.
14. The SWPPP required for construction activities and compliance with the NPDES program, when finalized, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.
15. Provide grading of the access road to Fuller Street and address stormwater so that it does not affect or discharge onto Fuller Street.
16. The "Project Plan" submitted with the application should be dated and should also reference the site plans for more specific construction details.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski', written over a horizontal line.

Richard J. Tabaczynski, P.E.
Vice President

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD

Christopher Peck
D. P. W. Director

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



DIVISIONS
Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

January 21, 2014

Mr. Stephen J. McKinnon, Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: River Rock Realty Trust- Earth Removal Permit Review Letter

Dear Mr. McKinnon,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by River Rock Realty Trust. As part of the submittal I received the following:

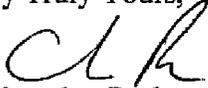
- Earth Removal Permit Application dated November 7, 2013, prepared for River Rock Realty Trust, prepared by GAF Engineering, Inc.
- MassDEP-WPA Form 2 Determination of Applicability dated November 7, 2013, prepared by GAF Engineering, Inc.
- Quitclaim Deed
- Certified Abutter's List dated November 5, 2013.
- Project Plan prepared by River Rock Realty

The Department of Public Works comments are as follows:

1. The Applicant should provide "Caution Trucks Entering and Exiting 288 Fuller Street" signs along both sides of Thompson Street prior to the intersection with Fuller Street. The signs will help alert vehicles going around the curve on Fuller Street that trucks may be in the roadway. In addition the same signs should be placed along Fuller Street to alert traffic of the project entrance.
2. The Applicant should provide a construction entrance/crushed stone apron in the area of the proposed access driveway. The purpose of the construction entrance is to prevent sediment from being tracked from the proposed driveway onto Fuller Street during the earth removal project. The construction entrance should be maintained throughout the duration of the project. The apron should be a minimum 18 feet wide by 50 feet long and be comprised of 1 ½ inch crushed stone placed a minimum depth of 8 inches. The other acceptable option would be to pave the access driveway at the same length and width.

3. The proposed 2:1 slopes of the earth removal area may be subject to erosion during both on-going and post construction. The Applicant has provided a method of temporary stabilization under the seeding and mulching notes but additional measures such as stump grindings may be required if the provided methods are not sufficient.

Very Truly Yours,



Christopher Peck
Director of Public Works

Cc: Town Manager



Town of Middleborough

CONSERVATION COMMISSION MEMORANDUM

TO: Board of Selectmen
Ruth Geoffroy, Planning Director
Chris Peck, DPW Superintendent

FROM: Patricia J. Cassady, Conservation Agent 

DATE: January 15, 2014

RE: Earth Removal Application – 288 Thompson Street (M33, Lots 2968, 2065, 2146 & 1366)

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

This proposal has a Negative Determination of Applicability from the Conservation Commission issued November 21, 2013. This permit did not need to be recorded at the Registry of Deeds.

Prior to the start of any earth removal a site inspection is required by the Commission to confirm that erosion controls have been installed properly to prevent impact to the wetland resource areas.

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

Thank you

pjc



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

November 7, 2013

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

**RE: Earth Removal Permit Application
Riverrock Realty Trust
288 Thompson Streets
Map 033, Lots 2968, 2065, 2146 & 1366
G.A.F. Job No. 13-8188**

Honorable Selectmen:

On behalf of our client, Riverrock Realty Trust, G.A.F. Engineering, Inc. submits the attached Earth removal Permit Application. The project involves the construction of a 3.5 acre cranberry bog and water supply/tailwater recovery reservoir. Enclosed for your review you will find 8 copies of the application and supporting documentation along with the filing fee in the amount \$300.00.

- Earth Removal Application
- WPA Form 2-Determination of Applicability
- Copy of Deeds
- Certified list of Abutters
- Application For License
- Assessor's Location Map
- Plans entitled "Proposed Cranberry Bog and Earth Removal Permit Plan" dated Nov. 7, 2013.
- Checklist for Plans & Project Plan

Thank you for your anticipated consideration of this request. Please feel free to contact me with any questions.

