

**HEARINGS, MEETINGS, LICENSES**

**11-23-15**

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405  
Fax: 508-946-0058

# Town of Middleborough

Massachusetts

Board of Selectmen



The Board of Selectmen, acting in its capacity as the Board of Health, will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, November 9, 2015 at 7:30 PM, at the request of the Health Officer, to consider approval of a variance request by Outback Engineering, Inc. for proposed soil absorption system at Lots 1-3 Thomas Street. Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Diane Stewart  
Stephen J. McKinnon  
BOARD OF SELECTMEN

Continued to 11.23.15 @ 7:30pm



**TOWN OF MIDDLEBOROUGH  
HEALTH DEPARTMENT**

Robert E. Buker  
Health Officer

PH: 508-946-2408  
FX: 508-946-2321

**MEMO**

**TO: Board of Selectmen**

**FROM: Robert Buker**

**DATE: October 21, 2015**

**RE: Thomas Street variance requests for soil absorption system siting by Outback Engineering.** ^ Lots 1-3

The Health department is in receipt of three letters from Outback Engineering, dated September 30, 2015. These letters were delivered to our office in order to seek a variance from Middleborough's local regulation that stipulates a 200 foot setback from soil absorption systems and drinking water wells in soils found to percolate at less than 5 minutes per inch. (The state regulation is 100 feet).

This variance seems reasonable enough for consideration, however, owners of existing wells on Thomas Street that are greater than 100 feet, but less than 200 feet from the proposed soil absorption systems do not find the granting of such a variance to be acceptable.

It is the Health Officer's opinion that this request be brought before the Board of Selectmen, acting as the Board of Health, in an open meeting for discussion involving all concerned parties. Thank you for your consideration in this matter.

Sincerely,

Robert E Buker REHS/RS

**Outback  
Engineering**  
Incorporated

165 East Grove Street  
Middleborough, MA 02346  
Tel # 508-946-9231 Fax # 508-947-8873  
outback-eng.com

Civil Engineers † Land Surveyors † Wetland Scientists † Soils Laboratory

September 30, 2015

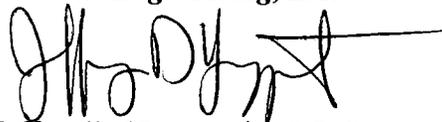
Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

*Subject: Variance Request for proposed soil absorption system at Lot 1 Thomas Street*

Dear Board Members,

On behalf of our client, Falconeiri Construction Inc., we are requesting a variance from Middleborough Board of Health rules and regulations Section 5.003 (B)(8) to allow the proposed septic system to be located 185' and 156' from the existing abutting wells located at 203 and 200 Thomas Street respectively and 146' from the existing well at 4 Old Thomas Street. The septic system is proposed in an area to allow the maximum separation to the existing wells and provide greater than the minimum 100' separation as required in 310CMR 15..211(1) providing a reasonable level of protection to the public health. The 200' setback requirement was originally created to provide adequate separation from existing shallow point wells. The existing wells are all deep drilled wells and are located within the required 200' setback of their own respective septic systems, with only 100' or less separation provided. The placement of their wells along Thomas Street does not allow for the reasonable construction of the proposed home with the 200' separation from the proposed septic. The proposed system complies with all the requirements of the State Environmental Code and provides greater protection to the existing homes than is already achieved with their own septic systems and wells. If you have any questions or comments, please do not hesitate to call me at (508) 946-9231.

Sincerely,  
**Outback Engineering, Inc.**

  
Jeffrey D. Youngquist, P.L.S.

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# **Outback Engineering**

Incorporated

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165 East Grove Street  
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

outback-eng.com

Civil Engineers   ✦   Land Surveyors   ✦   Wetland Scientists   ✦   Soils Laboratory

September 30, 2015

Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

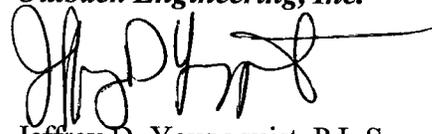
*Subject: Variance Request for proposed soil absorption system at Lot 2 Thomas Street*

Dear Board Members,

On behalf of our client, Falconeiri Construction Inc., we are requesting a variance from Middleborough Board of Health rules and regulations Section 5.003 (B)(8) to allow the proposed septic system to be located 105' and 192' from the existing abutting wells located at 200 and 196 Thomas Street respectively. The septic system is proposed in an area to allow the maximum separation to the existing wells and provide greater than the minimum 100' separation as required in 310CMR 15..211(1) providing a reasonable level of protection to the public health. The 200' setback requirement was originally created to provide adequate separation from existing shallow point wells. The existing wells are all deep drilled wells and are located within the required 200' setback of their own respective septic systems, with only 100' or less separation provided. The placement of their wells along Thomas Street does not allow for the reasonable construction of the proposed home with the 200' separation from the proposed septic. The proposed system complies with all the requirements of the State Environmental Code and provides greater protection to the existing homes than is already achieved with their own septic systems and wells. If you have any questions or comments, please do not hesitate to call me at (508) 946-9231.

