

HEARINGS, MEETINGS, LICENSES
1-30-12

SELECTMEN:

Chairman opens the public hearing by reading aloud the public hearing notice. Chairman asks to hear comments/questions. Chairman declares hearing closed. Board votes to deny the application only because the license is NOT available.

Jackie

(TOWN SEAL)

A hearing will be held by the Board of Selectmen on Monday, January 30, 2012 at 7:15 PM in the Selectmen's Meeting Room at the Town Hall, located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by Maataji, Inc., d.b.a. Cranberry Wines & Liquors for an All Alcoholic Beverages Package Goods Store Liquor license, property located at 51 Center Street, Middleboro, MA Assessors Map 50P, Lot 6215, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

BOARD OF SELECTMEN

Alfred P. Rullo, Jr.

Stephen J. McKinnon

Steven P. Spataro

Allin Frawley

Ben Quelle

Publish: January 19, 2012



Office of the Town Clerk and Accountant
Savings Bank Building
20 Centre Street
Middleborough, Massachusetts 02346-2250
508-946-2415

Sandra L. Bernier, CGA
Town Clerk and Accountant

March 3, 2003

COPY

To Whom It May Concern:

I do hereby certify the following vote was taken at the Special Town Meeting held on February 24, 2003, at which there was a quorum present:

ARTICLE 9: Voted unanimously to authorize the Board of Selectmen to submit a request for special legislation to the General Court as follows: not withstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the Town of Middleborough may issue a license for the sale of all alcoholic beverages not to be drunk on the premises under provisions of section fifteen of said chapter one hundred and thirty-eight to Charles B. Dillon d/b/a Cirelli Foods, Inc. Said license shall be subject to all the provisions of chapter one hundred and thirty-eight, except section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization or corporation or location; and provided further that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

Signed,

A handwritten signature in cursive script that reads "Sandra L. Bernier".

Sandra L. Bernier
Town Clerk of Middleborough

H 3729

Chapter 25

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Three

AN ACT AUTHORIZING THE TOWN OF MIDDLEBOROUGH TO ISSUE AN ADDITIONAL LI-
CENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:

Notwithstanding section 17 of chapter 138 of the General Laws, the licens-
ing authority of the town of Middleborough may issue a license for the sale of
all alcoholic beverages not to be drunk on the premises under section 15 of
said chapter 138 to Cirelli Foods, Inc. The license shall be subject to said
chapter 138 except section 17; provided, however, that the licensing authority
shall not approve the transfer of the license to any other person, organiza-
tion, corporation or location. The granting of this license shall reduce by 1
any increase in licenses granted due to census reapportionment under said sec-
tion 17.

House of Representatives, June 18, 2003

Passed to be enacted,

[Signature] Speaker.

In Senate, June 19, 2003.

Passed to be enacted,

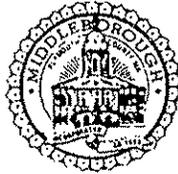
[Signature] President.

June 27, 2003. @ 3:31 pm

Approved,

[Signature]

ACTING Governor.



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, November 28, 2011 at 7:30PM, for the purpose of discussing an application filed by the Middleborough Department of Public Works for a Special Permit under the Water Resource Protection District By-law, for the Nemasket River Drainage Improvements Project and to improve water quality at the drainage outlets at the following locations: Mayflower Ave., Spencer Street, Wareham Street, and East Main Street. This project is located as Map 58F, Lot 2868, Map 58D, Lot 1565, Map 58D, Lot 872, and Map 051, Lot 4245, WRPD Z3. Anyone wishing to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Stephen J. McKinnon
Steven P. Spataro
Allin Frawley
Ben Quelle
BOARD OF SELECTMEN

Publish: November 10, 2011 and November 17, 2011

*Please bill: Town of Middleborough DPW
48 Wareham Street
Middleborough, MA 02346



DESIGN ENGINEERS, L.L.C.

ENGINEERS & ENVIRONMENTAL SCIENTISTS



December 7, 2011

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

Re: *Initial Engineering Review
Nemasket River Drainage Improvements
ADE Project #2518.17*

Dear Board Members:

Atlantic Design Engineers, LLC (ADE) has completed our initial engineering review of site plans for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans are revised dated September 2011 and are prepared by Weston and Sampson for the Town of Middleborough DPW.

We have the following comments:

1. The WRPD bylaw under Section XII.G.(3)(i)(iii) specifically excludes "primary drainage structures such as detention/retention basins, berms, water quality swales, etc., " from Special Permit allowed uses. The basins proposed on the plans all fall within the 25' zone and in the case of Mayflower Ave, a portion of one of the basins falls within a flagged wetland area. However, this work could be considered by the Board as falling under Section XII.G (3)(i)(i) – "limited projects" as it appears to meet the Wetland Protection Act definition of limited projects in 310 CMR 10.53 (3)(f) – "Maintenance and improvement of existing public roadways, but limited to widening less than a single lane, adding shoulders, correcting substandard intersections, and improving inadequate drainage systems."
2. The plans provided with the application are not signed and stamped by a PE. We recommend that the Special Permit, if granted, be conditional such that final plans, signed and stamped by a PE, be provided to the Board prior to construction. These plans should show the following that are missing on the original plans submitted:
 - a) 25' Zone surrounding the wetlands.
 - b) Details related to de-watering activities to ensure no direct dewatering to the wetland areas.
 - c) Construction notes, details and methods for controlling erosion siltation during construction.

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. Christello, Town Manager
Initial Engineering Review
Nemasket River Drainage Improvements
December 7, 2011 – Page 2

- d) Additional plans and information on wetland replication areas, which are not shown on the plans provided. We assume these replication areas are also in the 25' zone to wetlands and therefore will need to be part of the Special Permit under Section XII.G.3.(i)(iii) – Creation of wetland replacement.
3. The WRPD bylaw does not specifically address or mention activities related to wall replacement along a bank of a river like that proposed for the fish ladder project. This activity requires work directly in wetland area and work within the 25 foot zone that is unavoidable due to the nature of the project. However, the Board could consider the project as falling under Section G.3.(a) – alteration of existing non-conforming structure that does not increase or create a new non-conformity.
 4. Section XII G.2.(c) of the WRPD bylaw prohibits removal of soil within 2' of high groundwater. All of the basins appear to be excavated closer than 2' to high groundwater and in the case of Spencer Street, below high groundwater. However, the Board could consider the drainage basins as "utility works" which are exempted from this requirement.
 5. The basins appear to be designed as infiltration basins, yet, as stated above, they do not appear to have adequate separation to groundwater to properly function as infiltration basins. (DEP requires two (2) foot minimum separation). In addition, the soil test pit data on the plans do not seem to indicate proper soils for infiltration.
 6. The wetland line shown on the plans for Mayflower Ave stops in the middle of the embankment for the northern basin. The limit of wetland and 25' zone should be fully delineated to completely identify the limit of work within the wetlands and 25' zone.

Note that drainage calculations have not been provided and are not part of this review. Therefore, we cannot comment on the size or adequacy of the proposed stormwater systems.

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 white background.

Richard J. Tabaczynski, P.E.
Vice President



Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Ruth Geoffroy, Town Planner
Patricia Cassady, Conservation Commission Agent
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Confidential Secretary to the Board of Selectmen

DATE: November 8, 2011

SUBJECT: W.R.P.D. Application

Attached is a W.R.P.D. application filed by the DPW for a Special Permit under the Water Resource Protection District By-law, *to improve water quality at the drainage outlets at the following locations: Mayflower Ave., Spencer Street, Wareham Street, and East Main Street within twenty-five (25) feet of a fresh water wetland.* This property is identified as **Map 58F, Lot 2868, Map 58D, Lot 1565, Map 58D, Lot 872, and Map 051, Lot 4245, WRPD Z3** of the Water Resources Protection District.

The Selectmen will conduct a hearing on this application on **Monday, November 28, 2011, at 7:30 PM.**

Further information and a copy of the plan are attached.

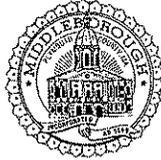
All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Monday, November 21st by 12 Noon.**

Even if you have no comments to make regarding the plan, please send a note stating that you have reviewed the plans.

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

Attachments

xc: Board of Selectmen
Town Manager



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

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

November 18, 2011

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

RE: W.R.P.D. Application for Mayflower Ave, Spencer Street, Wareham Street and East Main Street, Assessor's Map 58F, Lot 2868, Map 58D lot 1565, Map 58D Lot 872 and Map 051 Lot 4245 WRPD Z3.

Honorable Board,

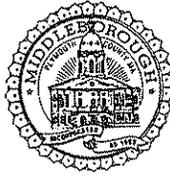
I have reviewed the plans submitted by the Middleborough Department of Public Works for a special permit under the Water Resource Protection District By-Law for the Middleborough Nemasket River Drainage Improvements. Middleborough WRPD regulations allow for such activity within twenty-five (25') feet of a "fresh water wetland."

I would support this request.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d



Town of Middleborough

CONSERVATION COMMISSION

MEMORANDUM

TO: Board of Selectmen

FROM: Patricia J. Cassady, Conservation Agent 

DATE: November 18, 2011

SUBJECT: W.R.P.D. Application – Nemasket River Stormwater Pollution Mitigation, Mayflower Avenue, Spencer Street, Wareham Street, and East Main Street (Map 58F, Lot 2868, Map 58D, Lot 1565, Map 58D, Lot 872, Map 51, Lot 4245)

The above-mentioned is to improve water quality at the drainage outlets at Mayflower Avenue, Spencer Street, and East Main Street and work on a concrete wall at the fish ladder on Wareham Street located within 25-feet of the fresh water wetlands.

The Conservation Commission issued an Order of Conditions for Mayflower Avenue, Spencer Street and East Main Street on May 19, 2011 under DEP file #SE220-1141 to approve the project with special and standard conditions. (See attached Order)

The Conservation Commission issued an Order of Conditions for the Wareham Street reconstruction of a concrete block wall located on the Nemasket River on October 19, 2006 under DEP file #SE220-1015 and an Extension Permit for these same orders on September 17, 2009 which make the permit valid till October 19, 2012. (See attached Order and Extension Permit).