Sincerely,
G.A.F. Engineering, Inc.


William F. Madden, P.E.

WFM:cda

Copy to: Joe Arruda
Town Clerk

Enclosure

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

gaf@gaf-eng.com

3. Project Plan

Has a Project Plan being submitted with this application? Yes

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

4. Planning Information

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

Off the existing dike road take a left onto Fuller Street then a left or right onto Thompson Street. The left turn onto Thompson Street will take you to Route 44 and the trucks can go either right or left onto Route 44. Turning trucks onto Thompson Street brings them onto Route 105.

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

c. Has Order of Conditions by the Conservation Commission been issued: if so what is project number and date of conditions: Yes, Negative Determination Nov. 21, 2013

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? No

Permit No. _____ Registration No. _____

f. Has a Farm Plan been completed? No Please provide a copy.

g. Expected Date of Project Completion: January 2017

5. Engineering General Information

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

Engineer's Contact/Name: William F. Madden, P.E.

Street: 266 Main Street

Town/City: Wareham, MA 02571

Phone Number: 508-295-6600

7. Financial Obligations

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current? _____ yes √ no

8. Authorization of Applicant

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

 √ yes _____ no

William F. Madden agent
Signature of Applicant

WILLIAM F. MADDEN
Printed Name of Applicant

Phone Number: 508-295-6600



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

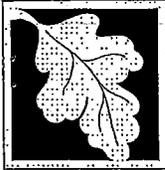
- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

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

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see Attachment) and the property owner (if different from the applicant).

Signatures:

Ronald Burgess

D. Jeffrey Erickson

Deborah Kirsch

John Medeiros

Janet Miller

Diane Stewart

Steven Ventresca

Date

November 21, 2013

List of Owners for 288 Thompson Street (Map 33, Lots 2968, 2065, 2146 & 1366)

Southbrook Development, Inc.

3 Chester Avenue

Berkley, MA 02779

B & T Realty Trust

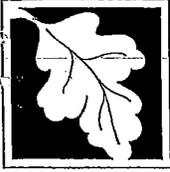
P.O. Box 265

Middleborough, MA 02346

Bayside Agricultural, Inc.

2417 Cranberry Highway

Wareham, MA 02571



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, 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 Department of Environmental Protection Regional Office (see Attachment) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

*** Electronic Recording ***

Doc#: 00066107

Bk: 43341 Pg: 57 Page: 1 of 2

Recorded: 07/12/2013 03:45 PM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 07/12/2013 03:45 PM
Ctrl# 065585 07513 Doc# Plymouth County Registry
Fee: \$410.40 Cons: \$90,000.00

QUITCLAIM DEED

Southbrook Development, Inc. a corporation duly established under the laws of the Commonwealth of Massachusetts and having its usual place of business at 3 Chester Avenue, Berkley, MA 02779

for **\$90,000.00** consideration paid

grants to **William R. Logan and Timothy S. Hashem as Trustees of B & T Realty Trust**, under a Declaration of Trust dated May 24, 2005 and recorded at the Plymouth County Registry of Deeds in Book 30579, Page 248 of PO Box 265, Middleborough, MA 02346

with quitclaim covenants

The land with the buildings thereon on Fuller Street in Middleborough, Plymouth County, and being shown as Lot 7 on a plan of land entitled "Plan of Land on Thompson Street and Fuller Street in Middleborough Massachusetts" which plan is dated May 22, 2013 and is recorded at the Plymouth County Registry of Deeds.

Said Lot 7 contains 80,000 S.F (1.84 AC) according to said plan.

For a more particular description reference is hereby made to said above mentioned plan.

The above described premises are conveyed together with benefit of and subject to all rights, rights of way, restrictions, easements and reservations of record if the same are in force and applicable.

