

CORRESPONDENCE

10-21-13

1	Mass Gaming Commission	Various correspondence
2	Local Emergency Planning Committee	Meeting Minutes 1/31/13
3	Mass DOT	Salting/Commuter Rail "Highway/Railway" Crossings
4	Representative Calter	Substance Abuse Awareness Program 10/23/13
5	Library Trustees	Meeting Minutes 9/9/13
6	Carver ZBA	Agenda 10/17/13
7	Representative Gifford	House Bill 1115 re Low & Moderate Income Housing
8	Commonwealth of MA	Search for Lease Space
9	Office of the D.A.	Drug Overdose Prevention Conference 10/25/13
10	Capital Planning Committee	Meeting Minutes 3/26/13
11	Decas, Murray & Decas	Law Department Budget - FY 2014
12	Verizon	Rate Change Notification
13	COA Director A. Priest	Celebration of Life - Sarah Jigerjian 10/24/13
14	Representative Orrall	General correspondence
15	Daughters of the American Revolution	Thank you letter for Constitution Week proclamation
16	Xfinity	Reactivation Fee
17	Mass DOT	Project Need Form-Intersection Improvements at Everett Square
18	Department of Public Utilities	Notice of Filing, Public Hearing, Procedural Conference, and Request for Comments
19	Amy Coman @state.ma.us	NSTAR ROW 280 Vegetation Removal
20	Conservation Agent P. Cassidy	Town's Option to Buy Ch. 61-B Recreational Land 68 Purchase Street (M73, L4583/r/)
21	The Timothy Walsh Foundation, Inc.	Registered Marijuana Dispensary
22	Building department	Monthly Permit Summary
23	Board of Assessors	Meeting Minutes 9/19/13
24	Health department	Monthly Receipts

Jacqueline Shanley

From: Mass Gaming Commission <mgccomments@state.ma.us>
Sent: Wednesday, October 16, 2013 11:04 AM
To: Jacqueline Shanley
Subject: Meeting Notification and Agenda: October 17, 2013



October 16, 2013

Our Mission

The mission of the Massachusetts Gaming Commission is to create a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011.

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Greetings,

MassGaming would like to thank you for your ongoing participation and interest in our efforts to successfully implement the expanded gaming law.

Meeting Notification & Agenda for 10/17/13

- [Meeting Notification and Agenda 10.17.13](#)

PLEASE NOTE: This open meeting will be held at the Hynes Convention Center, Room 202 at 900 Boylston Street in Boston, MA.

For your convenience, MassGaming provides a LIVE STREAM of every meeting on the homepage of its website at [MassGaming.com](#).

In addition, MassGaming invites you to follow along and participate with live meeting updates via Twitter at @MassGamingComm.

Mass Gaming Commission | (617) 979-8400 | mgccomments@state.ma.us |

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Mass Gaming Commission | 84 State Street | 10th Floor | Boston | MA | 02109



Jacqueline Shanley

From: Mass Gaming Commission <mgccomments@state.ma.us>
Sent: Wednesday, October 16, 2013 10:50 AM
To: Jacqueline Shanley
Subject: Public Input Meeting Notification and Guidelines for Slots Proposals



October 16, 2013

Mission Statement

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Greetings,

MassGaming would like to take this opportunity to keep you up-to-date on the latest Commission news and information. Thank you for your continued interest in the implementation of The Gaming Act and our ongoing licensing process.

MassGaming to Host 'Public Input' Meetings on Category 2 (slots) Gaming Applications

Public Meetings to offer early opportunity for community members to provide the Commission feedback on nearby slots proposals

WHO:

Members of the Massachusetts Gaming Commission and members of the public

WHAT:

MassGaming will host three public input meetings as a means to facilitate public discussion in regards to the recently submitted Category 2 or slots-parlor applications. The purpose of these meetings is to provide community members, in both host communities and potential surrounding communities, an opportunity to provide feedback to the Commission in the early stages of the 'Evaluation Process'.

From its inception, MassGaming has committed to ensuring an open, transparent and participatory process. To that end, there will be three primary opportunities for interested parties to offer comment to the Commission about pending gaming applications.

- **Written Comments:** First, on an ongoing basis, people may submit written comments to MassGaming via email at mgccomments@state.ma.us.
- **Public Input Meetings:** Second, MassGaming will convene a series of public input meetings in communities adjacent to the proposed host communities for slots-parlor proposals. Commission respectfully requests that speakers either reside in or have a direct affiliation with the a host community or one of the potential surrounding communities to the particular applicant.
- **Host Community Meeting:** Third, MassGaming will convene public hearings on each application in the proposed host communities. These hearings have not yet been formatted or scheduled.

WHEN and WHERE:

Monday, October 21, 2013 at 4:00pm

PPE/Cordish - Leominster Proposal
Lancaster Community Center, 39 Harvard Street, Lancaster, MA

Tuesday, October 22, 2013 at 4:00pm

Plainridge/Penn National Gaming Proposal
Fiske Public Library, 110 Randall Road, Wrentham, MA

Wednesday, October 23, 2013 at 4:00pm

Raynham Park, LLC Proposal
Oliver Ames High School Cafeteria, 100 Lothrop Street, Easton, MA

GUIDELINES:

Those who wish to submit written comments relative to the upcoming input meetings may do so by sending an email to mgccomments@state.ma.us with the town name in the subject line. All comments received via email will be distributed to the Commission for their review.

Public officials, representatives of interested parties and members of the communities who wish to address the Commission at one of the scheduled public input meetings should send an email to the above address with '**Request to address the Commission/date**' in the subject line. In the body of the email, the Commission respectfully requests that you include your town of residence.

****In order to use the available time most efficiently, the Commission reserves the right to limit the amount of time for speakers depending on attendance at the meetings and also requests that speakers are limited to the region regarding these specific slots applications.****

As always, thank you for your time and consideration.

Best regards,

MassGaming

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Jacqueline Shanley

From: Mass Gaming Commission <mgccomments@state.ma.us>
Sent: Friday, October 11, 2013 5:26 PM
To: Jacqueline Shanley
Subject: MassGaming Newsletter October 2013



October 11, 2013

Mission Statement

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Greetings,

MassGaming would like to take this opportunity to keep you up-to-date on the latest Commission news and information. Thank you for your continued interest in the implementation of The Gaming Act and our ongoing licensing process.

MassGaming accepts three final applications for single slots-parlor license

MassGaming announces the acceptance of three final applications in a two-phase application process toward the award of the single Category 2 (slots-parlor) license available statewide. Slot-Parlor applicants were required to submit a completed Phase 2 application to the Commission no later than October 4, 2013 at 2:00pm. The currently available public portions of the submitted slot-parlor applications are located [here](#).

The Commission received Phase 2 applications from the following slot-parlor applicants:

Slots Applicant	Host Community	Suitability Determination	Referendum Results
Raynham Park	Town of Raynham	Positive	Yes 86.1%, No 13.7%
Cordish Companies	Town of Leominster	Positive	Yes 62%, No 38%

Penn National Town of Plainville Positive Yes 76%, No 24%

The Phase 2 application is 236 pages and has been broken up into sections to include key evaluation criteria: 1. Overview of Project; 2. Finance; 3. Economic Development; 4. Building and Site Design; 5. Mitigation. The content of the Phase 2 application is based primarily on the Evaluation Criteria previously outlined by the Commission.

The Phase 2 application may only be submitted by applicants that have received a positive determination of suitability from the Commission in accordance with 205 CMR 115.05(3). The application requires applicants to provide a copy of the executed host community agreement, and the summary of the host community agreement that was provided to the voters along with a description of the election at which the agreement was approved by the voters, including the date of the election, the polling procedures, and a certified copy of the election results provided by the city or town clerk.

Learn more about MassGaming's Evaluation Process

MassGaming is swiftly approaching the issuance of the Commonwealth's first of several competitively-awarded, expanded gaming licenses. The Commission has completed an intense period of preparation for the execution of a methodical and organized 'Evaluation Process' to scrutinize and evaluate the three slots-parlor license applications.

The established 'Evaluation Process' for assessing and ultimately awarding expanded gaming licenses was developed based on requirements written into the "Expanded Gaming Act" as well as criteria approved by the Commission to solicit the most competitive projects that meet the expectations provided in the final application, have a positive impact on the Massachusetts economy and enhance the state's revenues.

A detailed explanation of the 'Evaluation Process' and the five key evaluation criteria is available in a newly developed section of our website and can be viewed [here](#).

Furthermore, MassGaming has established a comprehensive communications plan to increase awareness of the overall 'Evaluation Process' and share with the public the necessary 'Steps to Licensing' executed by the Commission toward the issuance of the slots license. The Commission anticipates issuing the slots license by late December 2013, early January 2014.

The Commission continues to invite the public to participate in the ongoing licensing process by staying updated on the Commission's efforts through MassGaming's new Tumblr account, which will include daily content featuring news and information on the Commission's "Steps to Licensing". In addition to MassGaming's new Tumblr account, the Commission will continue to provide frequent updates on its progress, critical milestones

and key meeting and public hearing dates through the use of the Commission's website, gaming blog, videos and other social media channels.

Request for Public Comment: defining 'small business'

MassGaming and the Director of Workforce, Supplier and Diversity Development invites public comment on a proposal to adopt a definition for "small business" as identified in the language found in An Act Establishing Expanded Gaming in the Commonwealth Chapter 194 of the Acts of 2011 / Chapter 23K.

Under Section 1. "The General Court finds and declares that": (6) promoting local small businesses and the tourism industry, including the development of new and existing small business and tourism amenities such as lodging, dining, retail and cultural and social facilities, is fundamental to the policy objectives of this chapter.

The goal in defining "small business" is to ensure that the policy objectives of Chapter 23K to positively impact "small business" is realized and to clarify for the benefit of our license applicants the important role that "small businesses" play in the Massachusetts economy and what size business we hope that our applicants will promote. Members of the MassGaming Commission's Vendor Advisory Group and other stakeholders in the business community expressed concern about the use of the phrase without some definition.

To learn more about this request for public comment, please visit [here](#).

MassGaming extends deadline for 'Surrounding Community' negotiations with slots-parlor applicants

On October 3, 2013, the Massachusetts Gaming Commission, while in its bi-weekly open public meeting, voted to extend the deadline for communities to submit petitions to be designated as 'surrounding communities' for Category 2 (slots only) gaming applications. The deadline has been extended to October 31.

The Commission anticipates that the allowance of additional time will be used by applicants and communities to reach surrounding community agreements. The additional time can also be used by the parties to reach an understanding regarding the impacts resulting from gaming facilities, or an understanding of the lack of significant impacts, in some cases.

During the October 3 public meeting, the Commission also decided to host a briefing by the three Category 2 (slots only) applicants on the status of conversations with communities at its next meeting on October 17, to be followed by a public hearing held for each proposal in one of its surrounding communities and, later, any other measures the Commission thinks would help applicants and surrounding communities reach appropriate agreements voluntarily. Communities and citizens wishing to provide comments on the status of surrounding community discussions may do so at these public hearings, that will be scheduled soon after the October 17 commission meeting. Prior to and after the public hearings,

citizens and communities may provide written comments to the Commission via email at mgccomments@state.ma.us with 'Surrounding Community' in the subject line.

The intent of these measures is to facilitate communication between the applicants and surrounding communities, and to keep the Commission fully abreast of the status of those negotiations. These actions are a result of measures advanced by the Commission at a prior open meeting and requests submitted by a number of Category 2 communities and at least one applicant to extend the surrounding community petition deadline.

Finally, the Commission noted that communities and Category 1 (resort casino) applicants are also facing significant time pressures. Soon after the commencement of the Category 2 reviews, the Commission will ask Category 1 applicants to appear before the Commission to provide an update regarding their communications with communities. This too will also hopefully facilitate greater understandings between applicants and communities.

Save the Date! MassGaming to host two upcoming educational forums on Horse Racing and Responsible Gaming

- Horse Racing: MassGaming will host an educational forum on horse racing. Racing experts will provide updates on the state of the Thoroughbred and Standardbred Industry. The forum will take place on October 16, 2013 from 9:00am-5:00pm at the Hynes Convention Center. For more details, click [here](#).
- Responsible Gaming: MassGaming will hold a responsible gaming forum on October 28, 2013. Commissioners will engage a range of experts to discuss the development of Responsible Gaming Framework for Massachusetts slot parlor and resort casinos. For more details on this event, please visit [here](#).

For a complete listing of upcoming public meetings, please visit the Commission's '[Meeting Notifications and Agenda](#)' web page.

MassGaming Annual Report

Last week the Commission delivered its second annual report to Governor Patrick and the legislature. The report covers the Commission's operations as of the end of Fiscal Year 2013. We invite you to review our progress. Download the report [here](#).

As always, thank you for your time and consideration.