Neither the Nemasket River Stormwater Pollution Mitigation nor the Wareham Street reconstruction of a concrete block wall were submitted to the Conservation Commission under the Notice of Intent as a Limited Project (310 CMR 10.53(3)), however this project does fall within other exemptions with regard to the W.R.P.D.

Under Section XII (3) G. 3. i. ii: Creation of wetland replacement or flood storage mitigation for the wetland replication that is required due to the alteration of bank with the replacement of the concrete wall at Wareham Street.

Under Section XII (3) G. 3. i. iii: Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including

W.R.P.D. Application – Nemasket River Stormwater Pollution Mitigation

primary drainage structures such as detention/retention basins, berms, water quality swales, etc. This would apply to the drainage outfalls that are proposed.

Additional comments I had were that the wrong Order of Conditions was included in the W.R.P.D. application, I have attached the correct ones. The proposed drainage mitigation on East Main Street is within a Zone II to the East Main Street wells #1 & #2.

Also note that no work should take place at the Wareham Street fish ladder between March 15 and June 15 of any given year due to the herring migration.

If you have any other questions or concerns I can be contacted at 508-946-2406.

pjc



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

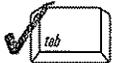
FILE

DEP File Number:

SE220-1015

A: General Information

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



From: Middleborough
 1. Conservation Commission

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

3. To: Applicant:

<u>James</u> a. First Name	<u>Coffin</u> b. Last Name	<u>Middleborough/Lakeville Fishery Committee</u> c. Company
<u>20 Center St.</u> d. Mailing Address		
<u>Middleborough</u> e. City/Town	<u>MA</u> f. State	<u>02346</u> g. Zip Code

4. Property Owner (if different from applicant):

<u>Town of Middleborough</u> d. Mailing Address	<u>10 Nickerson Ave.</u> e. City/Town	<u></u> b. Last Name	<u></u> c. Company
<u>Middleborough</u> e. City/Town	<u>MA</u> f. State	<u>02346</u> g. Zip Code	

5. Project Location:

<u>between 34 & 48 Wareham St.</u> a. Street Address	<u>Middleborough</u> b. City/Town	
<u>58D</u> c. Assessors Map/Plat Number	<u>872</u> d. Parcel/Lot Number	
<u>Latitude and Longitude, if known (note: electronic filers will click for GIS locator):</u>	<u></u> e. Latitude	<u></u> f. Longitude

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

<u>Plymouth</u> a. County	<u></u> b. Certificate (if registered land)
<u>659</u> c. Book	<u>485</u> d. Page

7. Dates: 8/8/06 a. Date Notice of Intent Filed 10/19/06 b. Date Public Hearing Closed 10/19/06 c. Date of Issuance

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

<u>Reconstruction of Block Wall on Nemasket River Plan, Elevation & Details</u> a. Plan Title		
<u>Weston & Sampson Engineering</u> b. Prepared By	<u>Michael E. Martel PE</u> c. Signed and Stamped by	
<u>9/7/06</u> d. Final Revision Date	<u>as noted</u> e. Scale	
<u>Reconstruction of Block Wall on Nemasket River</u> f. Additional Plan or Document Title		<u>10/3/06</u>

David J. Conroy
 12/15/06



B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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

Denied because:

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

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

3. <input type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				a. linear feet
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	52.0	52.0	52.0	52.0
	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland				
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways				
	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



WPA Form 5 – Order of Conditions

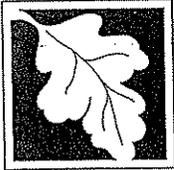
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront area	520			
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		52.0
Sq ft between 100-200 ft	520			
	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet

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

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	0			
	a. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

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

"File Number 220-1015"



C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See attached

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
Conservation Commission
3. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

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

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

a. Municipal Ordinance or Bylaw

b. Citation

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

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document

SE220-1015

SPECIAL CONDITIONS

This permit is granted by the Middleborough Conservation Commission to benefit the migration of the herring population through the Nemasket River:

No work is to take place in the Nemasket River, for this project, between March 15th and June 15th per 310 CMR 10.35 (3).

Work to be done at low water in Nemasket River.

Conservation Commission to be supplied with copies of all permits necessary for this project before work commences.

Commission to be notified of date(s) of work.

Any area of bank that may be disturbed by the permitted activity is to be restored immediately after the work has been completed. Hay mulch shall be placed on the disturbed area until vegetation has been re-established.

The Conservation Commission and/or Agent shall be notified immediately of any field changes to this permit.

Food grade fluids are to be used in all machinery associated with this project.

TOWN OF MIDDLEBOROUGH
CONSERVATION COMMISSION

STANDARD CONDITIONS

APPLIES
YES NO

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

APPLIES

YES NO

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

E. Issuance

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

10/19/06
 1. Date of Issuance
4
 2. Number of Signers

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

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

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

Signatures:

[Signature]
[Signature]
Patricia E. Delaney

Notary Acknowledgement

Commonwealth of Massachusetts County of _____

Plymouth

On this 19th of _____

Oct 2006
 Month Year

Before me, the undersigned Notary Public, personally appeared _____

Deborah Kirsch
 Name of Document Signer

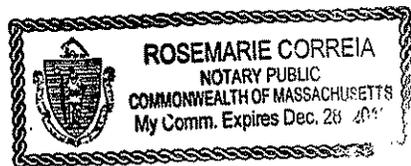
proved to me through satisfactory evidence of identification, which was/were _____

Personally known

Description of evidence of identification _____

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

As member of _____ Middleborough Conservation Commission
 City/Town



Rosemarie Correia
 Signature of Notary Public
Rosemarie Correia
 Printed Name of Notary Public
12/28/12
 My Commission Expires (Date)

Place notary seal and/or any stamp above

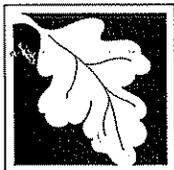
This Order is issued to the applicant as follows:

by hand delivery on _____

by certified mail, return receipt requested, on _____

Date

Date



WPA Form 5 – Order of Conditions

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

F. Appeals

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

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

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



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

220-1015
Provided by DEP

A. General Information

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



1. Applicant:

David J. Cavanaugh, Chairman - Middleborough Lakeville Herring Fishery Commission

Name

20 Centre Street

Mailing Address

Middleborough

City/Town

MA

State

02346

Zip Code

2. Property Owner (if different):

Town of Middleborough

Name

10 Nickerson Avenue

Mailing Address

Middleborough

City/Town

MA

State

02346

Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

10/19/2006

Date

for work at:

between 34 & 48 Wareham Street

Street Address

58D

Assessor's Map/Plat Number

485

Parcel/Lot Number

recorded at the Registry of Deeds for:

Plymouth

County

34002

Book

126-137

Page

Certificate (if registered land)

is hereby extended until:

10/19/2012

Date

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

Date the Order was last extended (if applicable):

_____ Date

Issued by:

Middleborough

Conservation Commission

9/17/2009

Date

FILE

*11/5
Rough Budget*

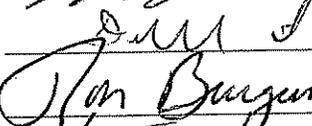
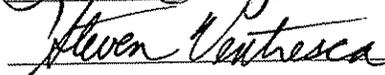


WPA Form 7 – Extension Permit for Orders of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Authorization (cont.)

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

Signatures:

	_____	<u>Patricia A. Delaney</u>	_____
	_____	_____	_____
	_____	_____	_____

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth
On this 17th Day of September 2009 Year

Before me, the undersigned Notary Public, personally appeared

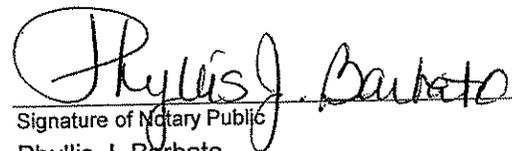
Michael O'Shaughnessy, Esq.
Name of Signer

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

Personally known
Description of evidence of identification

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

As member of _____ City/Town Middleborough Conservation Commission


Signature of Notary Public
Phyllis J. Barbato
Printed Name of Notary Public

Place notary seal and/or any stamp above

August 6, 2015
My Commission Expires (Date)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1141
 MassDEP File #

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 Middleborough
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Plymouth
 a. County
 1883/4021/2517/659
 b. Certificate Number (if registered land)
 490/172/156/485
 c. Book
 d. Page
 e. Date of Issuance
 May 19, 2011
7. Dates:
 a. Date Notice of Intent Filed February 4, 2011
 b. Date Public Hearing Closed May 19, 2011
 c. Date of Issuance May 19, 2011
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 see attached
 a. Plan Title
 Weston & Samson
 b. Prepared By
 see attached
 c. Signed and Stamped by
 Laurence F. Keegan, Jr., P.E.
 d. Final Revision Date
 e. Scale
 1" = 20'
 f. Additional Plan or Document Title
 g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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

FILE

Nemasket River Drainage Improvements,
In the Town of Middleborough, Plymouth County

DEP# SE 220-1141

Final Approved Plans and Other Documents

Page Number, Plan Title, Revision Date:

Page 1	Title and Index Sheet	February 4, 2011
Page 2	Legend and General Notes	February 4, 2011
Page 3	Typical Sections and Details	February 4, 2011
Page 4	Details	February 4, 2011
Page 5	Construction Plan Mayflower Avenue	May 13, 2011
Page 6	Construction Plan Spencer Street	May 13, 2011
Page 7	Construction Plan East Main Street	February 4, 2011
Page 8	Construction Plan East Main Street	May 13, 2011
Page 9	Construction Plan East Main Street	February 4, 2011
Page 10	Construction Plan Fish Ladder Wall	February 4, 2011
Page 11	Traffic Management Plan	February 4, 2011



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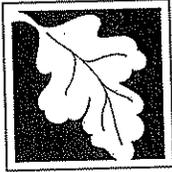
B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	<u>30</u> a. linear feet	<u> </u> b. linear feet	<u>0</u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>17,356</u> a. square feet	<u> </u> b. square feet	<u>0</u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>29,016</u> a. total sq. feet	<u>29,016</u> b. total sq. feet		
Sq ft within 100 ft	<u>20,166</u> c. square feet	<u>20,166</u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u>8,850</u> g. square feet	<u>8,850</u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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 City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment <u>cu yd</u>	d. nourishment <u>cu yd</u>
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment <u>cu yd</u>	d. nourishment <u>cu yd</u>
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



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B. Findings (cont.)