The above described premises do not constitute all or substantially all of the assets of the Grantor corporation in the Commonwealth of Massachusetts. The within conveyance does constitute a sale or transfer in the ordinary course of the Grantor's business.

The above described property is a portion of the property conveyed to the Grantor by a deed from John Sarkes, Trustee to Southbrook Development, Inc., dated July 12, 2013 and recorded at the Plymouth County Registry of Deeds herewith.

PROPERTY ADDRESS: Lot 7, Fuller Street, Middleborough, MA 02346

IN WITNESS WHEREOF, the said Southbrook Development, Inc. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name by Marcus J. Baptiste, its President and Treasurer hereto duly authorized, this 12th day of July, 2013.

Southbrook Development, Inc.

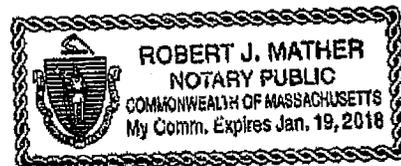
by M. J. Baptiste, President
Marcus J. Baptiste, President and Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

Plymouth: ss

On this 12th day of July, 2013, before me, the undersigned notary public, personally appeared Marcus J. Baptiste, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President & Treasurer of Southbrook Development, Inc..

Robert J. Mather
Notary Public: Robert J. Mather
My commission expires: January 19, 2018



Doc#: 00066128

Bk: 43341 Pg: 179 Page: 1 of 2

Recorded: 07/12/2013 03:55 PM

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 07/12/2013 03:55 PM

Ctrl# 065590 24136 Doc# Plymouth County Registry

Fee: \$4,332.00 Cons: \$950,000.00

QUITCLAIM DEED

PROPERTY ADDRESS: Thompson and Fuller Streets, Middleborough, MA

I, JOHN SARKES of P.O. Box 206, Harwich Port, MA 02646, as Trustee of the Glenfield Trust, A/K/A the Glenfield Family Trust, under Declaration of Trust dated March 19, 1996, and recorded in the Plymouth Country Registry of Deeds in Book 14225 Page 256, in consideration of the payment of Nine Hundred Fifty Thousand Dollars (\$950,000.00), the receipt of which is hereby acknowledged, GRANT, with QUITCLAIM COVENANTS, to SOUTHBROOK DEVELOPMENT, INC., a Massachusetts Corporation with a business address of 3 Chester Avenue, Berkley, MA 02779, the property at 288 Thomson Street, Middleborough, MA, described as follows:

A certain lot of land with the buildings thereon situated in said Middleborough on Fuller and Thompson Streets (and it is believed that at one time this land or this land plus another piece ran to Plympton Street), bounded and described as follows: On the Southeast by land formerly of one Simmons and land formerly of Grover Bennett now believed to be owned by Emil A. Sears; on the Northeast by land now or formerly of Marcus L. Urann and land formerly of Charles G. Phinney and now believed to be owned by William B. Burt; on the Northwest by Fuller Street and on the Southwest by Thompson Street.

Excepting however, from said premises, and lane running from said Thompson Street to Plympton Street.

The above described property is also shown on a plan entitled "Plan of Land Fuller & Thompson Streets Middleborough, Massachusetts November 14, 1989 William L. Phinney Registered Land Surveyor Middleborough, Massachusetts Owners: George and Mary T. Sarkes 288 Thompson Street Middleborough, Massachusetts which plan is recorded at Plymouth County Registry of Deeds in Plan Book 33 Page 142.

For my title see the deed to me, as Trustee, aforesaid, recorded in Book 14225 at Page 260.

I hereby certify that the property is not my principle residence and neither I nor the Trust beneficiaries have the benefit of an estate of homestead in said premises.

Signed Under the Pains and Penalties of Perjury this 12th day of July 2013.