Best regards,

MassGaming

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Forward this email

Jacqueline Shanley

From: Charles Cristello
Sent: Thursday, October 10, 2013 11:42 AM
To: Selectman Distribution
Cc: Jane Kudcey; Ruth Geoffroy; Jacqueline Shanley; Caroline R. LaCroix
Subject: FW: Notice to communities October 4, 2013

We continue to follow this. The deadline to apply for surrounding community status has been extended until the end of the month. There has been no follow-up from Raynham Park to our first meeting where we requested more traffic information to be able to assess impacts, if any, on Middleborough. I will be contacting them this week to see if they will be providing us with any additional information.

Charlie

From: Mass Gaming Commission [mailto:mgccomments@state.ma.us]
Sent: Friday, October 04, 2013 4:50 PM
To: Charles Cristello
Subject: Notice to communities October 4, 2013



Website About The Commission News & Events Blog Licensing & Registration More Links...

October 4, 2013

Mission Statement

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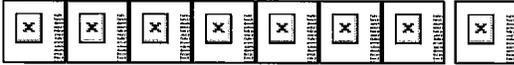
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Sent: Friday, October 04, 2013 4:50 PM
To: Jacqueline Shanley
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LOCAL EMERGENCY PLANNING COMMITTEE
MEETING MINUTES OF 1/31/13
Central Fire Station
125 North Main Street
Middleborough, MA 02346

9:00 A.M.

Present: Lance Benjamino
Bruce Gates
Peter Andrade
Jeanne Spalding
Patricia Cassidy
Charles Cristello
Andrew Bagas
Robert Whalen
Ruth Geoffroy
Jacqueline Crowley

Doug Forbes from MEMA opened the meeting at 9 A.M. and welcomed the attendees. He offered his assistance to the Committee.

Mr. Forbes declared that this was a legal meeting since more than 7 of the 13 disciplines are present. He asked if the Committee wanted to become a Certified Emergency Planning Committee. Charles Cristello moved and Robert Whalen seconded a motion for this Committee to apply to become a Certified Local Emergency Planning Committee. Motion adopted unanimously. Bruce Gates moved and Robert Whalen seconded a motion to appoint Chief Lance Benjamino Chairman of the Committee. Motion adopted unanimously. Jackie Crowley moved and Robert Whalen seconded a motion to appoint Charles Cristello Secretary of the Committee. Motion adopted unanimously.

Mr. Forbes indicated that in addition to the sign-up sheets we will also fill out the training sheets for the first responders. These documents along with the minutes and the application will be submitted to MEMA for its review and approval. Mr. Forbes explained that initially the Committee is considered a start-up and this status is good for one year. The next step is to achieve provisional status which is good for three years. This requires an updating of the Comprehensive Emergency Management Plan as well as one table top exercise. The requirement for full status which is good for five years and can be renewed is community outreach, risk reduction, and legal advertisement of the location of where and how Tier 2 reports can be viewed.

The Committee must have at least two legal meetings each year. The next meeting will take place once the application is approved by MEMA.

Meeting adjourned at 9:30 A.M.

Approved, 10/16/13
unanimously



Deval L. Patrick, Governor
Richard A. Davey, MassDOT Secretary & CEO
Beverly A. Scott, Ph.D., General Manager
and Rail & Transit Administrator



October 1, 2013

Mr. Stephen J. McKinnon
~~Chairman~~
Town of Middleborough
10 Nickerson Avenue
Suite A
Middleborough, MA 02346

RE: Salting at Commuter Rail "Highway/Railway" Crossings

Dear Chairman McKinnon:

The application of road salt on highway / railway crossings can cause train approach warning systems to activate without the presence of a train in the area. The reason for this is that the combination of road salt and fresh or melting snow creates a conductive solution that causes a short circuit between the rails of the tracks. As a result, the gates lower, the lights flash, and the warning bells ring until the problem is corrected. The corrective action usually takes an hour or more and can cause the highway traffic to back-up.

The 2013 / 2014 winter season will soon be upon us. This is a reminder and request that you again instruct your crews and contractors to refrain from salting the area in the immediate vicinity of the tracks in order to minimize the instances of these unwanted activations. Your cooperation will help minimize both automotive and train delays this winter. The following is a list of highway/railway crossing in your town on the commuter rail system:

West Clark Street

Please contact John Mitchell, MBCR's Deputy Chief of Engineering Operations, at 617-222-3613 to answer any questions regarding this request. Thank you again for your assistance with this issue.

Sincerely,

Beverly A. Scott, Ph.D.
~~General Manager and~~
Rail and Transit Administrator

YC: DPW Director C. Peck

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Handwritten notes on the right side of the page, possibly a list or a set of instructions.

Main body of handwritten text, consisting of several lines of cursive script.

Second main body of handwritten text, continuing the notes or list.

Third main body of handwritten text, possibly a concluding paragraph.

Handwritten notes at the bottom left of the page, possibly a signature or date.

Jacqueline Shanley

From: Charles Cristello
Sent: Friday, October 11, 2013 2:59 PM
To: Selectman Distribution
Cc: Jeanne Spalding; Jacqueline Shanley
Subject: FW: Rep. Tom Calter to host Substance Abuse Awareness Program-Oct 23rd
Attachments: Substance Abuse Awareness Oct23 flyer.pdf

From: Calter, Thomas - Rep. (HOU) [<mailto:Thomas.Calter@mahouse.gov>]
Sent: Friday, October 11, 2013 2:39 PM
To: Selectman Allin Frawley; Charles Cristello; Roseli S. Weiss
Subject: Rep. Tom Calter to host Substance Abuse Awareness Program-Oct 23rd

Dear Middleboro Officials,

On *Wednesday, Oct. 23rd from 7-9 p.m. at Silver Lake Middle School Auditorium, 256 Pembroke Street, Kingston*, I will be hosting a **substance abuse awareness program** geared for parents with children in Grades 5 - 12 to address drug and alcohol issues, trends, and decision-making challenges faced by teens & pre-teens.

The program is going to be packed with information, tips, and strategies that will be equally valuable to coaches, volunteers, grandparents, teachers, etc - essentially anyone who interacts with young people. It's a very strong panel with a lot of good content and I sincerely hope as many people as possible will take advantage of this opportunity. Attached please find the flyer and below please see a list of panelist.

I would be honored if you could *join me* and help get the word out by posting the attached flyer and by forwarding it to the Board of Selectmen and Board of Health members and others who you think may be interested.

Thanks so much for your assistance,

Tom

State Representative Thomas Calter

12th Plymouth District

PANELISTS:

- Plymouth County District Attorney Tim Cruz
- Mylene Krzanowski, Executive Vice President of Regional Advancement for the Caron Treatment Centers.
- Dan Lynch, Regional VP of Caron Boston
- Rich Melillo, Principal & Program Director, Independence Academy (an alternative secondary school for addicted teens in Brockton)
- Dana Smith, Plympton D.A.R.E. Officer (at Dennett Elementary)
- Detective Sgt. Robert Wells, KPD
- Officer Ryan Calter, KPD
- Parent who lost a daughter after her second time using heroine.

Do YOU know what you NEED TO KNOW?

A Substance Abuse Awareness Program for Parents

Hosted by State Representative Tom Calter

Wednesday, October 23, 2013

7:00 - 9:00 p.m.

Silver Lake Middle School Auditorium

256 Pembroke Street, Kingston

You may think you know what to warn your kids about when it comes to drugs and alcohol, but there are startling trends and methods of use making their way through teen social circles. From household products and prescription meds to dangerous use of alcohol and street drugs, this eye-opening information will inform you, and will likely surprise you.

Get up to speed on the issues and trends... learn the warning signs, tips for communicating with your child, strategies for intervention, and more. This 2-hour program is time well-spent -- ***don't miss this powerful panel presentation designed to keep our children safe.***

Panelists include the Plymouth County District Attorney Timothy Cruz, representatives from Caron Treatment Centers, Independence Academy, and the Kingston Police Dept.; Plympton's trained D.A.R.E. Officer; and a local parent who lost a child suddenly to drug use. The program will be hosted and moderated by Rep. Tom Calter and will conclude with a Q & A session.

ALL parents are encouraged to attend, with special focus on issues and decision-making facing teens & pre-teens in Grades 5 - 12. For more information, contact abelmore@hotmail.com or call Rep. Calter's district office at 508.732.0033.

5

The Trustees of the Middleborough Public Library met on September 9, 2013. In attendance were James Okolita, Sherri Hartlen-Neely, Nancy Ockers, George Davey, Eleanor Osborne, Keith Macdonald, Edward Pratt, Sara Cederholm, Maryanna Abren, and Library Director Danielle Bowker.

Chairman Jim Okolita called the meeting to order at 6:00 p.m.

The minutes of the August 12th meeting were accepted as presented.

In Unanticipated Business, a motion was made, and seconded, to go into Executive Session for the purpose of discussing personnel matters. Trustees James Okolita, Sherri Hartlen-Neely, Nancy Ockers, George Davey, Eleanor Osborne, Keith Macdonald, Edward Pratt, Sara Cederholm, and Maryanna Abren voted in favor of going into Executive Session. Upon completion of the discussion, a motion was made, and seconded, to return to the regular meeting. Trustees James Okolita, Sherri Hartlen-Neely, Nancy Ockers, George Davey, Eleanor Osborne, Keith Macdonald, Edward Pratt, Sara Cederholm, and Maryanna Abren voted in favor.

The Treasurer's Report was accepted, subject to audit.

Subject to the salary parameters indicated by Danielle, Trustees voted unanimously in favor of the following holiday schedule:

Wednesday before Thanksgiving - close at 5:00 p.m.

Christmas Eve - closed

New Year's Eve - closed at 3:00 p.m.

The Child Safety Policy was tabled. Danielle recently attended a workshop on the topic, and hopes to include information from the workshop in the proposed policy.

Town Meeting is October 7th. A copier/printer for the Library is being included as part of the IT's supplemental request. Otherwise, the Library budget is right on track with the major line items.

The Library's first open Sunday was slow, but Danielle expects that business will pick up as it did last year.

SAILS is moving to a "cloud based system", and the catalog will not be available to patrons next week. Most circulation functions will be available to staff, but they will not be able to catalog anything.

The Library began using Smart Pay in July. This allows patrons to pay their fines using a credit/debit card. The snag in this is that they can only pay fines that have been billed by a participating library. Right now, including Middleboro and Lakeville, there are only a handful of libraries that are participating.

Participation in Summer Reading was outstanding. The programs were well attended, and the kids and teens read a total of 13,321 hours.

A Monday morning Mother Goose on the Loose will be added to story times. The evening story hour, with its low attendance, will be put on the shelf for a few months.

The authors of Murder in Wellesley are coming to speak on the 18th and to sign their book.

The Book store is open 3 times a week again. The Friends' membership drive has been extended to September 18. The next fundraising event, "Worth or Worthless," is scheduled for October 20th.

A representative from Capone Bros. will be here tomorrow to meet with Danielle, and set a date for the curbing and sidewalks.

The next meeting is scheduled for October 7, 2013 at 6:00 p.m. Please note that Trustees will meet at the Middleboro High School prior to the Town Meeting.

The meeting adjourned at 6:47 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Maryanna B. Abren". The signature is written in black ink and has a long, sweeping underline that extends to the right.

Maryanna B. Abren

Handouts

Agenda

Minutes of 8/12/13

Treasurer's Report with balances as of 8/31/13

Director's Report

Expenditures as of 9/1/13

6



TOWN CLERK

2013 OCT 7 AM 11 38

CARVER MA

Carver Zoning Board of Appeals
Town Hall * 108 Main Street Carver, MA 02330

AGENDA
October 17, 2013

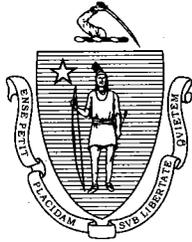
The Carver Zoning Board of Appeals will hold a public meeting on Thursday, October 17, 2013 at 7:00 p.m. at the Carver Town Hall, Room #4, 108 Main Street, Carver, Massachusetts 02330 for the purpose of:

NEW PETITION:

Case No. 13-961 Petitioner: Richard and Pamela Cordeiro of 98 Rochester Road, Carver, Massachusetts. The applicants are seeking a Variance and/or Special Permit in order to bring an existing approved accessory apartment/in-law into compliance. The property is zoned Residential/Agricultural District, in accordance to Town of Carver Assessors Map 96, Lot 9.

Deborah Carlino, Clerk

Any persons interested and wishing to be heard should appear at the time and place designated. A copy of the plan is on file at the Town Clerk's office and may be reviewed during normal business hours.



7

The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

SUSAN WILLIAMS GIFFORD
STATE REPRESENTATIVE
2ND PLYMOUTH DISTRICT

DISTRICT OFFICE
191 MAIN ST., SUITE 213F
WAREHAM, MA 02571
TEL. (508) 295-5999
FAX (508) 295-5993

Committees:
Environment, Natural Resources and Agriculture
Steering, Policy and Scheduling
Healthcare Financing

ROOM 542, STATE HOUSE
TEL. (617) 722-2976
FAX. (617) 570-6575

October 1, 2013

Stephen J. McKinnon, Chairman
Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Dear Chairman McKinnon,

Thank you for your letter dated August 7th, 2013 in regard to support of my bill, H-1115, *An Act Relative to the Definition of Low and Moderate Income Housing*. I am pleased to advise that a public hearing has been scheduled. The hearing will take place before the Joint Committee on Housing on Tuesday, October 22nd, 2013 at 10:00am in State House hearing room B-2.