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

22. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. Stream Crossing(s):

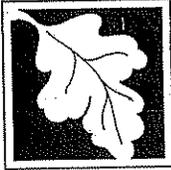
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE220-1141 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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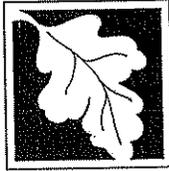
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



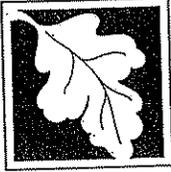
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1141
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

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

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

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

1. See attached Standard Conditions
 2. Extend Hay bale line on East Main Street to the edge of the gravel road and have the Middleboro Conservation Agent inspect prior to the commencement of work.
-
-

Standard Conditions

DEP File #:SE220-1141

Applicant: Charles Cristello, Town of Middleborough

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
 - a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
 - b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

Standard Conditions

DEP File #: SE220-1141

Applicant: Charles Cristello, Town of Middleborough

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

Standard Conditions

DEP File #: SE220-1141

Applicant: Charles Cristello, Town of Middleborough

- b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - c. All hazardous materials, products and waste produced , stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
 - d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
 - e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
 - f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.
15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.
16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.
17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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eDEP Transaction #
 Middleborough
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

1. Municipal Ordinance or Bylaw

2. Citation

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

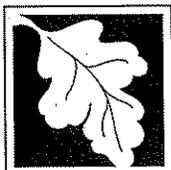
- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 220-1141
 MassDEP File #

eDEP Transaction #
Middleborough
 City/Town

E. Signatures

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

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

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

5/19/2011
 1. Date of Issuance
FOUR
 2. Number of Signers

Signatures:

Steven Ventresca
E. C. Sullivan
J. J.

John J. Medeiros

by hand delivery on
6/14/11
 Date

by certified mail, return receipt requested, on

 Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

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

Incorporated 1669
341 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



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

Andrew P. Bagas
D. P. W. Director

October 27, 2011

To: Board of Selectmen
15 Nickerson Ave
Middleboro, MA 02346

From: Andrew Bagas 

RE: Water Resource Protection District

Attached please find an application for the Town of Middleboro Water Resource Protection District for the Middleboro Department of Public Works for the Nemasket River Drainage Improvements Project.

The intent of the application is to improve water quality at the drainage outlets at the following locations: Mayflower Ave, Spencer Street, Wareham Street, and East Main Street.

The project has been issued an Order of Conditions by the Conservation Commission (see attached).

TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET

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

- | No. | Description | Initial | N/A |
|-----|--|-----------|-----|
| 1. | The plan has a cover page showing the location of the water supply Zone 2 and 3, with the proposed project site identified. | <u>AB</u> | ___ |
| 2. | The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet. | <u>AB</u> | ___ |
| 3. | The plan shows existing waterways adjacent, on or near the property. | <u>AB</u> | ___ |
| 4. | The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer. | | |
| | Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted. | <u>AB</u> | ___ |
| 5. | The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems. | <u>AB</u> | ___ |
| 6. | The plan provides details for work done or proposed for any component outlined in No. 5 (above). | <u>AB</u> | ___ |
| 7. | The submittal contains the abutters list. | <u>AB</u> | ___ |
| 8. | The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge. | <u>AB</u> | ___ |
| 9. | 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>AB</u> | ___ |
| 10. | 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>AB</u> | ___ |

- | No. | Description | Initial N/A |
|-----|---|---|
| 11. | The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage. |  _____ |
| 12. | The submittal contains a statement that outside stored material will have no impact to the groundwater. |  _____ |



Andrew P. Bagas
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

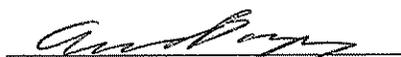
DIVISIONS
Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

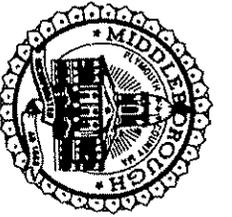
Additional Information for the Water Resource Protection District Checkoff Sheet

Item #1: The four locations for water quality structures are located within Zone III of the East Grove Street Pumping Station, approximately 500 to 2,000' to the east of the well.

In accordance of item #11 of the application check off sheet, "...if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage."

In accordance with item #12, "...outside stored material will have no impact to the groundwater."


Andrew Bagas, DPW Director



Middleborough Assessor's Office
10 Nickerson Avenue
Middleborough, MA 02346

ABUTTER'S LIST CERTIFICATION PAGE*

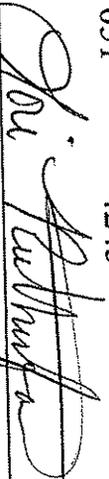
Date: 10/19/11

BOARD OF SELECTMEN

Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of

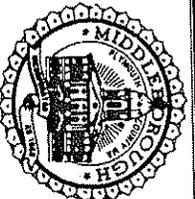
<u>MAP</u>	<u>LOT</u>
58F	2868
58D	1565
58D	872
051	4245



Lori Rutherford, Junior Clerk
Middleborough Board of Assessors

(This list consists of 16 pages with 175 abutter's lots)

*Please note there is no additional charge for this page and it is intended to certify the information on the preceding or attached document (s)



LOCUS	LOCATIONS	OWNER NAMES	ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	<i>161A</i>
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC	BOARD OF SELECTMEN	

MAP LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
20	1639	M	COMMONWEALTH OF MASS	DIV OF FISHERIES & WILDLIFE	100 CAMBRIDGE ST,	BOSTON	MA 02202
51	3344				133 EDSON ST,	BROCKTON	MA 02302
51	3347				14 EAST MAIN STREET,	MIDDLEBORO	MA 02346
51	3348				166 MAIN ST,	PLYMPTON	MA 02367
51	3354				18 EAST MAIN ST,	MIDDLEBORO	MA 02346
51	3367				P O BOX 129,	MIDDLEBORO	MA 02346
51	3369				7 STAR AVE,	MIDDLEBORO	MA 02346
51	3377				13 EAST MAIN ST,	MIDDLEBORO	MA 02346
51	3379				15 EAST MAIN ST,	MIDDLEBORO	MA 02346
51	3381				20 EAST MAIN ST,	MIDDLEBORO	MA 02346
51	3385				22 EAST MAIN STREET,	MIDDLEBORO	MA 02346



LOCUS	LOCATIONS	OWNER NAMES	ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	BOARD OF SELECTMEN
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH HOUSING AUTHORITY *WINTHROP-ATKINS CO INC		

MAP LOT UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
51 3389	KELLY, AMY K		24 EAST MAIN ST,	MIDDLEBORO	MA	02346
51 3394	O'BRIEN, SCOTT		2 STAR AVE,	MIDDLEBORO	MA	02346
51 3396	RAMSAY, ROBERT JR & SUSAN		1 & 3 STAR AVENUE,	MIDDLEBORO	MA	02346
51 3449	WINTHROP-ATKINS CO INC		35 EAST MAIN STREET,	MIDDLEBORO	MA	02346
51 3452	DEARRUDA, LARRY & CYNTHIA		48 MONTELLO STREET,	MIDDLEBORO	MA	02346
51 3469	STIGA, PAUL FREEMAN		54 MONTELLO ST,	MIDDLEBORO	MA	02346
51 3482	ROBINSON, RICHMOND M JR & CELESTAI		51 MONTELLO STREET,	MIDDLEBORO	MA	02346
51 3487	FRATALIA, MICHAEL	COULSTRING, CHRISTINE	6 ARROWHEAD LANE	CARVER	MA	02330
51 3487		2 COULSTRING, CHRISTINE M	44 EAST MAIN ST,	MIDDLEBORO	MA	02346
51 3494	CRAWFORD, GEORGE C & CATHERINE M		48 EAST MAIN ST,	MIDDLEBORO	MA	02346
51 3495	TOWN OF MIDDLEBOROUGH	SEWER PUMP HOUSE	10 NICKERSON AVE,	MIDDLEBORO	MA	02346



LOCUS	LOCATIONS	OWNER NAMES	ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	BOARD OF SELECTMEN
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC	5/20/11	

MAP LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
51	4124	DELONG, PAMELA		19 EAST MAIN ST, 26 EAST MAIN STREET,	MIDDLEBORO	MA	02346
51	4132	FORD, CLAIRE M		28 EAST MAIN ST,	MIDDLEBORO	MA	02346
51	4136	MATHER, JAMES & MICHELLE		32 EAST MAIN STREET,	MIDDLEBORO	MA	02346
51	4214	COOK, KEVIN & KAREN		36 EAST MAIN ST,	MIDDLEBORO	MA	02346
51	4216	LINEHAN, MICHAEL & BLAIS, MICHELLE		523 WEST GROVE STREET,	MIDDLEBORO	MA	02346
51	4232	KELLY, JAMES & KEVIN		49 HIGHLAND ST,	MIDDLEBORO	MA	02346
51	4237	ROUSSEAU, MICHAEL G & LOMBARDI, ANNA M		10 NICKERSON AVE,	MIDDLEBORO	MA	02346
51	4266	TOWN OF MIDDLEBOROUGH		55 EAST MAIN ST,	MIDDLEBORO	MA	02346
51	4319	WYATT, WILLIAM R JR		SOME STREET,	MIDDLEBORO	MA	02346
51	4934	UNKNOWN OWNER		P O BOX 1292,	MIDDLEBORO	MA	02346
51	5045	SANFORD, SUSAN H					



ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

5/18/11

BOARD OF SELECTMEN

LOCUS
 MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245

LOCATIONS
 31 MAYFLOWER LANE
 6 SPENCER STREET
 37 WAREHAM STREET
 35 EAST MAIN STREET

OWNER NAMES
 *TOWN OF MIDDLEBOROUGH
 *MIDDLEBORO HOUSING AUTHORITY
 *WINTHROP-ATKINS CO INC

MAP LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
51	5833	SANFORD, SUSAN H		P O BOX 1292,	MIDDLEBORO	MA	02346
58	3926	UNKNOWN OWNER		SOME STREET,	MIDDLEBORO	MA	02346
58	4098	THOMAS, MARJORIE H TRUSTEE		1 IDAS WAY,	MIDDLEBORO	MA	02346
58	4771	TOWN OF MIDDLEBOROUGH		10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58	4845	GROSS, TERRY A & LINDA L		17 IDAS WAY,	MIDDLEBORO	MA	02346
58	4878	LILLA, DENIS A & PAULETTE A		18 IDAS WAY,	MIDDLEBORO	MA	02346
58	5315	WP MIDDLEBOROUGH ASSOCIATES LP		940 HAVERFORD RD,	BRYN MAWR	PA	19010
58	5322	WP MIDDLEBOROUGH ASSOCIATES LP		940 HAVERFORD RD,	BRYN MAWR	PA	19010
58	5347	WP MIDDLEBOROUGH ASSOCIATES LP		940 HAVERFORD RD,	BRYN MAWR	PA	19010
58	5442	STUDLEY, JOHN E JR TRUSTEE	C/O INVESTPRO REALTY TRUST	47 EAST GROVE ST,	MIDDLEBORO	MA	02346
58	5557	FISHER, DAVID T & GID A TRUSTEE		154 PURCHASE ST,	MIDDLEBORO	MA	02346



LOCUS MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245

LOCATIONS 31 MAYFLOWER LANE
6 SPENCER STREET
37 WAREHAM STREET
35 EAST MAIN STREET

OWNER NAMES *TOWN OF MIDDLEBOROUGH
*MIDDLEBORO HOUSING AUTHORITY
*WINTHROP-ATKINS CO INC

ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

5/19/14

BOARD OF SELECTMEN

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58	5594		ADVENT LUTHERAN CHURCH		25 EAST GROVE ST,	MIDDLEBORO	MA	02346
59	918		RICHARDS, HAROLD C		55 WAREHAM ST,	MIDDLEBORO	MA	02346
59	941		SECRETARY, DEPARTMENT OF VETERANS AFFAIR		275 CHESTNUT ST,	MANCHESTER	NH	03101
59	943		LUFKIN, MARK R & THERESA		59 WAREHAM ST,	MIDDLEBORO	MA	02346
59	951		MACQUEEN, MARC & CHERYL		61 WAREHAM STREET,	MIDDLEBORO	MA	02346
59	963		RICHARDS, THOMAS & JEANNE		10 BARDEN HILL RD,	MIDDLEBORO	MA	02346
59	972		ADAMS, CHRISTIAN M & ILENE F	JOHNSON, TOM M	58 WAREHAM ST,	MIDDLEBORO	MA	02346
50L	4066		SCHOFIELD, STEVEN M TRUSTEE		7 VERONICA LN,	MIDDLEBORO	MA	02346
50L	4095		HAYES, ROBERT R & LYNN A		9 EAST MAIN ST,	MIDDLEBORO	MA	02346
50L	4096		NELSON, SCOTT E & SUSAN M		11 EAST MAIN ST,	MIDDLEBORO	MA	02346
50L	4826		CUNHA, DAVID L & PERO, DANIELLE		14 COOMBS ST,	MIDDLEBORO	MA	02346

10/19/2011



LOCUS MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245

LOCATIONS 31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET

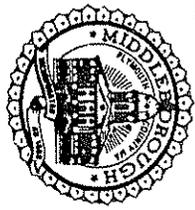
OWNER NAMES *TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC

ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

6/19

BOARD OF SELECTMEN

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
50L	4833		MORRIS, DAVID & ELEANOR		24 COOMBS ST,	MIDDLEBORO	MA	02346
50L	4835		FERRELLI, JOSEPH & PATRICIA	DEPETRO, ALAN ETAL	20 COOMBS ST,	MIDDLEBORO	MA	02346
50L	4839		DIJUNE, SUSAN M		21 COOMBS ST,	MIDDLEBORO	MA	02346
50L	4853		HUGHES, DOUGLAS A		11 COOMBS ST,	MIDDLEBORO	MA	02346
50L	4863		WALLACE, KEITH & KIMBERLY		189 WASHINGTON ST,	ABINGTON	MA	02351
50L	4864		ELDREDGE, KIMBERLY & GLEN		13 COOMBS ST,	MIDDLEBORO	MA	02346
50L	4866		FRANCISCO, DOROTHY		19 COOMBS ST,	MIDDLEBORO	MA	02346
50Q	5649		TOWN OF MIDDLEBOROUGH	PLAYGROUND	10 NICKERSON AVE,	MIDDLEBORO	MA	02346
50Q	6379		BALASCHI, NICOLE C		P O BOX 14,	MIDDLEBORO	MA	02346
50Q	6387		PITTSLEY, RUSSELL W & EVELYN C		2 LINCOLN ST,	MIDDLEBORO	MA	02346
50Q	6398		ARONSON, GERALD L TRUSTEE		25 WAREHAM ST,	MIDDLEBORO	MA	02346



LOCUS	LOCATIONS	OWNER NAMES	ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	<i>7/19/11</i>
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC	BOARD OF SELECTMEN	

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58B	1298		KING, JOHN & DORIS		76 SOUTH MAIN STREET,	MIDDLEBORO	MA	02346
58C	696		ROOT, ROY JR & GOTHAM, KAREN L		11 BENTON ST,	MIDDLEBORO	MA	02346
58C	699		CHIN, SOPHAL C		83 COLLEGE DR,	BROCKTON	MA	02301
58C	1432		DICENSO, PAUL F		22 WEBSTER ST,	MIDDLEBORO	MA	02346
58C	1466		JOYCE, CHARLES J & MICHELE L		23 WEBSTER ST,	MIDDLEBORO	MA	02346
58C	1469		SENNA, BARBARA CHACE		25 WEBSTER ST,	MIDDLEBORO	MA	02346
58C	1494		MIS, ANDREW & ZENTKO, BETHANY		22 BENTON ST,	MIDDLEBORO	MA	02346
58C	1496		EDINGTON, GLENN & MARGUERITE		20 BENTON STREET,	MIDDLEBORO	MA	02346
58D	714		ROSENTHAL, NEIL ETAL TRUSTEES		531 WEST GROVE STREET,	MIDDLEBORO	MA	02346
58D	718		PEASELY, ANDREW	C/O FIRST NATIONAL ACCEPTANCE COMPANY	PO BOX 980,	EAST LANSING	MI	48826
58D	719		ABAIR, RAYMOND TRUSTEE		7 EVERETT ST,	MIDDLEBORO	MA	02346

10/19/2011



ABUTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

2/19/11

BOARD OF SELECTMEN

LOCUS **LOCATIONS**

MAP 58F LOT
2868 MAP 58D
LOT 1565 MAP
58D LOT 872 MAP
051 LOT 4245

31 MAYFLOWER LANE
6 SPENCER STREET
37 WAREHAM STREET
35 EAST MAIN STREET

OWNER NAMES

*TOWN OF
MIDDLEBOROUGH
*MIDDLEBORO HOUSING
AUTHORITY
*WINTHROP-ATKINS CO INC

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58D	721		DIPIETRO, NICOLA TRUSTEE		PO BOX 909,	LAKEVILLE	MA	02347
58D	727		PIETRAFITTA, STEPHAN M		24 WAREHAM ST,	MIDDLEBORO	MA	02346
58D	742		DEVINE, BART J & GEMMA A		1 BENTON ST,	MIDDLEBORO	MA	02346
58D	745		CASEY, EVERETT & EILEEN TRUSTEES		P O BOX 165,	MIDDLEBORO	MA	02346
58D	746		BUCKLEY, DONALD E & JANET L		5 BENTON ST,	MIDDLEBORO	MA	02346
58D	747		CONWAY, CHARLENE E		7 BENTON ST,	MIDDLEBORO	MA	02346
58D	749		LACOUTURE, ROBERT T & LISA M		6 BENTON ST,	MIDDLEBORO	MA	02346
58D	754		COSTA, LAWRENCE A		PO BOX 1388,	MIDDLEBORO	MA	02346
58D	755		REESE, DONALD		26 WAREHAM ST,	MIDDLEBORO	MA	02346
58D	759		DIRUSSO, VINCENT A		89 LIBERTY STREET	QUINCY	MA	02169
58D	771		BEGLEY, HOLLY		9 BENTON ST,	MIDDLEBORO	MA	02346



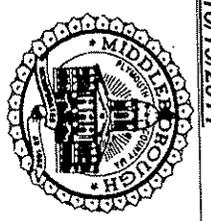
LOCUS	LOCATIONS	OWNER NAMES	ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	BOARD OF SELECTMEN
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC		

MAP LOT UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58D 775	MURPHY, RICHARD & PATRICIA		1176 BROADWAY,	HANOVER	MA	02339
58D 776	MIDDLEBORO HOUSING AUTHORITY		8 BENTON ST,	MIDDLEBORO	MA	02346
58D 778	FONTES, ARTHUR JR & DONNA		12 BENTON ST,	MIDDLEBORO	MA	02346
58D 779	THOMAS, MARK		1 SPENCER ST,	MIDDLEBORO	MA	02346
58D 796	PIASECKI, JOSEPH H JR		34 WAREHAM STREET,	MIDDLEBORO	MA	02346
58D 812	ARONSON, GERALD L TRUSTEE		25 WAREHAM STREET,	MIDDLEBORO	MA	02346
58D 816	TOWN OF MIDDLEBOROUGH		10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58D 828	TOWN OF MIDDLEBOROUGH	GAS & ELECTRIC-SUBSTATION	10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58D 841	TOWN OF MIDDLEBOROUGH	ELECTRIC LIGHT STATION	10 NICKERSON AVE,	MIDDLEBORO	MA	02346
58D 846	TOWN OF MIDDLEBOROUGH	ELECTRIC STATION-EXPANSION	10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58D 872	TOWN OF MIDDLEBOROUGH	ELECTRIC LIGHT STATION	37 WAREHAM STREET,	MIDDLEBORO	MA	02346