John Sarkes Trustee
John Sarkes, Trustee

Commonwealth of Massachusetts

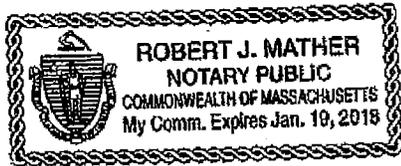
Plymouth
~~Barnstable~~, ss

On this 12th day of July 2013, before me the undersigned authority personally appeared John Sarkes, whose identity was proved to me through satisfactory evidence, *to wit: Mass drivers license* to be the person whose name is signed above, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]

Notary Public: Robert J. Mather

My Commission Expires: January 19, 2018



QUITCLAIM DEED

WILLARD A. RHODES and EDWIN A. WHITWORTH, Trustees of EDGEWOOD TRUST under a Declaration of Trust dated December 22, 1965 recorded with Plymouth County Registry of Deeds, Book 3264 Page 92, as modified and restated by instrument dated May 20, 1967 and recorded in said Registry in Book 3376 Page 204 as amended by instrument recorded in Book 4771 Page 155 thereof, for consideration paid grant to MILL POND CRANBERRIES, INC. a Massachusetts corporation having an usual place of business at 2417 Cranberry Highway, Wareham, Massachusetts, with QUITCLAIM COVENANTS, the following described parcels of land with buildings and improvements thereon situated in Middleboro, Plymouth County, Massachusetts described as follows:

1. A certain parcel of land situated on the southerly side of Fuller Street in the Town of Middleboro, the County of Plymouth and the Commonwealth of Massachusetts being bounded and described as follows:

Beginning at a point in the southerly side of Fuller Street at the northeasterly corner of land now or formerly of Richard C. Sampson et ux; thence

North 50° 01' 52" East	a distance of fifty and 26/100 (50.26) feet to a point; thence
North 78° 25' 52" East	a distance of thirty-four and 47/100 (34.47) feet to a point; thence
North 74° 34' 16" East	a distance of fifty and 70/100 (50.70) feet to a point; thence
North 76° 57' 22" East	a distance of fifty and 83/100 (50.83) feet to a point; thence
North 78° 37' 30" East	a distance of fifty and 57/100 (50.57) feet to a point; thence
North 81° 43' 23" East	a distance of fifty and 13/100 (50.13) feet to a point; thence
North 84° 34' 53" East	a distance of forty-nine and 49/100 (49.49) feet to a point; thence
North 89° 20' 34" East	a distance of forty-seven and 92/100 (47.92) feet to a point; thence
South 83° 45' 08" East	a distance of three hundred eighty-eight (388') feet to the easterly side of Raven Brook, so called, and the northwesterly corner of land now or formerly of Wayne Cashman et ux. The nine previous courses bounding on the southerly side of Fuller Street; thence

Southeasterly by the easterly side of the Brook nine hundred forty-eight (948') feet more or less to the easterly side of the road to the "Johnny Bog" so-called; thence

Southerly by the easterly side of said road two hundred sixty-seven (267') feet more or less to a

Location of premises: both sides of Fuller Street, Middleboro, Massachusetts

point; thence

Easterly a distance of eight (8') feet more or less to the high water mark of the Reservoir; thence

Southeasterly a distance of five hundred fifteen (515') feet more or less by the high water mark of said Reservoir to a corner of the dike road; thence

Southerly and crossing the aforementioned dike road a distance of twenty (20') feet to the high water mark of the Reservoir and the southerly side of the aforementioned dike; thence

Easterly by the high water mark and the southerly side of the dike a distance of eighty (80') feet more or less to the corner of the Reservoir and the corner of land now or formerly of Charles and Anna-Marie Barnhart. The six previous courses bounding on land of said Cashman; thence

Southerly and westerly a distance of one thousand five hundred fifteen (1515') feet more or less by the high water mark of the Reservoir and in the line of land of Charles Barnhart et ux and land now or formerly of Anne B. Williams to a point on the easterly side of the old dike; thence

Northerly a distance of twenty-nine (29') feet more or less by the easterly side of the dike to a point; thence

Westerly a distance of eight (8') feet more or less and crossing the old dike to the high water mark of a Reservoir; thence