In person testimony would be greatly appreciated. However, written testimony may also be submitted and should be directed to:

House Chairman Kevin Honan
State House, Room 38
Boston, MA 02133

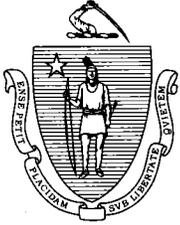
Senate Chairman James Eldridge
State House, Room 413A
Boston, MA 02133

Testimony may also be sent via e-mail to Kevin.Honan@mahouse.gov and James.Eldridge@masenate.gov.

If you have questions or need additional information, please call me. I can be reached here at the State House at 617-722-2976 or at my District Office at 508-295-5999. Thank you for your continued support in this effort.

Sincerely,

Susan Williams Gifford
State Representative
2nd Plymouth District



DEVAL L. PATRICK
GOVERNOR

The Commonwealth of Massachusetts
Executive Office for Administration and Finance
Division of Capital Asset Management and Maintenance
One Ashburton Place

Boston, Massachusetts 02108

Tel: (617) 727-4050

Fax: (617) 727-5363

GLEN SHOR
SECRETARY, ADMINISTRATION
& FINANCE

CAROLE CORNELISON
COMMISSIONER

October 4, 2013

Mr. Stephen J. McKinnon, Chair
Board of Selectmen
Town of Middleborough
10 Nickerson Avenue
Middleborough, Massachusetts 02346

RE: Commonwealth's Search for Lease Space

Dear Mr. McKinnon:

We wish to notify you that the Division of Capital Asset Management and Maintenance has issued a Request for Proposals (RFP) seeking to lease space in your community for a state agency, as noted below:

<u>User Agency</u>	<u>Space Type</u>	<u>Usable Sq. Ft. (USF)</u>	<u>Locations</u>
Division of Marine Fisheries	Storage	Approximately 10,000	Acushnet, Carver, Dartmouth, Fairhaven, Freetown, Lakeville, Marion, Mattapoisett, Middleborough, New Bedford, Plymouth, Rochester, or Wareham

The deadline for submission of proposals is November 7, 2013 at 2:00 p.m. The RFP can be viewed at www.comm-pass.com, under the "Solicitations" tab.

Sincerely,

Martha Goldsmith
Director, Office of Leasing and State Office Planning

cc: Project File 201379000.1

COMMONWEALTH OF MASSACHUSETTS - PLYMOUTH DISTRICT
OFFICE OF THE DISTRICT ATTORNEY



TIMOTHY J. CRUZ
DISTRICT ATTORNEY

MAIN OFFICE:
32 Belmont Street
P.O. BOX 1665
Brockton, MA 02303-1665
Tel: (508) 584-8120
Fax: (508) 586-3578

October 4, 2013

Dear Chairman and fellow Board members

Enclosed please find information about the following conferences. We hope to see you there.

In light of the continued increase in opioid drug abuse, the Plymouth County District Attorney's Office has joined the United States Drug Enforcement Administration (DEA), Massachusetts Department of Public Health, High Point Treatment Centers, and the Brockton Mayor's Opioid Overdoes Prevention Coalition for the **Drug Overdose Prevention Conference on October 25, 2013** at the Shaw's Conference Center in Brockton. We hope to provide an important educational opportunity to bring awareness to this local concern. Moreover, we will provide strategies that individual communities can utilize to curb this increase in drug abuse, as well as a presentation by the DEA on the increasing threat of over the counter synthetic drugs. We ask that you join us in the fall for a necessary, collaborative look at the damaging effects of drugs in our communities.



Register at: <https://districtma.org/>

In addition, on **October 30, 2013** at Bridgewater State University, the Plymouth County District Attorney's Office is pleased to welcome the United States Secret Service and the US Attorney's Office-Massachusetts to the **Plymouth County Safe School Conference: Managing Threatening Situations**.

We look forward to working alongside federal, state, and county law enforcement and school officials to enhance the safety of the schools in our region. As the Secret Service stated in The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States (2002), it is vital that our schools have the threat assessment procedures and policies in place to identify, assess, and manage possible threats in order to prevent future violence.

Register at: <https://districtma.org/>

Thank you

Patrick Nevins
Grants Program Coordinator
Plymouth County District Attorney's Office

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MANAGING THREATENING SITUATIONS CREATING SAFE SCHOOL CLIMATES

*Creating a culture and mechanisms to facilitate effective
responses to threatening situations*

REGISTRATION IS NOW OPEN

Wednesday, Oct. 30, 2013 ♦ 7:30 am – 2:00 pm

(Program will begin promptly at 8:30 am)

**Bridgewater State University, Rondileau Campus Center, Grand Ballroom
19 Park Avenue, Bridgewater, Mass.**

FEATURED PRESENTERS

Lina Alathari, Ph.D

Research Psychologist, National Threat Assessment Center, United States Secret Service

Catherine Camilletti, Ph.D.

Social Science Research Specialist, National Threat Assessment Center, United States Secret Service

Who Should Attend

School/Campus Personnel

Principals, Superintendents, Administrators, Campus
Police, School Resources Officers, Legal Advisors,
Guidance Counselors & Mental Health Specialists,
Prevention & Intervention Staff

Law Enforcement Agencies

Investigators
Prosecution staff
First Responders

Questions

Please contact Brandy Donini-Melanson, Law
Enforcement Coordinator, U.S. Attorney's Office, at
brandy.donini-melanson@usdoj.gov or 617-748-3256

Discussion Points

- ♦ Foundations of threat assessment
- ♦ Prevention of targeted violence (K-12 & Higher Ed)
- ♦ Information sharing & privacy issues

Registration -

SPACE IS VERY LIMITED

Deadline to register is Oct. 17

Register online at

[https://districtma.org/default.aspx/MenuItemID/133/
MenuGroup/Home.htm](https://districtma.org/default.aspx/MenuItemID/133/MenuGroup/Home.htm). Priority placement will be

given to registrants in the south shore MA area.
Registrants north of Quincy will be "wait listed" until
Oct. 8th, and enrolled if space is available.

**Provided in partnership with the Plymouth County District Attorney's Office,
U.S. Secret Service and U.S. Attorney's Office for the District of Massachusetts**

Hosted by Bridgewater State University

REGISTRATION IS NOW OPEN



Linda M. Balzotti
Mayor



Timothy J. Cruz
District Attorney

The City of Champions Fights Addiction Conference

Friday, Oct. 25, 2013 ♦ 7:45 am – 2:30 pm

(Program will begin promptly at 8:30 am.)

The Shaw's Center

1 Feinberg Way

Brockton, MA 02301

PRESENTATIONS

- The BMOOPC PhotoVoice Project
- Addiction and the Brain
- The Massachusetts Nasal Naloxone Pilot

- Synthetic Drugs

PRE-REGISTRATION

Pre-register online at

<https://districtma.org>

Deadline: Oct. 17, 2013

EVENT SPONSORED BY

The Office of Mayor Linda M. Balzotti

The Plymouth County District Attorney's Office

High Point Treatment Center

QUESTIONS: Contact Amanda Sandoval at asandoval@hptc.org or 508-742-4405.

**Capital Planning Committee
Meeting Minutes
March 26, 2013**

7:00 p.m.

Present: Stephen Morris
Lincoln Andrews
Allin Frawley
Diane Stewart
Neil Rosenthal
Anders Martenson
Charles Cristello

Chairman Morris opened the meeting at 7:00 p.m.

Upon a motion by Mr. Andrews seconded by Mr. Rosenthal, the minutes of 3/19/13 were adopted. Ms. Stewart joined the meeting.

The Committee heard from the Town's IT department on their capital request. The committee further revised the draft Capital Plan. Ms. Driscoll also updated the committee on the school IT purchases for the current year.

The meeting adjourned at 9:00 P.M.

Approved 9/17 5-0 Mr. Gannon
abstained
AR

Jacqueline Shanley

From: Decas, Murray & Decas <decasmurraydecas@yahoo.com>
Sent: Monday, October 07, 2013 3:30 PM
To: Charles Cristello; Jacqueline Shanley
Subject: law dept budget

October 7, 2013

Town Accountant
Middleboro Town Offices
20 Centre Street
Middleboro, MA 02346

RE: Law Department Budget – Fiscal Year 2014

To The Accountant:

Enclosed please find invoice from Collins, Loughran & Peloquin, P.C. dated 10/3/13 in the amount of \$828.75 for service rendered through September 30, 2013.

Please process for payment directly to Collins, Loughran & Peloquin, P.C. Payment to be made from “Special Counsel” part of the Law Department Budget.

Very truly yours,

Daniel F. Murray
Town Counsel

DFM/s
82-117
Enclosure

cc: Charles J. Cristello, Town Manager
Board of Selectmen

DECAS, MURRAY & DECAS

ATTORNEYS AT LAW

132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-4433

GEORGE C. DECAS (RETIRED)
DANIEL F. MURRAY, ESQUIRE
WILLIAM C. DECAS, ESQUIRE

PHONE: (508) 947-4433
FAX: (508) 947-7147

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
DECASMURRAYDECAS@YAHOO.COM

October 1, 2013

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

RE: Law Department Fiscal 2014 Budget – Status

To The Members:

You asked for a monthly report of charges. I enclose copies of monthly time sheets for **SEPTEMBER, 2013**. Total time expended was 33.5 hours, including appearances. This is for information only and is not an invoice.

Services for **SEPTEMBER** were **\$5,000.00**.

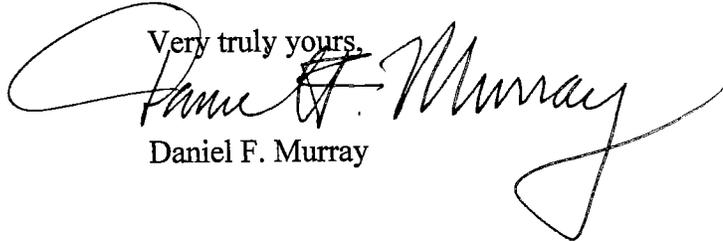
Costs incurred for **SEPTEMBER** were **\$357.10**.

Services and costs for outside and special counsel for the month were **\$4,107.50**.

Total legal expenses (services and costs) incurred during the **2014** fiscal year through and including **SEPTEMBER, 2013** are as follows:

Town Counsel (regular pay)	=	\$ 15,000.00	(7/1/13 – 09/30/13)
Town Counsel (costs)	=	\$ 902.20	(7/1/13 – 09/30/13)
Outside Counsel	=	\$ 14,597.38	(7/1/13 – 09/30/13)
TOTAL	=	<u>\$ 30,499.58</u>	

Very truly yours,


Daniel F. Murray

DFM/s
82-117

cc: Town Accountant
Town Manager (via email)

Jacqueline Shanley

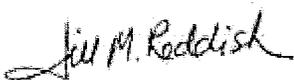
From: Reddish, Jill M <jill.m.reddish@verizon.com>
Sent: Thursday, October 03, 2013 11:37 AM
To: Reddish, Jill M
Subject: FW: Verizon Rate Changes
Attachments: Premium Channel Rate Change.docx; Rate Change October Notice.docx

Dear Municipal Official:

This is to inform you that, due to the rising cost of providing quality programming, the rate for several FiOS TV packages will be increasing. Notices are outlined in the attached. These changes will become effective on or after December 1, 2013. Customers subscribed to a term contract or promotional price guarantee offering will not experience an increase until the end of the contract or promotional price guarantee. Affected customers will receive Bill Messages beginning October 1, 2013.

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me.

Sincerely



Jill Reddish
FiOS TV- Sr. Staff Consultant
Franchise Management
617 342 0558

On or after January 19, 2013, the rates increased for new and existing subscribers to the below packages. Effective on or after December 1, 2013, customers previously excluded from the rate increase will experience the below increases. Customers subscribed to a promotional offering will not experience an increase until the end of the promotional term. Affected customers will receive the attached sample Bill Messages beginning October 1, 2013.