LOCUS	LOCATIONS	OWNER NAMES	ABUTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	10/8/11
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC	BOARD OF SELECTMEN	

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58D	1514		MONGIN, CLAUDIA J		14 BENTON ST,	MIDDLEBORO	MA	02346
58D	1541		MARTIN, KENNITH C & ARCHER, JEAN C		26 WEBSTER ST,	MIDDLEBORO	MA	02346
58D	1542		KIDNEY, CHRISTOPHER & CHRISTINE		28 WEBSTER ST,	MIDDLEBORO	MA	02346
58D	1545		GONSALVES, JOSE TRUSTEE		144 HOWLAND ROAD,	LAKEVILLE	MA	02347
58D	1549		MONAHAN, SUSAN L		32 WEBSTER ST,	MIDDLEBORO	MA	02346
58D	1565		MIDDLEBORO HOUSING AUTHORITY		8 BENTON ST,	MIDDLEBORO	MA	02346
58D	1571		BICKFORD, ROSS & JOANNE	C/O KAREN SMITH	PO BOX 3121,	BREWER	ME	04412
58D	1575		GRIFFITH, JOANNE		3 SASSAMON CIRCLE,	LAKEVILLE	MA	02347
58D	1578		O'SULLIVAN, JENNINE M		33 WEBSTER ST,	MIDDLEBORO	MA	02346
58D	1581		MCKENNA, STEPHEN & MARGARET		81 FULLER ST,	MIDDLEBORO	MA	02346
58D	1638		MARBLE, BRIAN		11 SPLIT BOULDER RD,	ROCKLAND	MA	02370



LOCUS MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245

LOCATIONS 31 MAYFLOWER LANE
6 SPENCER STREET
37 WAREHAM STREET
35 EAST MAIN STREET

OWNER NAMES *TOWN OF MIDDLEBOROUGH
*MIDDLEBORO HOUSING AUTHORITY
*WINTHROP-ATKINS CO INC

ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

BOARD OF SELECTMEN

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58D	1658		TOWN OF MIDDLEBOROUGH	TOWN BARN	10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58D	1669		DUQUETTE, KENNETH M		54 WAREHAM ST,	MIDDLEBORO	MA	02346
58D	1696		KNIGHT, RANDY & RITA		1 NEW WATER ST,	MIDDLEBORO	MA	02346
58F	2034		SCHMIDT, RONALD H & SUSAN J		80 SOUTH MAIN ST,	MIDDLEBORO	MA	02346
58F	2067		RESNICK, MARC		183 HARVARD AVE,	ALLSTON	MA	02134
58F	2073		VARONKO, WALLACE W & CONWAY, ROBERT TRST		30 TAUNTON GREEN,	TAUNTON	MA	02780
58F	2078		98 SOUTH MAIN LLC		2 ALBERTA LANE,	LAKEVILLE	MA	02347
58F	2089		MURPHY, RICHARD C & DIANE H		1176 BROADWAY,	HANOVER	MA	02339
58F	2097		HORTON, DAVID & CHARLOTTE		11 MAYFLOWER AVENUE,	MIDDLEBORO	MA	02346
58F	2769		MARZELLI, WILLIAM & PATRICIA		104 SOUTH MAIN STREET,	MIDDLEBORO	MA	02346
58F	2794		DESROSIERS, ROBERT & ALICE		116 SOUTH MAIN STREET,	MIDDLEBORO	MA	02346



ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

126 No

BOARD OF SELECTMEN

LOCUS **LOCATIONS** **OWNER NAMES**

MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245 31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET *TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC

MAP LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58F	2795	THE MAPLES LLC		170 WATER ST UNIT 20,	PLYMOUTH	MA	02360
58F	2815	BURKHOLDER, WAYNE & SUZANNE		100 SOUTH MAIN ST.	MIDDLEBORO	MA	02346
58F	2817	WARE, CHARLES D & JEANNE B		104 SOUTH MAIN ST.	MIDDLEBORO	MA	02346
58G	2149	MIDDLEBORO HOUSING AUTHORITY		8 BENTON ST.	MIDDLEBORO	MA	02346
58G	2164	PERRY, ROBERT & JUDITH		7 WOODLAND AVENUE,	MIDDLEBORO	MA	02346
58G	2189	SEVEN HILLS CORPORATION		195 LIBBEY PKY, UNIT 2,	WEYMOUTH	MA	02189
58G	2197	HARRIS, WAYNE F & DEBORAH A		26 HEMLOCK ST.	MIDDLEBORO	MA	02346
58G	2239	LOPEZ, RALPH C JR & LINDA M		36 ROCK ST.	MIDDLEBORO	MA	02346
58G	2922	SEVEN HILLS CORPORATION		195 LIBBEY PKY, UNIT 2,	WEYMOUTH	MA	02189
58G	2924	SMALL, ANTHONY W		34 MAYFLOWER AVE,	MIDDLEBORO	MA	02346
58G	2929	GEDEN, PETER J & MARCIA K		36 MAYFLOWER AVE,	MIDDLEBORO	MA	02346



LOCUS MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245

LOCATIONS 31 MAYFLOWER LANE
6 SPENCER STREET
37 WAREHAM STREET
35 EAST MAIN STREET

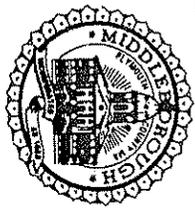
OWNER NAMES *TOWN OF MIDDLEBOROUGH
*MIDDLEBORO HOUSING AUTHORITY
*WINTHROP-ATKINS CO INC

ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS 1384

BOARD OF SELECTMEN

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58G	2933		BASTARACHE, ROBERT B & HOLLY A		24 HEMLOCK ST,	MIDDLEBORO	MA	02346
58G	2934		PARENT, ROGER & PATRICIA		4 HEMLOCK STREET,	MIDDLEBORO	MA	02346
58G	2939		ANDREWS, DAVID & DIANE		3 HEMLOCK ST,	MIDDLEBORO	MA	02346
58G	2962		GILL, RICHARD & SHEILA		38 MAYFLOWER AVENUE,	MIDDLEBORO	MA	02346
58G	2966		LEO, FRANK RICHARD JR ETAL TRUSTEES		40 MAYFLOWER AVE,	MIDDLEBORO	MA	02346
58G	3018		CHILCOT, BUDDY D & ANN S TRUSTEES		15 MITCHELL ST,	MIDDLEBORO	MA	02346
58G	3028		MONTGOMERY, BRIAN & YVONNE		12 MITCHELL ST,	MIDDLEBORO	MA	02346
58G	3041		MILLER, DANIEL & CHERI		17 MITCHELL ST,	MIDDLEBORO	MA	02346
58G	3046		EMENS, NATHANIEL & MARIAN		16 MITCHELL ST,	MIDDLEBORO	MA	02346
58G	3048		WHITMAN, BARBARA G ETAL TRS		18 MITCHELL ST,	MIDDLEBORO	MA	02346
58G	3057		EMENS, NATHANIEL & MARIAN		16 MITCHELL ST,	MIDDLEBORO	MA	02346

10/19/2011



ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS

10/19/11

BOARD OF SELECTMEN

LOCUS **LOCATIONS** **OWNER NAMES**

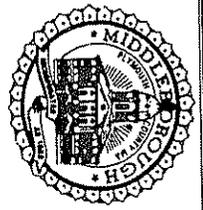
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245

31 MAYFLOWER LANE
6 SPENCER STREET
37 WAREHAM STREET
35 EAST MAIN STREET

*TOWN OF MIDDLEBOROUGH
*MIDDLEBORO HOUSING AUTHORITY
*WINTHROP-ATKINS CO INC

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58G	3085		HOLMAN, STEVEN & JEANNE		64 MAYFLOWER AVE,	MIDDLEBORO	MA	02346
58G	3094		KMARSH-PALMER LLC	C/O WARREN MARSH	PO BOX 28,	BRISTOL	RI	02908
58H	2316		MCKENNA, ANDREW THOMAS & CHRISTINA		35 WEBSTER ST,	MIDDLEBORO	MA	02346
58H	2341		GOSSON, BERNARD & TRACY		38 ROCK STREET,	MIDDLEBORO	MA	02346
58H	2344		HARJU, KELLY A		40 ROCK ST,	MIDDLEBORO	MA	02346
58H	2352		TOWN OF MIDDLEBOROUGH	MGMT-CONSERVATION COMMISSION	10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58H	2389		MCINERNEY, CHRISTOPHER & CHERYL		13 CLEAR POND RD,	LAKEVILLE	MA	02347
58H	2422		TOWN OF MIDDLEBOROUGH	TOWN BARN	10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58H	3226		THOMAS, MARJORIE H TRUSTEE		1 IDAS WAY,	MIDDLEBORO	MA	02346
58J	3526		VAN WERT, LEE & CATHLEEN L		120 SOUTH MAIN ST,	MIDDLEBORO	MA	02346
58J	3531		DESROSIERS, ROBERT & ALICE		116 SOUTH MAIN STREET,	MIDDLEBORO	MA	02346

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LOCUS	LOCATIONS	OWNER NAMES	ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS	BOARD OF SELECTMEN
MAP 58F LOT 2868 MAP 58D LOT 1565 MAP 58D LOT 872 MAP 051 LOT 4245	31 MAYFLOWER LANE 6 SPENCER STREET 37 WAREHAM STREET 35 EAST MAIN STREET	*TOWN OF MIDDLEBOROUGH *MIDDLEBORO HOUSING AUTHORITY *WINTHROP-ATKINS CO INC		