Northerly a distance of two hundred twenty-five (225') feet more or less by the westerly side of the old dike to the high water mark of the Reservoir and the corner of said dike; thence

Westerly, northerly, westerly, northerly, westerly and southerly a distance of one thousand seven hundred and seventy-five (1775') feet more or less by the high water mark of the Reservoir to the end of a stone wall; thence

South 77° 35' 35" West a distance of fifty-eight and 00/100 (58.00) feet by the stone wall to a point; thence

South 79° 08' 29" West a distance of one hundred thirty-two and 65/100 (132.65) feet by the stone wall to a point and a corner of land now or formerly of George Sarkes. The six previous courses bounding on the land of said Williams; thence

North 18° 05' 15" West	a distance of two and 14/100 (2.14) feet to a concrete bound found; thence
North 18° 05' 15" West	a distance of one thousand four hundred twenty-two and 61/100 (1422.61) feet to a point; thence
South 67° 41' 39" West	a distance of one hundred thirtynine and 78/100 (139.78) feet to a point and a corner of land of said Richard C. Sampson et ux. The three previous courses bounding on land of said Sarkes; thence
North 28° 49' 19" West	a distance of one hundred nineteen and 07/100 (119.07) feet by the land of said Sampson, to a point in the southerly side of Fuller Street and the point of beginning.

The above described parcel of land contains an area of 38.4 acres more or less and is more particularly shown as "Lot 1" on a plan entitled "Division of Land for Edgewood Trust in Middleboro, MA 1"-100', Oct. 29, 1985, G.A.F. Engineering, P. O. Box 617, South Carver, MA" to be recorded herewith.

2. A certain parcel of land situated on the northerly side of Fuller Street in the Town of Middleboro, in the County of Plymouth and the Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the northerly line of Fuller Street at a corner of land now or formerly of V. S. Haseotes & Sons and the southeasterly corner of the parcel herein described; thence

North 83° 45' 08" West	a distance of nine hundred thirty-four and 23/100 (934.23) feet, in the northerly line of Fuller Street, to a point and a corner of "Parcel 7" as shown on said plan; thence
North 68° 01' 13" West	a distance of forty-five and 42/100 (45.42) feet to a point in line of land now or formerly of Ravenbrook Farms, Inc.; thence
North 28° 24' 16" East	by said land a distance of one hundred seventy-seven and 23/100 (177.23) feet to a point; thence
North 25° 15' 04" West	by said land a distance of three hundred sixty-three and 63/100 (363.63) feet to a point; thence
North 66° 22' 35" East	a distance of fifty and 50/100 (50.50) feet to a point; thence
North 33° 13' 47" West	a distance of one hundred nineteen and 62/100 (119.62) feet to a point; thence
North 19° 30' 21" East	a distance of two hundred sixty-five

and 07/100 (265.07) feet to a concrete bound found; thence

North 19° 30' 21" East a distance of eleven (11') feet more or less to the center of the Brook; thence

Northerly a distance of one hundred ten (110') feet by the center of the Brook to a point; thence

Southeasterly a distance of six (6') feet more or less to the easterly bank of the Brook; thence

North 59° 30' 17" East a distance of thirty (30') feet more or less to a concrete bound found; thence

North 59° 30' 17" East a distance of nine hundred forty-nine and 25/100 (949.25) feet to a concrete bound found; thence

South 17° 02' 21" East a distance of seven hundred ninety-four and 94/100 (794.94) feet to a concrete bound found; thence

South 06° 59' 47" West a distance of seven hundred ninety-five and 40/100 (795.40) feet to a point in the northerly side of Fuller Street and the point of beginning.

The above described parcel of land contains an area of 29.37 acres and is more particularly shown as "Lot 3" on a plan entitled "Division of Land for Edgewood Trust in Middleboro, MA 1"=100', Oct. 29, 1985, G.A.F. Engineering, P. O. Box 617, South Carver, MA" to be recorded herewith.