PREMIUM CHANNEL	CURRENT PRICE	NEW PRICE
Showtime Starz Entertainment Pack	\$ 15.99	\$ 17.99
Showtime	\$ 10.00	\$ 12.00
Movie Package Ultimate HD	\$ 9.99	\$ 11.99
Movie Package Extreme HD	\$ 9.99	\$ 11.99
Starz!	\$ 11.99	\$ 13.99
Showtime	\$ 11.99	\$ 13.99
Showtime Starz Entertainment Pack	\$ 16.99	\$ 18.99
HBO	\$ 16.99	\$ 18.99
Cinemax	\$ 11.99	\$ 13.99
HBO/Cinemax	\$ 24.99	\$ 26.99
HBO Cinemax Showtime Starz Ent Pk	\$ 35.00	\$ 37.00
EPIX	\$ 9.99	\$ 11.99
HBO Cinemax Showtime Starz Ent Pk	\$ 32.00	\$ 34.00
HBO Cinemax Showtime Starz Ent Pk	\$ 37.00	\$ 39.00
Showtime Starz Ent Pack with EPIX	\$ 24.99	\$ 26.99
Fully Loaded Entertainment Pack	\$ 45.99	\$ 47.99
Fully Loaded Entertainment Pack	\$ 39.99	\$ 41.99
HBO Cinemax Showtime Starz Ent Pk	\$ 36.00	\$ 38.00
HBO Showtime Starz Ent Pack	\$ 27.00	\$ 29.00
Showtime Starz Ent Pk and Sports	\$ 18.99	\$ 20.99
HBO Cinemax Showtime Starz Ent Pk	\$ 31.99	\$ 33.99
HBO Cinemax Showtime Starz Ent Pk	\$ 30.99	\$ 32.99
HBO Cinemax Showtime Starz Ent Pk	\$ 30.00	\$ 32.00
Showtime Starz Ent Pk and Sports	\$ 16.99	\$ 18.99
TVP Polonia (Polish)	\$ 17.99	\$ 20.99
Spanish Language	\$ 12.99	\$ 14.99
Sports	\$ 9.99	\$ 11.99
Sports	\$ 7.99	\$ 9.99

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me.

Sincerely,

FSM



Bill Messages

FiOS Premium Content Rate Increase

To continue to bring you the best programming TV has to offer, at times we need to raise our rates. On or after 30 days from the date of this bill, the rate for FiOS premium content will increase \$2 per month for each of the following products: HBO, Cinemax, EPIX, Showtime, Starz!, Fully Loaded Entertainment Pack, HBO Cinemax Showtime Starz Ent Pk, HBO Showtime Starz Ent Pack, HBO/Cinemax, Movie Package Extreme HD, Movie Package Ultimate HD, Showtime Starz Ent Pack with EPIX, Showtime Starz Ent Pk and Sports, Showtime Starz Entertainment Pack, Spanish Language Package, and Sports Package.

This rate increase does not apply to you if (1) your premium channels are part of your FiOS bundle, or (2) you have a current promotion on your premium channel. If you are not sure which premium content is part of your FiOS TV bundle, or if you would like to review all of your current services, visit myverizon.com/ and select "Account" and then "View Bill" or call 1-877-896-2155

FiOS TVP Polonia (Polish) Rate Increase

To continue to bring you the best programming TV has to offer, at times we need to raise our rates. On or after 30 days from the date of this bill, the rate for your international channel, TVP Polonia (Polish), will increase \$3 per month. If you would like to review all of your current services, visit myverizon.com and select "Account" and then "View Bill" or call 1-877-896-2155.

This is to inform you that, due to the rising cost of providing quality programming, the rate for several FiOS TV packages will be increasing. These changes will become effective on or after December 1, 2013. Customers subscribed to a term contract or promotional price guarantee offering will not experience an increase until the end of the contract or promotional price guarantee. Affected customers will receive the attached sample Bill Message beginning October 1, 2013.

[Redacted]			
FiOS TV La Conexion	\$27.00		\$35.00
FiOS TV La Conexion	\$39.99		\$47.99
FiOS TV La Conexion	\$54.99		\$62.99
FiOS TV Extreme HD	\$63.99		\$71.99
FiOS TV Extreme HD	\$74.99		\$82.99
FiOS TV Prime HD	\$64.99		\$72.99
FiOS TV Ultimate HD	\$89.99		\$97.99
FiOS TV Essentials	\$63.99		\$71.99
FiOS TV Essentials	\$53.99		\$61.99
FiOS TV Select HD	\$49.99		\$57.99

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me.

Sincerely,



Bill Message

FiOS Rate Increase

In order to continue to bring you quality service, at times we need to raise our rates. On or after 30 days from the date of this bill, the base monthly rate for your FiOS Bundle, FiOS TV, or FiOS Internet plan will increase by \$8. If you would like to keep your current service as is, no action is required and any credits or discounts remain in effect until their original expiration date. If you have recently signed up for a new 2-year bundle agreement you may disregard this notice. We offer many other bundle options that can help you get the most for your money. Just call and a FiOS rep will help find the best value for you. You may even be eligible for a special offer when you switch to a new FiOS bundle with a two-year agreement and two-year price guarantee. Call 1-888-678-8087 (Mon.–Fri., 8am–9pm; Sat., 9am–5pm) or go to verizon.com/fios/1ik for more information. Be sure to have your Verizon bill handy for reference.

Jacqueline Shanley

From: Andrea Priest
Sent: Monday, September 30, 2013 4:28 PM
To: Andrea Priest
Subject: Sarah Jigerjian
Attachments: sarah's celebration of life.docx

Attached please find a flyer announcing the Celebration of Life to honor Sarah Jigerjian. Many of you worked with her on one committee or another.

*Andrea M. Priest
Executive Director
Middleboro Council on Aging
558 Plymouth Street
Middleboro, MA. 02346
apriest@middleborough.com
508-946-2490
Fax 508-946-2489*



The Middleborough Council on Aging Board of Directors
and the Middleborough Services to the Elderly
invite the community

Celebrating a Life of Service

Remembering

Sarah Jigerjian

THURSDAY

October 24, 2013

Hot turkey luncheon at noon

\$4.00 suggested donation for lunch.

Additional donations will be accepted in Sarah's memory.

OPEN HOUSE

1:00-3:00

refreshments will be served

*There will be time to share memories
and a dedication.*

Middleborough Council on Aging
558 Plymouth Street



The Commonwealth of Massachusetts
House of Representatives
State House, Boston, 02133-1054

REPRESENTATIVE
KEIKO ORRALL
12TH BRISTOL DISTRICT

ROOM 540, STATE HOUSE
TEL. (617) 722-2090
Keiko.Orrall@MAhouse.gov

September 24, 2013

Stephen J. McKinnon
Middleborough Board of Selectmen Chairman
Middleborough Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

Dear Middleborough Board of Selectmen,

As the State Representative for the 12th Bristol District, I am honored to serve the community of Middleborough. As part of all my fall outreach to communities, I wanted to be sure that you had all of my current contact information at the State House.

Local aid and municipal concerns are extremely important to me and I am working hard to be an advocate for Middleborough on the state level. My office seeks to serve as a resource for any state issue or concern that you may encounter. I am here to help solve problems and to facilitate the work of local and state government for the betterment not only of our district but for all those in the Commonwealth.

Please feel free to reach out to my office with any needs or concerns. Thank you for all of the work that you are doing on the Middleborough Board of Selectmen and your efforts to make our community one of the best in Massachusetts.

Sincerely,

Representative Keiko M. Orrall
12th Bristol District
Serving Berkley, Lakeville,
Middleborough and Taunton



October 1, 2013

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

Dear Selectmen:

The Lydia Cobb-Quequechan Chapter of the Daughters of the American Revolution has received the Middleboro Town Proclamation honoring Constitution Week 2013. Your prompt response was greatly appreciated.

Your document of Proclamation is beautifully formatted and dignified in appearance. It was included in a Constitution Week exhibit on display at the Somerset Public Library.

Thank you for joining the DAR in honoring and celebrating the signing of the Constitution of the United States of America.

Sincerely yours,

A handwritten signature in black ink that reads "Kathleen Rubano". The signature is fluid and cursive.

Kathleen Rubano
Chairman, Constitution Week
Lydia Cobb-Quequechan Chapter, DAR
312 Highview Avenue
Somerset, MA 02726
katehrubano@gmail.com



September 26, 2013

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

Re: Reactivation Fee

Dear Chairman and Members of the Board:

In keeping with our ongoing efforts to provide regular updates regarding our service, I am writing to inform you that effective November 1, 2013, due to increases in operating costs, the Reactivation Fee for service(s) will increase from \$5.00 to \$6.00.

Please be advised customers are receiving notification, in advance via bill message, of this change.

Should you have any questions, please do not hesitate to contact me at 508.760.3400 x33007.

Sincerely,

Mary O'Keeffe

Mary O'Keeffe, Sr. Manager
Government & Regulatory Affairs





Deval L. Patrick, Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator



September 25, 2013

Mr. Charles Cristello
Town Manager
Town of Middleboro
10 Nickerson Avenue
Middleboro, MA 02346

**Subject: Project Need Form Submission
Middleboro – Intersection improvements at Everett Square**

Dear Mr. Cristello:

This letter serves as acknowledgment of receipt of a Project Need Form (PNF) submitted for a potential future transportation improvement project in the Town of Middleboro. The proposed project consists of intersection improvements and related work at Everett Square (Everett Street, Centre Street, Center Avenue, High Street, Station Street) and the Centre Street/Oak Street intersection.

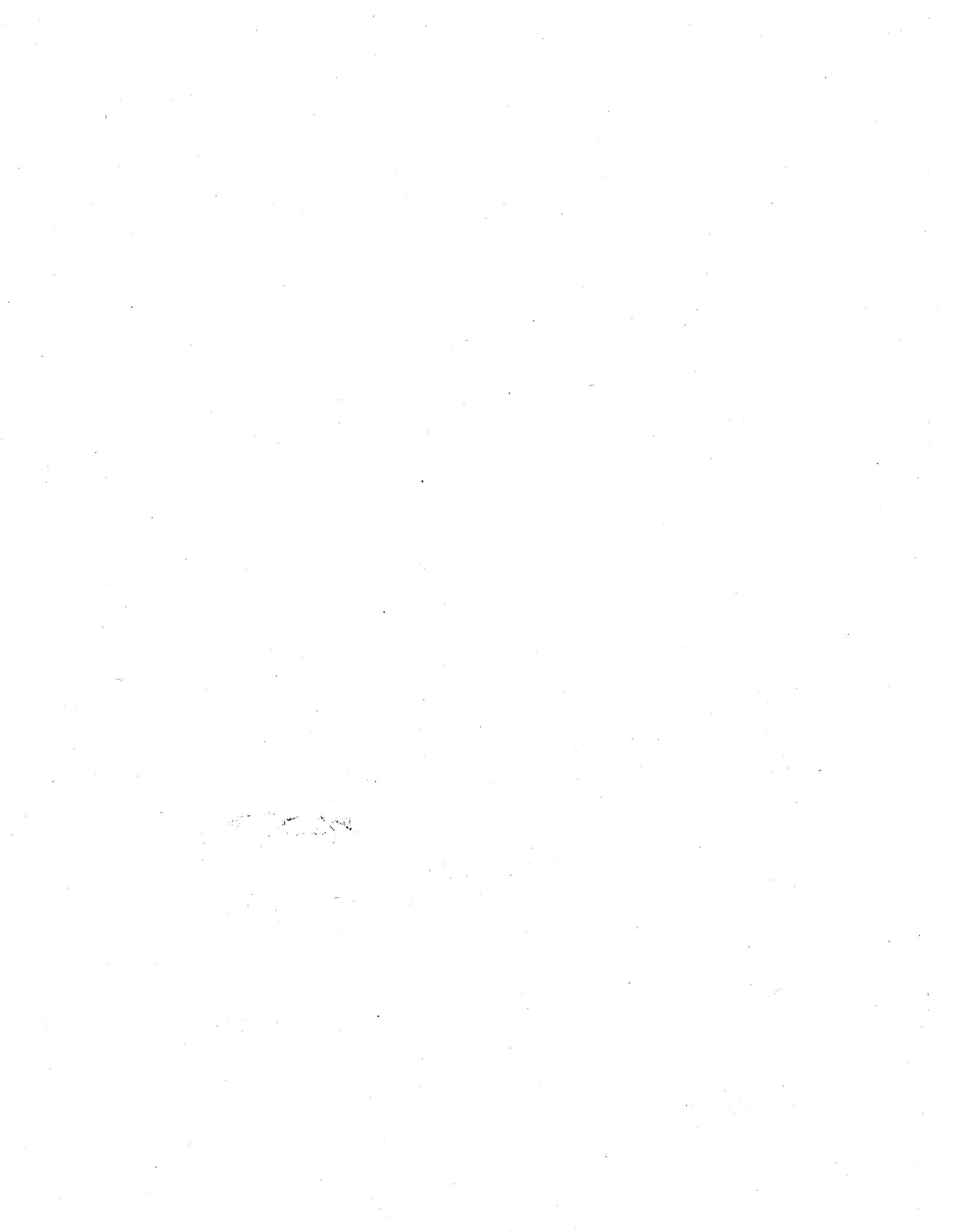
The District has reviewed the PNF and concurs with the need for initiating safety, access and multi-modal improvements at this location. Please advance to the development of a Project Initiation Form (PIF) and submit documentation of public outreach efforts along with the PIF to this office.

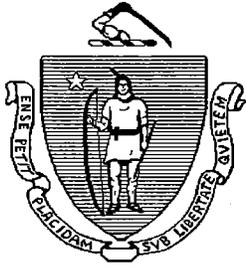
If you have any questions, please contact Pamela Haznar, P.E., Project Development Engineer at (508) 884-4239.