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58J	3561		CHADWICK, BARBARA		6 EAST GROVE ST,	MIDDLEBORO	MA	02346
58J	3565		DURANT, DIANE M		10 EAST GROVE ST,	MIDDLEBORO	MA	02346
58J	3569		MURPHY, KEVIN P & GAIL J		12 EAST GROVE ST,	MIDDLEBORO	MA	02346
58J	3647		BROCKTON COALITION FOR HOMELESS		54 NORTH MAIN STREET,	BROCKTON	MA	02401
58J	3655		ATKINS, EILEEN L		2 WILLIAMS PLACE,	MIDDLEBORO	MA	02346
58J	3656		ATKINS, EILEEN L		2 WILLIAMS PLACE,	MIDDLEBORO	MA	02346
58J	3676		GILMORE, JANICE A		16 EAST GROVE ST,	MIDDLEBORO	MA	02346
58J	3684		ATKINS, EILEEN L		2 WILLIAMS PLACE,	MIDDLEBORO	MA	02346
58J	3688		MERRICK, LYNN M		22 EAST GROVE ST,	MIDDLEBORO	MA	02346
58J	3689		JACKSON, STEPHEN F & LAURENTINA M TRS		40 CHESTNUT STREET,	MIDDLEBORO	MA	02346
58J	3691		LOVELL, ANNE W & JOHN W TRUSTEES		3 WILLIAMS PL,	MIDDLEBORO	MA	02346



LOCUS **LOCATIONS** **OWNER NAMES** **ABUTTERS LIST FOR WATER RESOURCE PROTECTION DISTRICT PERMIT FOR THE DEPARTMENT OF PUBLIC WORKS**

MAP 58F LOT
2868 MAP 58D
LOT 1565 MAP
58D LOT 872 MAP
051 LOT 4245

31 MAYFLOWER LANE
6 SPENCER STREET
37 WAREHAM STREET
35 EAST MAIN STREET

*TOWN OF MIDDLEBOROUGH
*MIDDLEBORO HOUSING AUTHORITY
*WINTHROP-ATKINS CO INC

BOARD OF SELECTMEN

16819

MAP	LOT	UNIT	OWNER NAME	C/O OWNERS NAME	MAILING ADDRESS	CITY	ST	ZIP
58J	4412		KEARNEY, JEAN		15 EAST GROVE STREET,	MIDDLEBORO	MA	02346
58J	4416		CALLAHAN, STEVEN J		P O BOX 329,	MIDDLEBORO	MA	02346
58J	4445		VIERA, ALAN & M L KELLY ORR		6 CLIFF STREET,	MIDDLEBORO	MA	02346
58J	4452		RJL REALTY TRUST		142 TURNPIKE ST,	SOUTH EASTON	MA	02375
58J	4496		W/P MIDDLEBOROUGH ASSOCIATES LP		940 HAVERFORD RD,	BRYN MAWR	PA	19010
58K	4554		CONSALVO, WILLIAM A & WILLIAM JR		40 EAST GROVE ST,	MIDDLEBORO	MA	02346
58K	4558		OLIVEIRA, FERNANDO T		42 EAST GROVE ST,	MIDDLEBORO	MA	02346
58K	4578		W/P MIDDLEBOROUGH ASSOCIATES LP		940 HAVERFORD RD,	BRYN MAWR	PA	19010
58K	4671		TOWN OF MIDDLEBOROUGH		10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346
58K	4681		TOWN OF MIDDLEBOROUGH		10 NICKERSON AVENUE,	MIDDLEBORO	MA	02346



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, January 30, 2012 at 7:30 PM. The Board of Selectmen of the Town of Middleborough, acting as a Rent Board, is proposing to amend the rules and regulations pursuant to Chapter 703 of the Acts of 1985 pertaining to mobile home park accommodations, rents and evictions. Any interested persons may obtain a copy of the proposed amendments from the office of the Board of Selectmen, Town Hall, 10 Nickerson Ave., Middleborough, MA 02346 (508 946-2405). Anyone desiring to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr
Stephen J. McKinnon
Steven P. Spataro
Allin Frawley
Ben Quelle

BOARD OF SELECTMEN

December 29, 2011

*Incorporated 1669
335 Years of Progress*



**CRANBERRY CAPITAL
OF THE WORLD**



**Town of Middleborough
Massachusetts**

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

TO: Board of Selectmen
FROM: Charles J. Cristello, Town Manager
RE: Modifications to Rent Regulations
DATE: November 22, 2011
Cc: Town Counsel

In his October 26, 2011 memo to the Rent Board, Attorney Jay Talerman made several recommendations for improvements to our Rules and Regulations for Mobile Home Park Accommodations. In consultation with Town Counsel Daniel Murray, I have drafted modifications to our rules to implement some of those recommendations. We have also drafted a few clarifications to the rules that we believe would be beneficial.

Fair Net Operating Income

Strike in its entirety Section 1 M. and substitute the following:

Fair net operating income shall be that income which will yield, in the discretion of the Board, a reasonable return to the Owner of a Mobile Home Park, after all reasonable operating expenses. In consideration of whether the return is reasonable, the Board may consider any relevant evidence and standards, including, but not limited to: average returns for other similarly situated Parks, any operating expenses or debt service, any projected capital improvements, or any other factor that may be presented. The Board shall evaluate all evidence presented by any party regarding the fair net operating income.

Use of Consumer Price Index

This language was added to the regulations based on the Board's actions in 1999 related to how Oak Point was going to structure their leases. My understanding is that the long-term leases that have been signed by Oak Point

residents protect them from arbitrary rent increases. I would not recommend doing anything that would cause those leases to no longer be in compliance with your regulations.

Peer Review

Attorney Talerma recognized that the Rent Board does not have the authority under c.44 s53G to charge applicants for peer reviews. He suggested that we could raise the application fee to cover peer review costs. However, some applications may require peer reviews while others may not.

I recommend that we ask Town Meeting to allow us to petition the legislature for the authority to charge the applicant the cost of peer reviews as we have done with earth removal permits.

Tenant Bill of Rights

Substitute for Section 11 and renumber the existing Section 11 to be Section 12 and Section 12 to be Section 13:

Section 11 - Owners Shall Provide Rules and Regulations to Prospective Tenants:

Mobile Home Park Owners shall provide prospective tenants with a copy of the Town of Middleborough Rules and Regulations for Mobile Home Park Accommodations, Rents, and Evictions at least 72 hours in advance of the signing of a rental housing agreement.

Registration

Our regulations already state in Section 3: "No petition for an upward adjustment of maximum rent shall be accepted by the Board until statements and information required to be filed under this section 3 have been filed...." Further, our regulations also state in Section 4 C. that "...the Board may refuse to grant an upward adjustment of maximum rent if it determines that the affected mobile home park accommodation does not comply with the State Sanitary Code or the Town of Middleborough codes or by-laws or any applicable code...."

Further Recommended Clarifications

Section 1-G – definition of "Owner" – 1st line – add "or any party who is required to hold a license for a mobile home park (manufactured housing community) under Sections 32A and 32B of Chapter 140" after "license".

This makes it clear that should an owner not have a license, the regulations still apply.

Section 1- I, 4th line - change "exclusive" to "inclusive". We know that the "rent" for parks includes the monthly Section 32G license fee. This is the actual practice of the parks.

Section 5-B 2nd line – add "or upon its own initiative" after "Tenant". This makes it clear that the Rent Board can initiate a general adjustment of rents.

In accordance with our regulations, you will need to give notice of a hearing to consider these recommendations. This will allow all interested parties, including our legislative delegation, to give you their input as well.

**TOWN OF MIDDLEBOROUGH RULES AND REGULATIONS FOR MOBILE HOME
PARK
ACCOMMODATIONS, RENTS, AND EVICTIONS**

In accordance with Chapter 703 of the Acts of 1985, after hearing in accordance with Mass. Gen. Laws, Chapter 30A, Sec. 2, the Rent Board hereby adopts the following rules and regulations for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations, and evictions with respect to mobile home park accommodations in mobile home parks within the Town of Middleborough.

Section 1 – Definitions:

- A. **Board:** The Rent Board is the Town of Middleborough Board of Selectmen established by a vote under Article 5 of the warrant for the Middleborough Town Meeting of March 10, 1986.
- B. **Capital Improvements:** Any substantial rehabilitation, addition or improvements which appreciably add to the value of the property or prolongs its life or both, but not including ordinary repairs and maintenance, provided such rehabilitation, addition or improvements shall cost at least \$5,000 and have a useful life of at least five (5) years.
- C. **Mobile Home:** A structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home is also known as a "manufactured home" as defined in General Laws Chapter 140, Section 32Q.
- D. **Mobile Home Park:** A lot or tract of land used for the site of three or more mobile homes occupied for dwelling purpose and licensed pursuant to General Laws Chapter 140, Section 32B. A mobile home park is also known as a manufactured housing community as defined in General Laws Chapter 140, Section 32F.
- E. **Mobile Home Park Accommodations:**
 - 1. The lot or space in a Mobile Home Park upon which is located a Mobile Home not owned by the holder of the license of said park and used and occupied as a one family dwelling unit or available for such use and occupancy.