Sincerely,

**Outback Engineering, Inc.**



Jeffrey D. Youngquist, P.L.S.



165 East Grove Street  
Middleborough, MA 02346  
Tel # 508-946-9231 Fax # 508-947-8873  
outback-eng.com

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

September 30, 2015

Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

*Subject: Variance Request for proposed soil absorption system at Lot 3 Thomas Street*

Dear Board Members,

On behalf of our client, Falconeiri Construction Inc., we are requesting a variance from Middleborough Board of Health rules and regulations Section 5.003 (B)(8) to allow the proposed septic system to be located 111' from the existing abutting well located at 196 Thomas Street. The septic system is proposed in an area to allow the maximum separation to the existing wells and provide greater than the minimum 100' separation as required in 310CMR 15.211(1) providing a reasonable level of protection to the public health. The 200' setback requirement was originally created to provide adequate separation from existing shallow point wells. The existing wells are all deep drilled wells and are located within the required 200' setback of their own respective septic systems, with only 100' or less separation provided. The placement of their wells along Thomas Street does not allow for the reasonable construction of the proposed home with the 200' separation from the proposed septic. The proposed system complies with all the requirements of the State Environmental Code and provides greater protection to the existing homes than is already achieved with their own septic systems and wells. If you have any questions or comments, please do not hesitate to call me at (508) 946-9231.

Sincerely,  
**Outback Engineering, Inc.**

A handwritten signature in black ink, appearing to read "Jeffrey D. Youngquist", written over a white background.

Jeffrey D. Youngquist, P.L.S.

**Outback  
Engineering**  
Incorporated

165 East Grove Street  
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

October 20, 2015

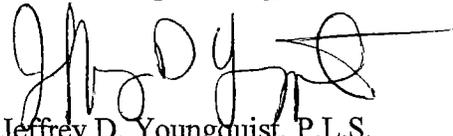
*RE: Variance Request for proposed soil absorption system at Lots 1-3 Thomas Street*

Dear Abutters:

In accordance with the State Environmental Code (310 CMR 15.405 (2)) this letter is sent to notify you of the above referenced Variance Request. The applicant, Falconeri Construction, has requested a variance from the Middleborough Board of Health Rules and Regulations Section 5.003 (B)(8), to allow the proposed septic system to be located within 200' of a well in soils with a percolation rate greater than 5 minutes per inch. The proposed system complies with all the requirements of the State Environmental Code (Title 5) and provides greater protection to the existing homes than is already achieved with their own septic systems and wells. A public hearing will be conducted to discuss this request, please contact the Board of Selectmen (acting as the Board of Health) for the hearing date and time. If you have any questions or comments, please do not hesitate to call me at (508) 946-9231.

Sincerely,

**Outback Engineering, Inc.**



Jeffrey D. Youngquist, P.L.S.



## TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding  
Health Officer

PH: 508-946-2408  
FX: 508-946-2321

### REGULATION

#### 1.000 Variances

**1.001 Authority:** This regulation is promulgated pursuant to the authority granted to the Middleborough Board of Health by Massachusetts General Laws, Chapter 111, Section 31.

#### A) Review and Issuance Authority:

The Middleborough Board of Health or Middleborough Health Officer may vary the application of any provision of a regulation adopted by the Board of Health pursuant to Massachusetts General Laws, Chapter 111, Section 31. A variance may be granted only when in the opinion of the Board of Health or Health Officer –

(1) The person requesting a variance established that enforcement of the health regulation provision from which a variance is sought would be manifestly unjust; and

(2) The person requesting a variance established that a reasonable level of protection of public health and/or public safety can be achieved without enforcement of the provision from which a variance is sought.

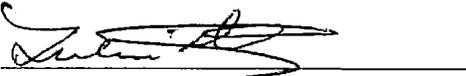
#### B) Variance Request:

Every request for a variance shall be in writing, shall state the specific provision of a regulation from which a variance is sought and include in the request facts, reason(s) and argument why enforcement of the provision would be manifestly unjust and facts, reason(s) and argument why and how a reasonable level of protection of public health and/or public safety can be achieved without enforcement of the provision.

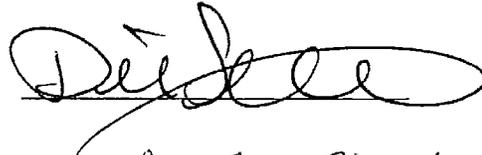
C) Appeal:

Any person aggrieved by the decision of the Health Officer on a request for variance shall be entitled to a hearing before the Board of Health and such person shall file with the Board of Health within seven days after notice of decision, a written request for hearing.