Sincerely,

Mary-Joe Perry
District Highway Director

TJK/tjk
cc: MJP
PRH
Ethan Britland, MassDOT OTP
James Hadfield, SRPEDD
Board of Selectmen ✓
Gary McNaughton, V.P., McMahon Associates





The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING, PUBLIC HEARING, PROCEDURAL CONFERENCE, AND REQUEST FOR COMMENTS

D.P.U. 13-148

September 25, 2013

Petition of NSTAR Electric Company for approval by the Department of Public Utilities of: (1) six long-term contracts for procurement of renewable energy and renewable energy credits from six individual wind projects, pursuant to St. 2012, c. 209, § 36 and 220 C.M.R. § 21.00 et seq.; and (2) a long-term renewable contract adjustment mechanism tariff, M.D.P.U. No. 164B.

On September 20, 2013, NSTAR Electric Company (“NSTAR” or “Company”) filed a petition with the Department of Public Utilities (“Department”) seeking approval, pursuant to Section 83A of An Act Relative to Green Communities, St. 2008, c. 169 (“Section 83A”)¹ and 220 C.M.R. § 21.00 et seq., of six long-term contracts to purchase wind power and associated renewable energy certificates (“RECs”). The proposed contracts between NSTAR and Iberdrola Renewables, LLC (“Iberdrola”), Evergreen Wind Power II, LLC (“Evergreen”), Blue Sky West, LLC (“Blue Sky”), Passamaquoddy Wind, LLC (“Passamaquoddy”), and Peskotmuhkati Wind, LLC (“Peskotmuhkati”) are for the output of the following facilities: (a) Wild Meadows in Merrimack and Groton Counties, New Hampshire (Iberdrola); (b) Fletcher Mountain in Somerset City, Maine (Iberdrola); (c) Oakfield Wind in Oakfield, Maine (Evergreen); (d) Bingham Wind in Mayfield Township, Maine (Blue Sky); (e) Passamaquoddy Wind in Columbia Falls, Maine (Passamaquoddy); and (f) Peskotmuhkati Wind in Columbia Falls, Maine (Peskotmuhkati). The Company also seeks approval of a proposed tariff, M.D.P.U. No. 164B, which provides for the recovery of costs associated with long-term contracts for renewable energy procured pursuant to Section 83A.

Section 83A requires each electric distribution company to jointly solicit proposals for long-term contracts of 10 to 20 years in duration from renewable energy developers at least twice during the period from January 1, 2013 through December 31, 2016, and, if the proposals received are reasonable, to enter into cost-effective long-term contracts to facilitate the financing of renewable energy generation apportioned among the electric distribution companies. St. 2012, c. 209, § 36; 220 C.M.R. §§ 21.00 et seq. A long-term contract must be approved by the Department before it can become effective. St. 2012, c. 209, § 36; 220 C.M.R. § 21.03(3). The Department must take into consideration both the potential costs and benefits of such

¹ Section 83A was added to the Green Communities Act by An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209, § 36.

contracts and shall approve a contract only upon a finding that it is a cost-effective mechanism for procuring low cost renewable energy on a long-term basis taking into account the factors outlined in Section 83A. St. 2012, c. 209, § 36; 220 C.M.R. § 21.05.

In accordance with Section 83A, the electric distribution companies and the Department of Energy Resources jointly developed a request for proposals (“RFP”) for the supply of renewable electric energy and RECs. On March 29, 2013, the Department approved the method of soliciting and executing long-term contracts, as well as the timetable, contained in the jointly proposed RFP. Fitchburg Gas and Electric Light Company et al., D.P.U. 13-57 (March 29, 2013). On April 1, 2013, the electric distribution companies jointly issued the RFP. The electric distribution companies state that the six projects compare favorably on price and non-price factors to the range of renewable energy resources available in the marketplace today and are thus, low-cost, cost-effective contracts. The electric distribution companies have requested approval of the Oakfield Wind project contracts on or before December 6, 2013.

The proposed contracts anticipate the following commercial operation dates: (a) Wild Meadows: December 31, 2016; (b) Fletcher Mountain: December 31, 2016; (c) Oakfield Wind: December 31, 2015; (d) Bingham Wind: December 31, 2016; (e) Passamoquoddy Wind: November 30, 2015; and (f) Peskotmuhkati Wind: November 30, 2104. Under the proposed contracts, NSTAR will purchase 745,164,728 kilowatt-hours (“kWh”) annually. Pursuant to Section 83A and 220 C.M.R. § 21.07, the Company proposes to collect an annual remuneration equal to 2.75 percent of the annual payments under the contract to compensate the Company for accepting the financial obligation of the long-term contract.

The Company projects that the costs to customers of the contract payments and remuneration to the Company will be below the projected market value of the products purchased under the contract. According to the Company, if its petition is approved, the bill of an average Cambridge Electric Light Company customer using an average of 393 kWh per month will decrease by \$0.51 or 0.8 percent; an average Boston Edison Company customer using an average of 586 kWh per month will decrease by \$0.76 or 0.7 percent; and an average Commonwealth Electric Company customer using an average of 584 kWh per month will decrease \$0.75 or 0.7 percent, relative to current rates.

The Department will conduct a public hearing to receive comments on the Company’s filing on **Wednesday, October 23, 2013** at 3:00 p.m. at the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts. Persons interested in commenting on the Company’s filing may do so at the public hearing or may file written comments by the close of business (5:00 p.m.) on **Wednesday, October 23, 2013**. A procedural conference will be held on **Wednesday, October 9, 2013** at 3:00 p.m. at the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts.

Persons interested in participating in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business (5:00 p.m.) on **Monday, October 7, 2013**. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). Receipt by the Department,

not mailing, constitutes filing and determines whether a petition has been timely filed. A petition for leave to intervene must satisfy the substantive requirements of 220 C.M.R. § 1.03. To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. Responses to petitions to intervene must be filed with the Department no later than the close of business (5:00 p.m.) on **Tuesday, October 8, 2013**.

The original of all documents must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts, 02110. In addition, two (2) copies of all documents filed with the Department must be sent to Jessica Buno, Hearing Officer, and Selma Urman, Hearing Officer, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. One copy of all documents filed with the Department must also be sent to: (1) NSTAR's counsel, Danielle Winter, Esq. and Donald Boecke, Esq., Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110, and (2) the service list.

All documents must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officers, jessica.buno@state.ma.us and selma.urman@state.ma.us or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 13-148); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Copies of the filing are available for inspection during regular business hours at NSTAR Electric Company, One NSTAR Way, Westwood, Massachusetts 02090, and on the Company's website: www.nstar.com. Copies are also available for inspection during regular business hours at the Department's offices, One South Station – 5th Floor, Boston, Massachusetts 02110, and on the Department's website, <http://www.mass.gov/dpu>, by accessing the File Room link.

For further information regarding the Company's filing, please contact the Company's counsel, Danielle Winter and Donald Boecke, at (617) 951-1400. For further information regarding this notice, please contact the Department Hearing Officers assigned to this case, Jessica Buno, at (617) 305-3527, or Selma Urman, at (617) 305-3500.

Jacqueline Shanley

From: Coman, Amy (MISC) <amy.coman@state.ma.us>
Sent: Wednesday, September 25, 2013 2:52 PM
To: butler@oxbowassociates.com; jbrown@bridgewaterma.org; Patricia Cassady; william.hayes@nstar.com'; gguimond@bridgewaterma.org; ldorr@bridgewaterma.org; aholmberg@bridgewaterma.org; Jacqueline Shanley; Ruth Geoffroy; 'kevin.mccune@nstar.com'
Cc: Canaday, Anne (ENV); Stone, Sharon (DEP); Kellogg, Patti (DEP)
Subject: NSTAR ROW 280 Vegetation Removal - C&M Permit 013-225.DFW, NHESP 12-31046
Attachments: C&MPermit_013-225_DFW.pdf

Good Afternoon, All:

Please see the attached Conservation & Management Permit (013-225.DFW) issued to NSTAR for the proposed vegetation removal along ROW 280.

Sincerely,

Amy Coman-Hoenig

Endangered Species Review Biologist | Natural Heritage & Endangered Species Program | MA Division of Fisheries & Wildlife | **ADDRESS** - 100 Hartwell Street, Suite 230 West Boylston, MA 01583 | tel: 508.389.6364 | fax: 508.389.7890 | www.mass.gov/nhesp

NOTE – I expect to start maternity leave in early October. Emily Holt (508-389-6385) or Lauren Glorioso (508-389-6361), Endangered Species Review Assistants, are the best NHESP contacts for inquiries at this time.



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

MA ENDANGERED SPECIES ACT (G.L. c.131A) CONSERVATION AND MANAGEMENT PERMIT

DATE	25 September 2013
CONSERVATION PERMIT NO.:	013-225.DFW
NHESP FILE NO.	12-31046
PERMIT HOLDER	NSTAR One NSTAR Way Westwood, MA 02090
PROJECT	NSTAR ROW 280 Vegetation removal to widen existing cleared limits of Right-of-Way (ROW)

Pursuant to the authority granted in the Massachusetts Endangered Species Act ("MESA") (G.L. c. 131A) and its implementing regulations (321 CMR 10.23), the Director of the Massachusetts Division of Fisheries & Wildlife (the "Division") hereby issues a Conservation and Management Permit (the "Permit") to NSTAR (the "Permit Holder"). This permit authorizes the "taking" of the State-listed the Eastern Box Turtle (*Terrapene carolina*), which is listed as "Special Concern," pursuant to the MESA, arising out of the removal of vegetation along a 16.7 mile transmission corridor (ROW 280), in the Towns of Carver, Middleborough and Bridgewater, spanning from the Carver Substation, west of Main Street, Carver, westward to Titicut Street, Bridgewater. The Right of Way occupies various privately owned properties over a distance of 16.7+/- miles encumbered by easement granted to NSTAR or its predecessor utilities (the "Property"). This Conservation and Management Permit will be recorded upon the title of fee owned land off of Plymouth Street in Middleborough (Book 3221/Page 175) at the Plymouth County Registry of Deeds. The entirety of the alignment is along the existing Right of Way with the following beginning and ending UTM points: -70.655865 41.881959/-70.952630 41.938623.

The Division has determined that the Project will result in a "take" of the Eastern Box Turtle due to the conversion of 16.2 acres of forested habitat to early successional habitat. Under the authority granted by and in accordance with MGL c131A§3 and 321 CMR 10.23, the Director may permit the taking of a State-listed species for conservation and management purposes provided that there is a long-term Net Benefit to the conservation of the impacted species. If the Director determines that the applicant for a permit has avoided, minimized and mitigated impacts to the State-listed species consistent with the following Performance Standards, then the Director may issue a conservation and management permit, provided:

www.mass.gov/nhesp

Division of Fisheries and Wildlife
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890
An Agency of the Department of Fish and Game

- (a) the applicant has adequately assessed alternatives to both temporary and permanent impacts to State-listed species;
- (b) an insignificant portion of the local population would be impacted by the Project or Activity, and;
- (c) the applicant agrees to carry out a conservation and management plan that provides a long-term Net Benefit to the conservation of the State-listed species that has been approved by the Director, as provided in 321 CMR 10.23(5), and shall be carried out by the applicant.

The Director has determined that the applicant for this permit has met the above noted Performance Standards and that the conservation and management plan described herein provides a long-term Net Benefit to the conservation of the Eastern Box Turtle (*Terrapene carolina*).

Pursuant to this Permit, (a) funding will be provided for land protection, conservation research, habitat management, and or conservation planning to benefit the Eastern Box Turtle in Massachusetts, (b) known turtle nesting locations will be enhanced and monitored, and (c) measures will be implemented to protect State-listed species during construction. Therefore, the Project can be permitted pursuant to the MESA.

This Permit is issued to condition the Project and to provide a long-term Net Benefit to Eastern Box Turtle (*Terrapene carolina*).