2. A Mobile Home in a Mobile Home Park owned by the licensee of a mobile home park and used and occupied by a Tenant as a one family dwelling unit or available for such use and occupancy.
- F. **Housing Services:** Services or facilities provided by an Owner or required by law or by the terms of a rental housing agreement to be provided by an Owner to a Tenant in connection with the use and occupancy of any mobile home park accommodation, which may include without limitation: Services, furniture, furnishings and equipment, repairs, decorating and maintenance, provisions of light, heat, hot water, cold water, telephone, kitchen, bath and laundry facilities and privileges, use of yard and other common areas, janitor service, refuse removal, parking facilities, lawn water sprinkler services, vehicle or equipment storage, and any other benefit, privileges or facility connected with the use or occupancy of any mobile home park accommodations.
- G. **Owner:** The individual who holds a license granted pursuant to Mass. Gen. Laws, Chapter 140, Section 32B, to conduct, control, manage or operate directly or indirectly a mobile home park in any manner including, but not limited to, a partnership, corporation or trust.
- H. **Operating and maintenance expenses:** The reasonable expenses of operating and maintaining a mobile home park including, but not limited to, maintenance, repair, management fee, real estate broker's commission to someone other than the Owner, insurance, utilities not included within the rent, but not including mortgage interest and amortization or an allowance for obsolescence or depreciation.
- I. **Rent:** The consideration, including any bonus, benefit, gratuity or charge contingent or otherwise, demanded or received for or in connection with the use or occupancy of a mobile home park accommodation or for housing services or for the transfer of a lease of a mobile home park accommodation, exclusive of the license fee collected by the Owner and paid to the Town under General Laws Chapter 140, Section 32G; excluding therefrom, however, the consideration paid by a shareholder of a Cooperative Housing Corporation organized pursuant to General Laws Chapter 157B for a share of said corporation, a propriety lease, and any maintenance fees associated therewith. Rent shall include fees and charges for services assessed by the owner to a Tenant by an Owner, but not fees charged for discretionary or optional activities and/or services which may be offered for recreational activities, conveniences, etc.
- J. **Rental Housing Agreement:** An agreement between an Owner and a Tenant for use and occupancy of a mobile home park accommodation and/or housing services, specifically excluding, however, any agreement for occupancy of a mobile home park accommodation between a Cooperative Housing Corporation as a defined in Massachusetts General Laws Chapter 157B and a shareholder of said corporation.
- K. **Tenant:** A tenant, lessee, or other person entitled under the terms of a rental housing agreement with the Owner for the use and occupancy of any mobile home park

accommodation; excepting for this definition, however, any person who occupies a mobile home park accommodation pursuant to a proprietary lease as defined in General Laws Chapter 157B at Section 4, as a shareholder of a Chapter 157B Cooperative Housing Corporation.

L. Fair Market Value: Fair Market Value of property shall mean the current assessed valuation of the property or other valuation that the Board on basis of evidence presented before it considers more appropriate to the circumstances of the case before it. The Board shall evaluate all evidence presented by any party regarding the fair market value.

M. Fair Net Operating Income: Fair net operating income shall be that income which will yield a return to the Owner of a Mobile Home Park, after all reasonable operating expenses, on the fair market value of the Mobile Home Park, equal to the debt service rate for similar-type property generally available from institutional first mortgage lenders, a reasonable fair-market yield spread over the debt service rate or other rates of return that the Board on the basis of evidence presented before it considers more appropriate to the circumstances of the case. The Board shall evaluate all evidence presented by any party regarding the fair net operating income.

Section 2 – Maximum Rent:

A. The maximum rent for mobile home park accommodations which a park owner may charge a tenant shall be as follows:

1. For mobile homes which are in existence, occupied by a tenant or occupant and subject to a rental housing agreement on the date these Rules and Regulations are adopted, the maximum rent shall be the rent set forth in Addendum A.
2. For new mobile homes which have not been previously sold by the park owner and are not occupied by a tenant or occupant under a rental housing agreement on the dates these Rules and Regulations are adopted, the maximum rent shall be the rent set by a rental housing agreement between the park owner and the tenant or occupant of the home. The maximum rent may be higher or lower than the maximum rent for other mobile homes in the park when the rental housing agreement is made.
3. For mobile homes which were previously sold by the park owner and/or occupied by a tenant or occupant under a rental housing agreement which is no longer in effect, the maximum rent shall be the rent set by a new rental housing agreement between the park owner and the new tenant or occupant of the home. The maximum rent shall not exceed the following:
 - a) If the park owner is offering new mobile homes for sale at the time the new rental housing agreement is made, the maximum rent shall

not exceed the rent then being offered to purchasers of new mobile homes.

b) If the park owner is not offering new mobile homes for sale at the time the new rental housing agreement is made, the rent shall not exceed the highest rent then being paid by other tenants/occupants in the park.

4. Maximum rent for mobile home park accommodations may be adjusted from time to time by the Board pursuant to Section 4 and Section 5 of these Rules and Regulations. Maximum rent for mobile home park accommodations may also be adjusted under a rental housing agreement which provides for a rent adjustment based on application of a yearly consumer price index factor as described in Section 4-D.

B. No increase in maximum rent for a mobile home accommodation shall be effective unless:

1. The increase is approved by the Board pursuant to Section 4 and Section 5.
2. The increase is based on a yearly consumer price index factor approved by the Board; or
3. The increase is provided for by a yearly consumer price index factor under a rental housing agreement.

Section 3 – Registration:

The Board shall require registration of all mobile home park accommodations on forms approved by it within ninety (90) days of the approval of these regulations and annually on June 30th. A copy of registration shall be provided to tenants of the mobile home park upon their written request. Any new or additional accommodation must be registered prior to occupancy thereof. No petition for an upward adjustment of maximum rent shall be accepted by the Board until all statements and information required to be filed under this Section 3 have been filed and any such petition prior to such filing shall not be entertained by the Board. The Board shall require the following:

1. The legal name, address and business telephone of the owner;
2. The identification of each unit of mobile home park accommodations;
3. The legal name, address and business telephone of the manager;
4. The identification of each Tenant in the mobile home park, including the date the Rental Housing Agreement began, the date on which it terminates, or whether it is a tenancy at will, and the amount of rent due each month;

5. The lot type, if necessary, to distinguish different types of lots for which the owner charges different rents, including the description of the basis(es) for charging the rent differential;
6. A copy of all Rental Housing Agreements (or a copy of a representative Rental Housing Agreement which is substantially the same for all mobile home park accommodations involved in the registration) and any rules and regulations applicable to each Rental Housing Agreement. The owner shall update the registration annually by June 30th of each year.

The registration forms shall be signed by the Owner under the penalties of perjury.

Section 4 – Adjustment of maximum rent:

- A. The Board shall, by order or regulation as provided in Section 5, make such individual or general adjustments, either upward or downward, of the maximum rent established by Section 2 for any mobile home park accommodations as may be necessary to remove hardships or correct inequities for both Owner and Tenant, and make adjustments for capital improvements / equipment and in so doing shall observe the principle of maintaining rents at levels which will yield to Owners a fair net operating income for such mobile home park accommodations.
- B. The Board by regulation may establish further standards and rules consistent with the foregoing. The Board may promulgate a schedule of standard rental increases or decreases for improvement or deterioration in specific services and facilities.
- C. Notwithstanding any other provision of this section, the Board may refuse to grant an upward adjustment of maximum rent if it determines that the affected mobile home park accommodation does not comply with the State Sanitary Code or the Town of Middleborough codes or by-laws or any other applicable code, ordinance or state law regulating the conditions of housing accommodations, and if it determines that such lack of compliance is due to the failure of the Owner to provide normal and adequate repairs and maintenance. The Board may refuse to make a downward adjustment of maximum rent if it determines that the Tenant is more than thirty (30) days in arrears in payment of rent unless such arrearage is due to a withholding of rent under the provisions of Section 8A of Chapter 239 of the General Laws or if the Tenant is in substantial violation of any enforceable rule of the mobile home park or if the Tenant is in violation of any laws or ordinances which protect the health and safety of other mobile home park residents.
- D. In setting or adjusting rent for mobile home park accommodations under Section 4 and Section 5, the Board may approve yearly adjustments of the rent based on application of a consumer price index factor as described in this subsection. A rental housing agreement may provide for yearly adjustments of the rent based on application of a consumer price index factor as described in this subsection. The yearly consumer price index factor authorized by these Rules and Regulations shall be based on the Consumer Price Index for All Urban Consumers (CPI-U): U.S. City

Average, All Items (unadjusted) (1982-84=100) published by the Bureau of Labor Statistics, U.S. Department of Labor, or if such index is no longer published, such other or successor index which is approved by the Board. Yearly adjustments in rent based on a consumer price index factor shall be calculated by determining the increase or decrease in the index by comparing the current monthly index ("current CPI") to the monthly index for the same month one (1) year prior to the month when the yearly adjustment is being determined ("prior CPI"). The difference between the current CPI and the prior CPI shall be divided by the prior CPI to derive a percentage increase or decrease. The percentage increase or decrease shall then be multiplied by the existing rent to determine the amount of the rent increase or decrease. For example, if the current CPI is 3% more than the prior CPI, the existing rent will increase by 3%.

- E. The Board in adjusting maximum rent for a mobile home park may equalize rent for all substantially similar or comparable mobile home park accommodations in those cases where the maximum rent which is to be adjusted is not equalized before adjustment.

Section 5 – Rent Adjustment Proceedings:

- A. **Individual Adjustment of Maximum Rent.** The Board shall consider an adjustment of rent for an individual mobile home park accommodation upon receipt of a petition for adjustment filed by the Owner or Tenant of such mobile home park accommodation or upon its own initiative. Such petition shall be made on a form approved by the Board. The Board shall notify the Owner, if the petition was filed by the Tenant, or the Tenant, if the petition was filed by the Owner, of the receipt of such petition and of the right of either party to request a hearing in writing within thirty (30) calendar days of receipt of such notice or the Board may schedule a hearing on its own initiative. If a hearing is timely requested by either party or if the action is undertaken on the initiative of the Board, notice of the time and place of the hearing shall be furnished to the Owner and Tenant and the hearing shall be conducted before the Board. The Board may consolidate petitions and actions relating to mobile home park accommodations in the same mobile home park, and all such petitions and actions may be considered in a single hearing.
- B. **General Adjustment of Maximum Rent by Regulation.** Upon application or petition by an Owner or Tenant, the Board may make a general adjustment by percentage or otherwise of the rental levels for mobile home park accommodations subject to such conditions, if any, as the Board shall determine. Prior to making such adjustment, a public hearing shall be held before the Board. Notice of the time, place, and purpose of such hearings shall be published at least once in a newspaper having a general circulation in the Town, and posted in the Town Hall, both not less than seven (7) days prior to such hearings.