3. A certain parcel of land situated off of the northerly side of Fuller Street in the Town of Middleboro in the County of Plymouth and the Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein described at a corner of land now or formerly of Ravenbrook Farms, Inc.; thence

North 12° 00' 49" East a distance of one hundred eighty-two and 10/100 (182.10) feet to a concrete bound found; thence

North 24° 23' 40" East a distance of two hundred forty-four and 27/100 (244.27) feet to a concrete bound; thence

South 19° 30' 21" West a distance of two hundred sixty-five and 07/100 (265.07) feet to a point; thence

South 33° 13' 47" East a distance of one hundred nineteen and 62/100 (119.62) feet to a point; thence

South 66° 22' 35" West a distance of one hundred twenty-six and 43/100 (126.43) feet to a point and the point of beginning.

The above described parcel of land contains an area of 11,835 square feet of land and is more particularly shown as "Parcel 5" on a plan entitled "Division of Land for Edgewood Trust in Middleboro, MA 1"=100', Oct. 29, 1985, G.A.F. Engineering, P.O. Box 617, South Carver, MA" to be recorded herewith.

4. All of the right, title and interest that the within grantors may have in and to "Parcel 4" on said plan entitled "Division of Land for Edgewood Trust in Middleboro, MA, Scale 1"=100', Oct. 29, 1985, G.A.F. Engineering, P.O. Box 617, South Carver, MA". Said "Parcel 4" containing 19,143.5 square feet of land according to said plan to which reference may be had for a more particular description of same.

The above described premises are hereby conveyed together with the following rights and easements:

- A. The easement to pass and repass by vehicle and by any other means over "Parcel 7" on the above mentioned plan for purposes of access between Fuller Street and the above described "Lot 3" and "Parcel 5" as reserved by us in our deed to Douglas R. Beaton et al, Trustees of Stella House Real Estate Trust to be recorded herewith.
- B. The easement contained and more particularly described in the conveyance of National Fireworks, Inc. to Marcus M. Urann et als, co-partners d/b/a Three M Cranberry Company dated February 8, 1949 recorded with Plymouth County Registry of Deeds, Book 2642 Pages 27-28.
- C. The right and privilege contained and more particularly set forth in the deed of Clark and Cole Company to Fred W. Snow dated February 9, 1907 and recorded in said Registry in Book 984 Page 373.
- D. The right, privilege and easement contained and more particularly described in the conveyance by National Fireworks, Inc., to United Cape Cod Cranberry Co. dated February 26, 1942 recorded in said Registry in Book 1820 Page 599.
- E. The rights and easements reserved and more particularly described in our deed to Anne B. Williams, Trustee of Mill Pond Realty Trust dated July 9, 1984 recorded in said Registry in Book 5726, Pages 244-245.

The above described premises are also conveyed together with and subject to any other easements and rights of record subject or appurtenant thereto insofar as the same are in force and applicable.

Included with this conveyance are all sprinklers, irrigation equipment and other fixtures situated upon the within described premises.

For title references see the following deeds recorded with Plymouth County Registry of Deeds: deed of Richard C. Sampson et ux to Willard A. Rhodes, Trustee of Edgewood Trust, dated July 13, 1966 recorded in Book 3311 Page 379; deed of Willard A. Rhodes, Trustee to Willard A. Rhodes, Trustee of Edgewood Trust dated December 22, 1965 recorded in Book 3264 Page

98; deed of Willard A. Rhodes, Trustee of Ravenbrook Trust to Willard A. Rhodes, et al Trustees of Edgewood Trust dated August 26, 1975 in Book 4095 Page 681; and deed of Demetrios B. Haseotes et als General Partners to the within grantor by deed to be recorded herewith.

The consideration for this conveyance is \$905,500.00.

WITNESS our hands and seals this 9 day of December, 1985.