In accordance with the documents submitted to the Division entitled:

- "Conservation and Management Permit Application" (dated 8/27/2013, prepared Oxbow Associates, Inc.; the "Application");
- "Figure 1. USGS Site Locus, ROW 280, Bridgewater, Middleborough & Carver, MA" (dated 8/27/2013; prepared by Oxbow Associates, Inc.; Attachment 1) and Figures 1- 9 as shown in the Application (prepared by Oxbow Associates) (collectively the "Project Plan");
- "Eastern Box Turtle Nest Area Enhancement Plan Supplement for: Conservation & Management Permit No. 013-225.DFW" (dated 9/18/2013, prepared by Oxbow Associates, Inc.; the "Nesting Enhancement Plan")
- "Eastern Box Turtle Protection Plan Supplement for: Conservation & Management Permit No. 013-225.DFW" (dated 9/20/2013, prepared by Oxbow Associates, Inc.; the "Turtle Protection Plan"; Attachment 2);

and any other plans and documents referenced herein, this Permit is issued with the following conditions:

General Conditions:

1.	The Project authorized by this Permit shall be completed within five (5) years from the date of issuance. If needed, the Permit Holder shall submit a written request to the Division for an extension of time to complete said Project and the Division will review the Project pursuant to MESA for any continuing impacts as described herein and for any new impacts to any State-listed species found subsequent to the issuance date of this Permit.
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2.	This Permit shall not preclude the review of future projects on the Property that are subject to the Wetlands Protection Act regulations (310 CMR 10.37, 10.58(4)(b), 10.59), as applicable, by the Natural Heritage & Endangered Species Program ("NHESP") of the Division.
3.	The work authorized by this Permit involves the widening of the exiting cleared limits of the ROW through vegetation removal along ROW 280, as shown on the Project Plan (the "Work")(see <u>Attachment 1</u> for general project limits). The Work also includes any other on-site activity required by the Division as a condition of this Permit.
4.	Division representatives shall have the right to enter and inspect the Property subject to this Permit at reasonable hours to evaluate permit compliance and require the submittal of any reasonable information not otherwise required by this Permit but deemed necessary by the Division to complete its evaluation.
5.	Any proposed change to any plan identified in this Permit, or to the State-listed species conservation plan required by way of this Permit, shall require the Permit Holder to inquire of the Division, in writing, whether the change is significant enough to require the filing of a new Conservation and Management Permit Application, and or require additional long-term Net Benefit for affected State-listed species. The Division retains the right to require the submittal of additional, reasonable information to evaluate the plan change.
6.	This Permit shall apply to, and inure to the benefit of, the Permit Holder and any successor-in-interest of the Permit Holder, or to a subsequent successor-in-control of the Property or portion thereof subject to this Permit should the Permit Holder convey its record ownership of the Property to said successor-in-control, as well as to any contractor or other person performing Work conditioned by this Permit. Within three (3) days of the transfer of an interest in the Property or a portion thereof, any successor-in-interest or subsequent successor-in-control [i.e., subsequent owners or operators] of the Property or a portion thereof shall provide the Division with a letter indicating (1) that the successor is the successor-in-interest of the Permit Holder or the successor-in-control [i.e., current owner or operator] of the Property or a portion thereof, and (2) that said successor will perform the obligations of the Permit Holder as set forth in this Permit.
7.	<u>Prior to the start of Work</u> , the Permit Holder shall notify the Division in writing of the name, address, business and home telephone numbers of the project supervisor(s) and/or contractor(s) responsible for compliance with this Permit. The Permit Holder shall provide updated information in writing to the Division should new or additional project supervisors and/or contractors be hired after Work has commenced. <u>Within three (3) days of the start of Work</u> , the Permit Holder shall send a letter to the Division stating the date upon which Work commenced.
8.	<u>Prior to the start of Work</u> , the text of this Permit shall be recorded by the Permit Holder in the Registry of Deeds or the Land Court for the district in which the Property is located so as to become a record part of the chain of title of the Property. In the case of recorded land, the Permit shall be noted in the Registry's Grantor Index under the name of the owner of the Property upon which the proposed Work is to be done. In the case of registered land, the Permit shall be noted on the Land Court Certificate of Title of the owner of the Property upon which the proposed Work is done. The Permit Holder shall submit to the Division a date-stamped and signed copy of said recorded Permit showing the date and book and page of recording of said Permit within five (5) days after

	recording and/or filing, as applicable. No Work shall begin on the Property until the Permit is recorded and said recorded copy is submitted to the Division, except as otherwise approved by the Division in writing.
9.	<u>At the completion of Work</u> the Permit Holder shall submit to the Division a written request for a Certificate of Permit Compliance, including as-built plans and other supporting materials demonstrating the completion of Work and compliance with all conditions herein.
10.	Any land protected to achieve a long-term Net Benefit associated with this Permit, shall remain undeveloped and protected as habitat for State-listed species in perpetuity.
11.	The Permit Holder shall comply with all Conditions and Special Conditions contained within this Permit and complete the Project consistent with all Division-approved plans and supporting documents except as otherwise approved by the Division in writing.
12.	The Permit Holder shall submit in writing any documents, plans, reports, or other items required for submission in accordance with this Permit, for review and written approval by the Division, unless otherwise stipulated in this Permit or by the Division in writing.
13.	A violation of any condition of this Permit will result in an unauthorized Take pursuant to M.G.L. c. 131A and may be subject to civil and or criminal penalties pursuant to M.G.L. c. 131A.

Special Conditions:

14.	<u>Authorized Construction and Uses:</u> This Permit authorizes work on the Property as described above. All Work shall be confined to the area of the Property within the limits of Work as shown on the Project Plan (see <u>Attachment 1</u> for general project limits).
15.	<u>Eastern Box Turtle Off-site Mitigation:</u> In order to provide a Net Benefit to the conservation of the State-listed Species impacted by this project, the Permit Holder has proposed, by way of the Permit Application, to provide funding for land protection, conservation research, habitat management, and or conservation planning to benefit the State-listed Species impacted by this project. The Permit Holder has chosen to fulfill this obligation by providing restricted funding to the Eastern Box Turtle Mitigation Bank, operated by The Nature Conservancy. Therefore, within 15 days of the start of Work, the Permit Holder shall provide \$136,080 to The Nature Conservancy (TNC) to be used exclusively to provide net-benefit mitigation for the Eastern Box Turtle, pursuant to the Off-site Mitigation Memorandum of Agreement (MOA) between The Division and TNC, dated July 16, 2008, amended October 29, 2009. Proof of acceptance of said funds by TNC shall be provided to the Division within 15 days of the start of Work.
16.	<u>Turtle Nesting Habitat Enhancement and Monitoring:</u> The Permit Holder shall enhance and subsequently monitor the known nesting habitat areas (approximately 0.4 acres) as described in the submitted Nesting Enhancement Plan.
17.	<u>Long-term Habitat Management:</u> The area impacted by the proposed vegetation management shall be maintained in accordance with a Division-approved Yearly Operational Plan (YOP) and associated Best Management Practices (BMPs).

18.	<p><u>Turtle Protection During Work:</u> Prior to and throughout the proposed Work, Eastern Box Turtle monitoring and protection shall be carried out in accordance with the Turtle Protection Plan (<u>Attachment 2</u>), including, the requirements to survey for and monitor Eastern Box Turtles. All Eastern Box Turtle monitoring shall be carried out by qualified wildlife biologists approved in advance by the Division. As described in the Turtle Protection Plan, Work is anticipated to be conducted during the 2013 turtle active season. If Work must continue beyond the active season (past October 15, 2013), protective measures must be implemented as described in Section A.4.</p>
19.	<p><u>Construction Staff Education:</u> All construction, landscaping, and other sub-contractors associated with the Project shall be informed in writing of the likely presence of State-listed species on the Property and what measures should be implemented to minimize direct harm to State-listed species. Further, no wildlife shall be removed from the Property without approval of a qualified wildlife biologist or the Division except as necessary to receive veterinary treatment in the case of harm during construction.</p>
20.	<p>The Division shall be notified, in the form of an NHESP Rare Animal or Plant Observation Form, within ten (10) days of the observation of any State-listed species within or outside the limits of Work. Preferably notification will be through the Division's data submittal tool, the Vernal Pool & Rare Species (VPRS) Information System. VPRS is an online mapping and data submittal application that provides users with a way to submit rare species observation reports and vernal pool certification forms to the NHESP electronically. Additionally, the system provides the ability to bulk upload data from a spreadsheet, making data submission more efficient for large-scale survey efforts. VPRS and our paper observations forms can be found at: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/species-information-and-conservation/report-rare-species/</p>
21.	<p><u>Notice of Appeal Rights:</u> This Determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.23. Any person aggrieved by this decision shall have the right to an adjudicatory hearing at the Division pursuant to M.G.L. c. 30A, s.11 in accordance with the procedures for informal hearings set forth in 801 CMR 1.02 and 1.03.</p> <p>Any notice of claim for an adjudicatory hearing shall be made in writing and be accompanied by a filing fee in the amount of \$500.00. The notice of claim shall be sent to the Division by certified mail, hand delivered or postmarked within twenty-one (21) days of the date of the Division's Determination to:</p> <p style="text-align: center;">Wayne MacCallum Director Division of Fisheries and Wildlife Field Headquarters One Rabbit Hill Road Westborough, MA 01581</p> <p>Any notice of claim for an adjudicatory hearing shall include the following information:</p> <ol style="list-style-type: none"> 1. The file number for the project; 2. The complete name, address and telephone number of the person filing the request, and the name, address and telephone number of any authorized representative;

- | | |
|--|--|
| | <ol style="list-style-type: none">3. The specific facts that demonstrate that a party filing a notice of claim satisfies the requirements of an "aggrieved person," including but not limited to (a) how they have a definite interest in the matters in contention within the scope of interests or area of concern of M.G.L. c. 131A or the regulations at 321 CMR 10.00 and (b) have suffered an actual injury which is special and different from that of the public and which has resulted from violation of a duty owed to them by the Division;4. A clear statement that an adjudicatory hearing is being requested;5. A clear and concise statement of facts which are grounds for the proceeding, the specific objections to the actions of the Division and the basis for those objections; and the relief sought through the adjudicatory hearing; and a statement that a copy of the request has been sent by certified mail or hand delivered to the applicant and the record owner, if different from the applicant. |
|--|--|

Wayne J. MacCallum

Wayne MacCallum, Director
Massachusetts Division of Fisheries & Wildlife

On this 25th day of September, 2013, before me, the undersigned notary public, personally appeared Wayne MacCallum, Director, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

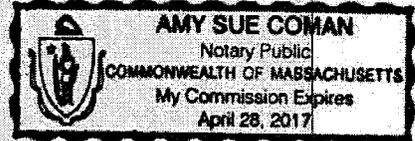
Amy Sue Coman

Amy Sue Coman, Notary Public
My Commission expires: April 28, 2017

Conservation Permit 013-225.DFW

Issued this 25 day of September, 2013

Work must be completed by: 25 September 2018



ACKNOWLEDGEMENT AND ACCEPTANCE OF ALL TERMS OF THIS CONSERVATION PERMIT

The undersigned below agrees that commencement of any work authorized by and described in this Conservation and Management Permit constitutes acknowledgement and acceptance of all terms of this Permit.

Signatory 1 Organization

COMMONWEALTH OF MASSACHUSETTS

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Notary Public

SEAL

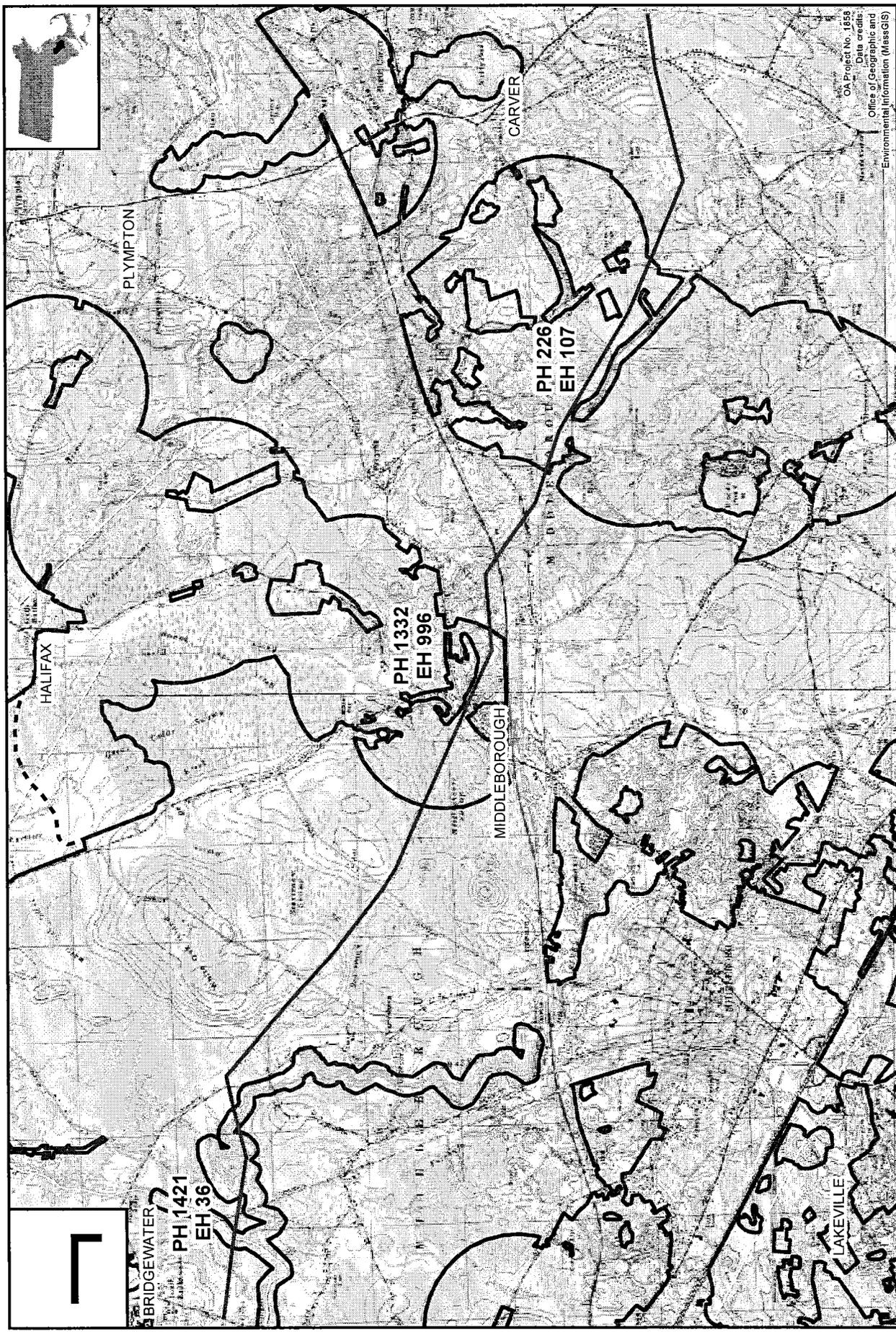
My commission expires: _____

Distribution List

Brian Butler, Oxbow Associates
Bridgewater Board of Selectmen
Bridgewater Conservation Commission
Bridgewater Planning Board
Middleborough Board of Selectmen
Middleborough Conservation Commission
Middleborough Planning Board
DEP Southeastern Regional Office, Wetlands Program
Anne Canaday, MA Environmental Policy Act Office

Attachment 1

"Figure 1. USGS Site Locus, ROW 280, Bridgewater, Middleborough & Carver, MA" (dated 8/27/2013; prepared by Oxbow Associates, Inc.)