- C. **Limitation of Petition for Individual Adjustment.** Notwithstanding any other provision of this section, the Board may, without holding a hearing, refuse to adjust the maximum rent for an individual mobile home park accommodation and may dismiss any petition for adjustment if a decision has been made with regard to the maximum rent for such mobile home park accommodation within twelve (12) months or if the Board finds that the petition for adjustment is filed for purposes of harassment or for other purpose not intended herein.
- D. Hearing, conducted pursuant to Section 5 above shall be conducted as adjudicatory hearings in accordance with the provision of Massachusetts General Laws Chapter 30A, Sections 10, 11 and 12. Rules and procedures for the conduct of said hearings shall be those rules and regulations outlined in 801 CMR 1.00 et seq. for the conduct of adjudicatory hearings before State administrative agencies, which the Board hereby adopts and shall implement as its own rules and regulations for the conduct of adjudicatory proceedings. Within thirty (30) days of the filing of a petition, the Board shall meet and determine whether to proceed on such petition pursuant to the formal or informal rules as outlined in 801 CMR 1.00 et seq. or under other procedures and shall indicate its determination as to which rules and procedures shall be followed in its notice of agency action to affected parties, and in the public notice of said hearing.
- E. All decisions made by the Board under this Section shall be rendered in writing within 30 (thirty) days from the date the Board closes the public hearing on the petition.
- F. The Board shall levy a filing fee upon any and all parties that make application to request a rent adjustment for a mobile home accommodation. The filing fee for any individual rent adjustment requested pursuant to Section 5 of these rules and regulations shall be \$50.00. The filing fee for a general rent adjustment pursuant to Section 5B of these regulations shall be \$300.00 for which a general adjustment is requested. The applicant for a general rent adjustment shall also pay the sum of \$100.00 to cover advertising costs. Filing fees and advertising costs shall be paid by check payable to the Town of Middleborough at the time of the filing of a petition.

Section 6 – Incorporation of Administrative Procedure Act and 801 CMR 1.00

The provisions of Massachusetts General Law Chapter 30A including those provisions giving agencies the power to issue, vacate, modify, and enforce subpoenas shall be applicable to the Board as if said Board were an agency of the Commonwealth, as well as, those provisions relating to judicial review of an agency order. The rules and regulations at 801 CMR 1.00 et seq. as adopted by the Secretary of Administration for Massachusetts for application and use by state agencies for the conduct of both formal and informal adjudicator hearings shall be the rules and regulations and procedures adopted for use before The Board for the hearing of all petitions for rent adjustment, and for eviction, unless at the time of the filing of the petitions and before the notice of agency action shall be published, the Board shall by vote determine to use an alternative procedure which nonetheless shall be consistent with the provisions of Massachusetts General Laws Chapter 30A, Section 10, 11, and 12.

Section 7 – Capital Improvements and Capital Equipment Rent Adjustment

A. Pre-Approval

A park owner or management may file a petition for the purpose of obtaining pre-approval from the Board for an increase in maximum rent to offset the cost of a substantial and necessary capital improvement or purchase of capital equipment. The procedures set forth in Section 5 above for rent adjustment petitions shall be used for capital improvement or capital equipment petitions. The park Owner or Management shall file with the petition for pre-approval any and all information relating to the cost of and need for financing the capital improvement or capital equipment purchase. Any pre-approval given by the Board shall also be deemed an approval of such financing. The Board shall consider whether the improvement is necessary and the reasonableness of the cost of the improvement in considering a rent increase to support the cost of the improvement. The rent increase shall be conditioned upon satisfactory and final approval of the improvement.

B. Final – Approval

Upon completion of capital improvement or purchase of capital equipment for which a park owner or management has received pre-approval, the Board may give final approval of the increase in maximum rent(s). Final approval shall only be given by the Board upon submission of satisfactory evidence by the park owner or management that the capital improvement has been satisfactorily completed or the capital equipment has been purchased and that the costs incurred for such improvement are equal to or exceed the cost upon which pre-approval was given. In the event that such costs are less than the original estimated costs, the maximum rent shall be increased only to the extent that it reflects such costs. The Board shall hold a public hearing upon submission by the park owner or management of evidence of completion of the capital improvement or purchase of equipment. A capital improvement/capital equipment rent increase approved by the Board shall be identified and separated from the remainder of the rent charge and eliminated from the rent charge when the approved rent increase has produced income equal to the cost of the improvement or equipment including the cost of debt service incurred in connection with such improvement or equipment.

Section 8 – Conference of Jurisdiction

The Wareham Division of the District Court Department shall have original jurisdiction concurrently with the Superior Court, of all petitions for review brought pursuant to Section 14 of Chapter 30A of the General Laws. The Superior Court shall have jurisdiction to enforce Chapter 703 of the Acts of 1985 and may restrain violations thereof.

Section 9 – Information to be supplied in Connection with Petitions for Adjustment:

Upon receipt by the Board of a petition for adjustment of maximum rent by an Owner, the Board may request documents, which information may include but not be limited to:

- A. Reviewed Financial statements certified by a CPA for the three (3) years preceding the year of the filing of the petition; such statements should clearly set forth income, sources of income, and a detailed breakdown of operating expenses.
- B. An interim updated financial statement showing income and operating expenses for the current year.
- C. A complete and current balance sheet.
- D. A statement of the number of employees, job titles and job descriptions of any employee whose employment relates to the affected mobile home park.
- E. Current capital improvements and dates of completion.
- F. Proposed capital improvements and proposed dates of completion.
- G. Proposed budget for the year in which the increase is to be effective.
- H. A statement of the rate of return sought and the assessed valuation of the property.

In any case where the Owner seeking an upward adjustment in rent owns and operates more than one mobile home park, all financial documentation submitted shall pertain solely to the operation of the mobile home park for which the upward adjustment is sought.

Upon receipt by the Board of a petition for a downward adjustment of maximum rent, the Board may request documents which information may include but not be limited to:

- A. Written reason for such downward adjustment; and
- B. Any evidence financial or otherwise, supporting such downward adjustment.

Section 10 – Evictions:

- A. Pursuant to the provisions of General Laws, Chapter 140, Section 32J, as amended, no Owner shall terminate any lease or tenancy and/or bring an action to recover possession of a mobile home park accommodation unless;
 1. the Tenant has failed to pay the rent to which the Owner is entitled; or
 2. the Tenant is in substantial violation of an enforceable rule of the mobile home park; or
 3. the Tenant is in violation of a law or ordinance which protects the health or safety of other mobile home park residents; or
 4. there is a discontinuance in good faith by the Owner of the use of part or all of the land owned and licensed as a mobile home park subject to any existing contractual right between the Owner and the Tenant located in the mobile home park. No such discontinuance shall be valid for any mobile home sold by the licensee and for which a mobile home site was made available at the time of the said sale by the licensee for a period of five (5) years from the date of said sale.

- B. The Owner must provide the Board with satisfactory evidence that all notice requirements as to any alleged violation have been provided to the Tenant in a timely manner and the Tenant has failed to cure the alleged violation in a timely manner, all as set forth in General Laws, Chapter 140, Section 32J as amended.
- C. 1. An Owner shall file an application in duplicate for obtaining a certificate of eviction with a filing fee of \$50.00 for each unit for which eviction is sought. The fee shall be paid by check or money order made payable to the Town of Middleborough and presented at the time of filing the application for a certificate of eviction.
2. An application for certificate of eviction shall be signed by the Owner under the pains and penalties of perjury and shall describe in complete detail the proposed basis (or bases) for eviction and the facts in support of such basis (or bases). A copy of the lease and the rules and regulations of the mobile home park Owner shall be submitted with the application where the Tenant is claimed to have violated either the lease or the park regulations.
3. An application for certificate of eviction which fails to comply with the foregoing provisions of this paragraph "C" shall not be processed until such defects have been corrected or removed.
4. The Board shall, by certified mail, return receipted requested and by first class U.S. Mail, forward to the Tenant or Tenants listed on the application for a certificate of eviction and to the park Owner a copy of the application for a certification of eviction as received, together with a notice of the date, time and place of the hearing.
5. The Board shall send a notice of hearing by mail with respect to an application for a Certificate of Eviction within twenty-one (21) days of receipt of an application. An application or an amended application for eviction shall be scheduled for a hearing not less than ten (10) days or more than twenty-one (21) days from the date on which the notice of hearing is mailed as aforesaid by the Board to the parties. Hearings shall be conducted by the Board and shall be adjudicatory hearings following the procedures set forth in Massachusetts General Laws, Chapter 30A.
6. A request for postponement of the hearing will be granted for good cause shown.
7. At the hearing the Owner shall have the burden of establishing the facts and basis for the eviction. Testimony shall be taken under oath and any party shall have the right to cross-examine witnesses of the other party and to introduce evidence in support of its position.
8. A written order granting or denying a certificate of eviction shall be issued by the Board within thirty (30) days of the date of the final hearing and its order denying a certificate of eviction shall be a defense in any summary process action commenced by the Owner against the Tenant or Tenants named on the application for a certificate of eviction.

- D. No Owner shall seek recovery of possession of a mobile home park accommodation in a summary process-eviction case unless the Board issues a certificate of eviction therefor.

- E. The provisions of this section shall be construed as additional restrictions on the right to recover possession of a mobile home park accommodation. No provision of this section shall entitle any person to recover possession of such a mobile home park accommodation. Upon a decision of said Board concerning the granting or withholding of a certificate of eviction, either party concerned may appeal to the Wareham Division of the District Court Department or the Plymouth Division of the Superior Court Department.

Section 11 – Severability:

If any provision of these rules and regulation or the application of such provision to any person or circumstance shall be held invalid by a final judgment of a court of competent jurisdiction, the validity of other provisions or the application of such provision to other persons or circumstances shall not be thereby affected.

Section 12 – Forms

Any forms adopted pursuant to the provisions of these rules and regulations shall be submitted to the Board under the pains and penalties of perjury.