Willard A. Rhodes
Willard A. Rhodes, Trustee
as aforesaid

Edwin A. Whitworth
Edwin A. Whitworth, Trustee
as aforesaid

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

December 9, 1985

Then personally appeared the above named WILLARD A. RHODES and EDWIN A. WHITWORTH, Trustees as aforesaid and acknowledged the foregoing instrument to be their free act and deed, before me,

Robert E. Allen Jr
Notary Public
ROBERT E. ALLEN JR

My commission expires: 8-22-86

CANCELLED
COMMONWEALTH OF MASSACHUSETTS
DEEDS & EXCISE
DEC 10 '85 900.00
CANCELLED

CANCELLED
COMMONWEALTH OF MASSACHUSETTS
DEEDS & EXCISE
DEC 10 '85 264.54
CANCELLED

REC'D DEC 10 1985 AT 9:44 AM AND RECORDED

CHECKLIST

PLEASE COMPLETE CHECKLISTS FOR PLANS AND PROJECT PLAN AND INITIAL

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

C. Civil Drawing Sheet Number 2 (as applicable)

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

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.

- Purpose of project
- Description of site and prior work
- Reasons for earth removal permit
- Describe past earth removal activities and compliance issues that may have occurred.
- How project will be constructed with phases and time lines provided
- Time duration requested for permit

Describe:

The phases, associated time lines and anticipated yardage to be removed each year.

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.

Any specific site conditions that special attention.

Proposed dewatering system for the area should include the abutters who have overburden wells in the area (20000 feet in circumference).

Note that there may be a requirement of determining hydrological affects if abutters complain of insufficient waters in their wells.

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.

Estimated volume of material to be excavated and removed from site.

Estimated volume of materials to be kept on site

Maximum sloping

Show volume of pond required for bog size.

Criteria for excavation of ponds and water storage areas

Dust control measures

Erosion control measures

Final topsoil and planting

Completed record plans are required to receive the Town's Certificate of Completion

Project Plan
Riverrock Realty Trust
Cranberry Bog/Earth Removal Project

Project Purpose:

The project purpose is earth removal associated with the construction of a 3.5 acre cranberry bog and water supply reservoir/tailwater recovery pond.

The site is forested and is comprised of four (4) lots; 2065, 2146, 2968 and 1366, as shown on assessors map 033. All lots possess frontage on Fuller Street.

The earth removal is necessary to construct the cranberry bogs and water supply/tailwater recovery pond.

The project is likely to be constructed in phases over the three (3) year desired permit time frame.

Phasing:

Phase I. A 25 foot wide gravel haul road will be constructed essentially at grade and will begin at a centrally located position on lot 2968 and extend to the rear center of the proposed cranberry bog. Land clearing, stumping and grubbing will occur at the rear southeast and southwesterly portions of the site; up to, and including, the 20 foot wide cranberry bog dike road, separating the bog and pond approximately 7.7 acres. Material will be removed in this area to approximately el. 41.00. Approximately 400,00 cubic yards will be removed from this area over an 18-month time frame.

Phase II. The next phase of land clearing will progress toward Fuller Street. The limit of clearing ends over 200 ft. from the layout of Fuller Street. Excavation will continue down to el. 41 and approximately 200,00 cubic yards will be removed over a 9-month time frame.

Phase III. Phase III will consist of construction of the reservoir/tailwater recovery pond and cranberry bogs. This 9-month time frame should be adequate to remove the remaining 150,000 cubic yards of material and construct the bog and pond.

Buffers: Undisturbed natural vegetated buffers of 200 feet are provided from town roadways and 100 ft. from adjacent property lines.

Other: The estimated amount of material to be removed from the site is calculated at 743,512 cubic yards.

All topsoil is to remain on site for slope stabilization material, and for use in the construction of the cranberry bogs.

Side slopes are designed to be constructed at 2:1 slopes (horizontal to vertical) and are to be stabilized with loam and hydroseeded with a mixture of mulch, tackifier, seed, fertilizer and lime.

Slopes will be hydroseeded upon completion of the slopes within a particular phase.