OXBOW ASSOCIATES, INC.
 Wetlands Delineation and Permitting
 Wildlife Studies - Herpetology
 Wetland Assessments
 P.O. Box 8791
 Acton, MA 01720-0871
 PHONE: (978) 259-9289
 FAX: (978) 259-1822
 WWW.OXBOWASSOCIATES.COM

OA Project No. 1659
 Date created: 8/27/2013
 Office of Geographic and
 Environmental Information (MassGIS)

1:54,000
 1 inch = 4,500 feet
 0 2,250 4,500
 Feet

Legend
 — RoW 280
 - - - NHESP Estimated Habitat
 □ NHESP Priority Habitat

**Figure 1. USGS Site Locus
 RoW 280
 Bridgewater, Middleborough, & Carver, MA
 August 27, 2013**

Attachment 2

"Eastern Box Turtle Protection Plan Supplement for: Conservation & Management Permit No. 013-225.DFW" (dated 9/20/2013, prepared by Oxbow Associates, Inc.; the "Turtle Protection Plan")



OXBOW ASSOCIATES, INC.

Wetlands Delineation and Permitting Wildlife Studies Herpetology Vernal Pool Ecology

**Eastern Box Turtle Protection Plan
Supplement
for:
Conservation & Management Permit
No. 013-225.DFW**

Issued Pursuant to the Massachusetts Endangered Species Act
(MGL Ch. 131A & 321 CMR 10.23)

**NSTAR ROW 280
NSTAR's Vegetation Removal
to Widen Existing Cleared Limits
of ROW 280
Middleborough, Bridgewater, & Carver, MA
(NHESP File Number 12-31046)**

***Submitted to:
Massachusetts Division of Fisheries & Wildlife
Natural Heritage & Endangered Species Program
100 Hartwell Street, Suite 230
West Boylston, MA 01583***

Prepared for:

NSTAR
One NSTAR Way, SE-370
Westwood, MA 02090

Prepared by:

Oxbow Associates, Inc.
P.O. Box 971, Acton, MA 01720-0971
Phone (978) 929-9058 - Fax (978) 635-1892
www.oxbowassociates.com

September 20, 2013

Introduction

The following is a protection plan, intended to assure maximal mortality avoidance to the State listed Eastern Box Turtle during the course of expansion of the cleared area to the limits of the ROW 280 utility easements within the Town of Middleborough, MA.

In preparation of the Conservation and Management Permit application, and in anticipation of the nature, scope and timing of the vegetation removal work, Oxbow Associates, Inc. (OA) conducted Division approved surveys for Eastern Box Turtle on the ROW beginning in May, 2013. These included standard, diurnal surveys as well as dedicated nesting-associated surveys predominantly during June crepuscular periods. To date, forty-two (42) adult and sub-adult eastern box turtles have been affixed with two-stage microtransmitters to allow them to be located on demand and to verify if the animals were within potential harm's way in the course of the vegetation removal project.

Animals were captured from mid-May to as recently as September 18, 2013, with the majority of the captures occurring in June. The animals have been periodically monitored since their initial captures. Four (4) nests were equipped with predator exclosures and were removed to incubators in mid-August in advance of their pipping and emergence. The resultant hatchlings were released, off the ROW, in the vicinity of their respective nest locations in early September.

The proposed project, and its geographic scope has been described in the CMP application and in discussion with NHESP staff. Work is proposed within Priority Habitat/Estimated Habitat PH 1332/EH 966 and PH 226/EH 107 in Middleborough, as well as additional areas not presently in Priority Habitat but where significant occurrences of Eastern Box Turtle have been documented. Preliminary reports of occurrences and habitation by Eastern Box Turtle on and near the ROW have been reported to the MDFW.

A. Turtle Mortality Avoidance Plan Components

A.1. Telemetric Monitoring

Based upon data gleaned to date, animals with a tendency to inhabit the cleared or currently forested portions of the ROW, or within 50 meters of the easement limits will be field located and the 12:12h transmitters will be re-set so as to allow their location during all late summer/autumn daylight hours. Animals now have transmitters set for 0830-2030h (+/-) to facilitate their location during nesting season. The transmitters will be re-set so as to be available for location at 0630h during daylight savings time adjustments in the fall of 2013.

The above change in active schedule for transmitters will allow OA staff to locate specific animals, without delay, during the course of the vegetation removal work in

coordination with NSTAR VMS staff and VCS contractors on an iterative, real-time basis.

A.2. Work Site Clearing/Turtle Sweeps and Contractor Education

Although we believe a majority of extant turtles with a proneness to inhabit the ROW have been identified and affixed with microtransmitters, there is some unknown fraction of as yet unidentified animals likely occurring in and near the ROW.

OW will undertake standard contractor education prior to work in areas of Eastern Box Turtle habitat. OA will provide 24h cell phone contacts to senior contractor and NSTAR staff with instructions for actions called for if a turtle is found. Laminated posters will also be posted at all trailer or other station locations on the ROW.

A.3. Turtle Removal and Manipulation

OA staff will coordinate with NSTAR and contractors, in advance of their entry into any previously identified Eastern Box Turtle habitation areas. Either during the prior afternoon, or prior to site work in the morning, an inventory of animals in the area will be done using telemetric equipment and GPS units. Animals will be collected, if OA judges them to be in jeopardy and placed in a sanitized five gallon pail with locally collected leaf litter.

If work in the area will exceed a single day, these animals will be displaced, in individual buckets and maintained in an unheated building with abundant leaf litter. They will be kept moist and exposed to a natural daylight cycle. If it is clear that displacement will be necessary for greater than 72 h, animals from the localities previously identified will be placed in an on-site, locked steel cage, chained to a large tree, and filled with one foot of leaf litter materials. These will be monitored daily and released at their capture point, or nearby at the conclusion of the equipment work.

Alternatively, if suitable, roadless habitat is adjacent to the capture point, these animals may be displaced greater than 500 horizontal feet from their capture points, and thereafter monitored during site work. The animals will be returned to their capture vicinity after hazards are absent from the area.

Animals will be weighed at time of capture and at time of release on a portable pan balance sanitized with Virkon, Lysol or similar agent. Animals found to have lost greater than 1% of body weight during displacement will be hydrated for 30 minutes prior to final release.

A.4. Treatment of Hibernating Animals

It is anticipated that work within the mapped and other empirical habitat for Eastern Box Turtle will be complete prior to the onset of hibernation. Hibernation onset for southeastern Massachusetts box turtles is variable and conditionally dependent. We (OA) have observed animals above ground and active after October 31.

Whereas a significant number of animals are equipped with two-stage microtransmitters, we have the ability to locate them and determine their state of activity. Therefore, after October 15, 2013 animals that are found to be in the ROW while work is active will be evaluated.

Animals that have committed to hibernation will be located, flagged, and "CAUTION" tape will be placed around the animal's location and at a 50' radius from it. These areas will be avoided for tree removal until the animal(s) is active in the following spring season.

We anticipate most work in actual turtle habitat to precede hibernation conditions.

A.5. Iterative Modification

The approach described above to avoid mortality avoidance must necessarily be flexible in conjunction with site work scheduling and methodological contingencies. Scheduling on work of this nature is subject to significant modification due to weather conditions, equipment failures, and various unanticipated events and conditions.

It is the intent of this mortality avoidance program to respond, as necessary to assure that adults and subadults will not be lost to vehicle mortality or other direct or indirect cause. Therefore, as conditions evolve, we plan to be ready to respond, in coordination with NHESP Staff (if significant departures from the plan are necessitated) so as to avoid mortality of telemetered or naïve animals in the course of the work.

B. Data Recording and Reporting

B.1. Reporting Content

OA will prepare a full-year report of the findings and results of the pre-construction surveys and telemetry. A sub-section of this report will include data and activities from the commencement of tree work within areas of Eastern Box Turtle habitation till the site work is complete in those areas known to support turtles.

The report will include demographic and morphometric data, locational data, movement data and mortality avoidance measures and results.

C. Conservation Value of Collected Data

This project represents a moderately acute succession of survey and animal identification followed by site work in the same season. It also represents work within an area of significant concentrations of Eastern Box Turtle exclusive of Cape Cod and the Pioneer Valley.

The data may provide indicators of what proportion of animals may have been lost to equipment mortality in the absence of the telemetric monitoring program. Specifically, animals located in the ROW, but below leaf litter, are unlikely to be captured in conventional "sweeps", either by contractors, or by environmental consultants. These data may prove of interest in future project planning and permitting of a similar general nature.



Town of Middleborough

CONSERVATION COMMISSION

MEMORANDUM

TO: Board of Selectmen

FROM: Patricia J. Cassidy, Conservation Agent 

DATE: October 16, 2013

RE: Town's Option to Buy Chapter 61-B Recreational Land
68 Purchase Street (Map 73, Lot 4583/r/)

At the October 3, 2013 Conservation Commission meeting the above-mentioned property was discussed (aka – Tispaquin Family Campground). The following were some of the comments from the Commissioners: Would be in support of purchase, In support under conservation but financially up to another board, put it under a restriction, would be nice to have a beach but we manage land not people, more recreational, should have the property walked to make sure there is nothing there that would cause issues later on, and in favor of acquiring land but not sure of the purview.

It would be nice to have this property protected however I don't believe the Commission is in the financial position to do so at this time. When I spoke to Mrs. Holton recently I suggested that she contact the Massachusetts Department of Fish & Game to see if they would have an interest in the land since the Rocky Gutter Wildlife Management Area is in close proximity to this property.

The Commission apologizes for the delay in getting these comments to the board.

If you have any questions or would like to discuss this with the Commission don't hesitate to contact the Conservation Department at 508-946-2406.

pjc

The Timothy Walsh Foundation Inc.

10/3/2013

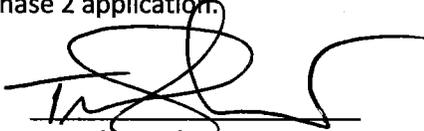
Board of Selectman
Town of Middleborough
Massachusetts

Notice Under 105 CMR 725.100(B)(2)

To the Middleborough Board of Selectman:

The Timothy Walsh Foundation Inc., has been informed by the Massachusetts Department of Public Health that our Phase 1 application to operate a Registered Marijuana Dispensary (RMD) satisfied the criteria in 105 CMR 725.100(B)(1), and that we may proceed to Phase 2 of the application process.

Pursuant to 105 CMR 725.100(B)(2), notice is hereby given that if our Phase 2 application is approved by the DPH to operate a Registered Marijuana Dispensary, it would be sited in the Town of Middleboro, and that we intend to submit a Phase 2 application.



Timothy R. Shaw
Timothy Walsh Foundation Inc.
President

XC: Town Counsel
Health Officer

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TOWN OF MIDDLEBOROUGH BUILDING PERMIT MONTHLY SUMMARY

Building Type	Month: All			1/1/2013 Through 9/30/2013		
	# Permits	Value	Fees	# Permits	Value	Fees
Single Family Home	37	\$5,208,500	\$61,380.00	37	\$5,208,500	\$61,380.00
Garage	11	\$312,400	\$3,742.00	11	\$312,400	\$3,742.00
Porches & Decks	27	\$119,237	\$1,138.00	27	\$119,237	\$1,138.00
Wood St/Chim/Fpl	0	\$0	\$0.00	0	\$0	\$0.00
Mobile Home	7	\$826,000	\$10,168.00	7	\$826,000	\$10,168.00
Condo/ Units	6	\$750,000	\$9,240.00	6	\$750,000	\$9,240.00
Apartments	0	\$0	\$0.00	0	\$0	\$0.00
Demo	0	\$0	\$0.00	0	\$0	\$0.00
Commercial Building	4	\$420,050	\$5,191.00	4	\$420,050	\$5,191.00
Commercial Addition/Renovation	41	\$4,401,871	\$53,873.00	41	\$4,401,871	\$53,873.00
Sign	1	\$1,200	\$50.00	1	\$1,200	\$50.00
Temp Mobile Home	1	\$10,000	\$40.00	1	\$10,000	\$40.00
Pool	25	\$212,363	\$2,592.00	25	\$212,363	\$2,592.00
Addition / Renovation	252	\$2,804,025	\$31,843.50	252	\$2,804,025	\$31,843.50
Shed	31	\$122,775	\$1,626.00	31	\$122,775	\$1,626.00
Barn/Stable	4	\$35,630	\$484.00	4	\$35,630	\$484.00
Foundation	2	\$0	\$200.00	2	\$0	\$200.00
State	69	\$0	\$2,499.00	69	\$0	\$2,499.00
Agricultural Building	0	\$0	\$0.00	0	\$0	\$0.00
Copies	0	\$0	\$0.00	0	\$0	\$0.00
Temp Trailer	2	\$0	\$200.00	2	\$0	\$200.00
Temp Carnival	0	\$0	\$0.00	0	\$0	\$0.00
Trench	28	\$0	\$560.00	28	\$0	\$560.00
Single Family Amended	0	\$0	\$0.00	0	\$0	\$0.00
Antenna/Tower	9	\$298,600	\$3,756.00	9	\$298,600	\$3,756.00
Site Inspection	3	\$0	\$0.00	3	\$0	\$0.00
Temp Tent	2	\$5,900	\$140.00	2	\$5,900	\$140.00
Sheet Metal	33	\$540,700	\$1,420.00	33	\$540,700	\$1,420.00
Multi Family Dwelling	0	\$0	\$0.00	0	\$0	\$0.00
Class I	0	\$0	\$0.00	0	\$0	\$0.00
Class II	0	\$0	\$0.00	0	\$0	\$0.00
Class III	0	\$0	\$0.00	0	\$0	\$0.00
Two Family Dwelling	0	\$0	\$0.00	0	\$0	\$0.00
Side Walk Obstruction	1	\$0	\$0.00	1	\$0	\$0.00
Totals:	596	\$16,069,250	\$190,142.50	596	\$16,069,250	\$190,142.50

Middleborough Board of Assessors

Minutes of September 19, 2013 meeting

Attendance: Anthony Freitas, Paula Burdick, Diane Maddigan and Barbara Erickson

Call to order at 6:32 pm

Minutes from August 15, 2013 – Motion from Diane Maddigan to accept and 2nd from Paula Burdick

.Correspondence:

- The Board reviewed the Booklet for East Middleboro 4H Fair
- The Board reviewed and discussed a letter to Henry Dutra Re: Summer Street Property
- The Board reviewed and discussed a letter to Board of Selectmen Re: Article for STM – Diane Maddigan made motion to support the article and 2nd from Paula Burdick

New Business:

- The Board reviewed and signed Notice of Commitment & Warrant for Septic Repair Betterment for Robert & Patricia Ahern
- The Board reviewed and signed Motor Vehicle Excise Abatement Monthly Report for August 2013
- The Board reviewed and signed Chapter 61B Lien for Nathan Joseph & Christine meleo 092-762
- The Board reviewed and signed Notice of Commitment & Warrant for Septic Repair Betterment paid in advance Robert & Kathleen Quinn
- The Board reviewed and signed Notice of Commitment & Warrant for Chapter 61B Rollback Tax for John McNeil
- The Board reviewed and signed Notice of Commitment & Warrant for Fiscal 2014 Boat Excise Tax
- The Board reviewed and signed Locally Assessed Utility Cover Letter
- The Board reviewed and signed Sales Report Cover Letter
- The Board reviewed and voted to allow Assessor/Appraiser to Electronically Sign FY14 Recap & Other Required Forms – Motion from Anthony Freitas and 2nd from Paula Burdick
- The Board reviewed and signed to Approve Chapter 61B Applications
- The Board reviewed and signed K. Certificate for 61/61A Forest Land Hosea Maxim

Other:

The Board reviewed and discussed Sales Report for June 2013

The Board reviewed and discussed Sales Report for July 2013

The Board reviewed and discussed Attendance Calendars

Old Business

There was no Old Business

Executive Session:

Upon a motion by A. Freitas and seconded by P. Burdick, the Board voted by Roll Call to go into Executive session at 7:05 pm to review and sign abatement applications and exemption applications not to return to Open Session. Roll Call: P. Burdick, Yes; Diane Maddigan, Yes

Next meeting is scheduled for October 16, 2013 at 6:30 pm

A handwritten signature in cursive script that reads "Paula Burdick". The signature is written in black ink and is positioned above the printed name.

Paula Burdick, Clerk

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HEALTH DEPARTMENT MONTHLY RECEIPTS 2014 FISCAL													TOTALS
	July	August	September	October	November	December	January	February	March	April	May	June	
Food Establishment	\$ 540.00	\$ 60.00	\$ 5,170.50										\$5,770.50
Milk & Cream		\$ 10.00	\$ 310.00										\$320.00
Immunizations	\$ 10.00	\$ 10.00	\$ 10.00										\$30.00
Soil Exam	\$ 4,050.00	\$ 1,650.00	\$ 3,000.00										\$8,700.00
Septic	\$ 750.00	\$ 2,150.00	\$ 1,250.00										\$4,150.00
Plan Review	\$ 300.00	\$ 550.00	\$ 400.00										\$1,250.00
Title V Cert. Review	\$ 525.00	\$ 300.00	\$ 525.00										\$1,350.00
Individual Well & Review													\$0.00
Disposal Works	\$ 300.00	\$ 500.00	\$ 150.00										\$950.00
Pumper			\$ 400.00										\$400.00
Rubbish													\$0.00
Camps, Cabins, Motels													\$0.00
Plymouth Coalition			\$ 690.00										\$690.00
Frozen Dessert			\$ 40.00										\$40.00
Residential Pool	\$ 100.00	\$ 80.00	\$ 20.00										\$200.00
Semi-Public Pool													\$0.00
Tanning													\$0.00
Funeral Director													\$0.00
Perc Extension		\$ 600.00	\$ 700.00										\$1,300.00
Stables		\$ 30.00	\$ 1,170.00										\$1,200.00
Tobacco		\$ 500.00	\$ 700.00										\$1,200.00
Food Handlers	\$ 590.00	\$ 140.00	\$ 10.00										\$740.00
Housing Inspections													\$0.00
Boarding/Lodging	\$ 100.00		\$ 220.00										\$320.00
Misc.	\$ 5.00	\$ 7.00	\$ 3.50										\$15.50
Copies	\$ 28.75	\$ 23.45											\$52.20
Beach Water Testing													\$0.00
Med. Reserve Corp (MRC)	\$ 209.00	\$ 1,296.83											\$1,505.83
Body Art	\$ 100.00	\$ 400.00	\$ 150.00										\$650.00
Lakeville Comm. Disease	\$ 120.00	\$ 80.00	\$ 40.00										\$240.00
Raynham Comm. Disease	\$ 40.00	\$ 40.00	\$ 80.00										\$160.00
Tobacco Program													\$0.00
Common Victualler			\$ 425.00										\$425.00
Trailer Fees	\$12,384.00	\$ 12,396.00	\$ 12,396.00										\$37,176.00
TOTALS - 2014 Fiscal	\$20,151.75	\$20,823.28	\$27,860.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$68,835.03
RUNNING TOTALS -2014 Fiscal	\$20,151.75	\$40,975.03	\$68,835.03										
TOTALS- 2013 Fiscal	\$ 20,053.50	\$ 21,158.41	\$ 23,772.25	\$29,753.97	\$ 33,860.50	\$ 27,650.75	\$ 21,596.47	\$ 16,674.00	\$ 17,602.25	\$ 27,932.47	\$ 19,683.75	\$ 19,919.00	
RUNNING TOTALS 2013 Fiscal	\$20,053.50	\$ 41,211.91	\$ 64,984.16	\$94,738.13	\$128,598.63	\$ 156,249.38	\$ 177,845.85	\$194,519.85	\$212,122.10	\$240,054.57	\$259,738.32	\$279,657.32	

HEALTH DEPARTMENT - MONTHLY RECEIPTS 2013													
	January	February	March	April	May	June	July	August	September	October	November	December	Total
Food Establishment	\$800.00	\$180.00	\$475.00	\$155.00	\$225.00	\$350.00	\$540.00	\$60.00	\$5,170.50				\$7,955.50
Milk & Cream	\$40.00		\$30.00	\$20.00	\$10.00			\$10.00	\$310.00				\$420.00
Immunizations	\$20.00	\$20.00	\$10.00	\$40.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00				\$140.00
Soil Exam	\$825.00	\$450.00	\$675.00	\$1,350.00	\$2,550.00	\$1,800.00	\$4,050.00	\$1,650.00	\$3,000.00				\$16,350.00
Septic	\$1,400.00	\$825.00	\$1,350.00	\$1,300.00	\$1,575.00	\$600.00	\$750.00	\$2,150.00	\$1,250.00				\$11,200.00
Plan Review	\$350.00	\$250.00	\$400.00	\$400.00	\$350.00	\$250.00	\$300.00	\$550.00	\$400.00				\$3,250.00
Title V Cert. Review	\$125.00	\$175.00	\$150.00	\$275.00	\$375.00	\$425.00	\$525.00	\$300.00	\$525.00				\$2,875.00
Individual Well & Review		\$350.00	\$225.00	\$900.00	\$450.00								\$1,925.00
Disposal Works	\$1,600.00	\$350.00	\$350.00	\$500.00	\$350.00	\$300.00	\$300.00	\$500.00	\$150.00				\$4,400.00
Pumper	\$200.00			\$200.00	\$200.00	\$400.00			\$400.00				\$1,400.00
Rubbish	\$200.00												\$200.00
Camps, Cabins, Motels	\$200.00		\$200.00	\$1,050.00		\$50.00							\$1,500.00
Frozen Dessert			\$10.00	\$10.00	\$10.00				\$40.00				\$70.00
Residential Pool			\$20.00	\$20.00	\$100.00	\$60.00	\$100.00	\$80.00	\$20.00				\$400.00
Semi-Public Pool			\$100.00	\$350.00	\$150.00	\$100.00							\$700.00
Tanning						\$225.00							\$225.00
Funeral Director				\$60.00									\$60.00
Perc Extension			\$500.00		\$100.00	\$350.00		\$600.00	\$700.00				\$2,250.00
Stables	\$120.00	\$180.00	\$100.00	\$30.00				\$30.00	\$1,170.00				\$1,630.00
Tobacco	\$200.00			\$100.00				\$500.00	\$700.00				\$1,500.00
Food Handlers	\$510.00	\$1,470.00	\$690.00	\$350.00	\$800.00	\$950.00	\$590.00	\$140.00	\$10.00				\$5,510.00
Housing Inspections		\$100.00											\$100.00
Lodging/Boarding				\$60.00			\$100.00		\$220.00				\$380.00
Misc	\$10.00		\$5.00	\$3.50	\$14.00	\$3.50	\$5.00	\$7.00	\$3.50				\$51.50
Body Art					\$100.00	\$1,300.00	\$100.00	\$400.00	\$150.00				\$2,050.00
Plymouth Coalition	\$1,220.00			\$2,180.00					\$690.00				\$4,090.00
Medical Reserve Corp (MRC)	\$1,349.22			\$5,349.22			\$209.00	\$1,296.83					\$8,204.27
Copies	\$58.25	\$20.00	\$3.25	\$0.75	\$50.75	\$9.50	\$28.75	\$23.45					\$194.70
Beach Water Testing				\$825.00									\$825.00
Tobacco Grant													\$0.00
Lakeville Comm. Disease	\$80.00			\$20.00		\$40.00	\$120.00	\$80.00	\$40.00				\$380.00
Raynham Comm. Disease		\$40.00	\$20.00	\$120.00			\$40.00	\$40.00	\$80.00				\$340.00
Common Victualler	\$25.00		\$25.00						\$425.00				\$475.00
Trailer Fees	\$12,264.00	\$12,264.00	\$12,264.00	\$12,264.00	\$12,264.00	\$12,696.00	\$12,384.00	\$12,396.00	\$12,396.00				\$111,192.00
TOTALS - 2013	\$21,596.47	\$16,674.00	\$17,602.25	\$27,932.47	\$19,683.75	\$19,919.00	\$20,151.75	\$20,823.28	\$27,860.00	\$0.00	\$0.00	\$0.00	\$192,242.97
RUNNING TOTALS -2013	\$21,596.47	\$38,270.47	\$55,872.72	\$83,805.19	\$103,488.94	\$123,407.94	\$143,559.69	\$164,382.97	\$192,242.97				
TOTALS- 2012	\$20,906.25	\$26,512.75	\$22,402.47	\$20,063.00	\$28,950.97	\$25,803.50	\$20,053.50	\$21,158.41	\$23,772.25	\$29,753.97	\$33,860.50	\$27,650.75	
RUNNING TOTALS-2012	\$20,906.25	\$47,419.00	\$69,821.47	\$89,884.47	\$118,835.44	\$144,638.94	\$164,692.44	\$185,850.85	\$209,623.10	\$239,377.07	\$273,237.57	\$300,888.32	