  
Chairman









Date Regulation Adopted: 8.11.14

Effective Date of Regulation: 9.1.14

Incorporated 1669



CRANBERRY CAPITAL  
OF THE WORLD



Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Wastewater  
Water

*Town of Middleborough*

*Massachusetts*

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

Phone 508-946-2481 Fax 508-946-2484

Christopher Peck  
D. P. W. Director

November 20, 2015

Mr. Robert Nunes, Town Manager  
Town Hall  
10 Nickerson Ave  
Middleborough, Ma 02346

Subject: SERSG – 2016 Contract Renewal for Services Recommendation

After reviewing the 2016 SERSG renewal documents I recommend that the Board of Selectmen sign the attached 2016 Contract Renewal Sheet for Services for the Middleboro D.P.W., as received from the Southeastern Regional Services Group.

The attached contract will extend the current services contract for an additional year. The unit prices that are shown are the same as 2015 and are lower than the new unit bid prices received SERSG bid this year. The services include the following:

- Pavement Reclamation
- In-Place Bituminous Concrete
- Super Pave In-Place Bituminous Concrete
- Sidewalk Construction and setting of curbs and edging

If you have any questions concerning this letter please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Peck".

Christopher Peck  
Director of Public Works

The Board of Selectmen of the Town of Middleborough voted at their meeting held on \_\_\_\_\_ to award contracts to the bidders listed below under the SERSG DPW Services IFB for a twelve month period commencing 2/1/16. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB. The SERSG Regional Administrator will collect these documents on behalf of the Board of Selectmen and present them to the Board for final approval and signature.

**DPW SERVICES FOR A TWELVE-MONTH PERIOD 2/1/16-1/31/17**

| <u>ITEM NO. and DESCRIPTION</u>                                      | <u>UNIT PRICE</u>          | <u>Quantity</u> | <u>Total Value</u>  |
|--|----------------------------|-----------------|---------------------|
| <b>1. Pavement Reclamation (RENEWAL; 3rd and final year)</b>         |                            |                 |                     |
| <u>Murray Paving &amp; Reclamation - Holliston, MA</u>               |                            |                 |                     |
| <i>BIDDER'S NAME</i>   |                            |                 |                     |
| Pavement Reclamation   | \$2.12 per square yard     | 38,670          | \$81,980.40         |
| Adjust Catch Basins  | \$100.00 each              | 20              | \$2,000.00          |
| Structure Remodeling   | \$1.00 each                | 8               | \$8.00              |
| Structures Rebuilt   | \$170.00 per vertical foot | 8               | \$1,360.00          |
| Excess Loading of Reclaimed Material                                 | \$0.01 per cubic yard      | 0               | \$0.00              |
| Lower/Raise Manholes   | \$100.00 each              | 10              | \$1,000.00          |
| Lower/Raise Water Gates  | \$100.00 each              | 12              | \$1,200.00          |
| Lower/Raise Gas Gates  | \$1.00 each                | 12              | \$12.00             |
| Trucking   | \$100.00 per hour          | 0               | \$0.00              |
|  | <b>Item Sub-Total</b>      |                 | <b>\$87,560.40</b>  |
| <b>2. In-Place Bituminous Concrete (RENEWAL; 3rd and final year)</b> |                            |                 |                     |
| <u>P.J. Keating - Lunenburg, MA</u>                                  |                            |                 |                     |
| <i>BIDDER'S NAME</i>   |                            |                 |                     |
| In-Place Bituminous Concrete   | \$67.00 per ton            | 6,100           | \$408,700.00        |
| Cold Planing   | \$1.55 per square yard     | 0               | \$0.00              |
| Bitumen Tack Coat  | \$15.00 per gallon         | 0               | \$0.00              |
| Structure Adjustments  | \$100.00 each              | 0               | \$0.00              |
| Structures Remodeled   | \$100.00 each              | 0               | \$0.00              |
| Structure Rebuilt  | \$100.00 per vertical foot | 0               | \$0.00              |
| Hand Work  | \$67.00 per ton            | 0               | \$0.00              |
| Unclassified Excavation  | \$15.00 per cubic yard     | 0               | \$0.00              |
| Sawcutting   | \$0.01 per linear foot     | 0               | \$0.00              |
| Playgrounds/Parking Lots   | \$67.00 per ton            | 0               | \$0.00              |
|  | <b>Item Sub-Total</b>      |                 | <b>\$408,700.00</b> |
| <b>3. SuperPave In-Place Bituminous Concrete (RENEWAL; 2nd year)</b> |                            |                 |                     |
| <u>PJ Keating - Lunenburg, MA</u>                                    |                            |                 |                     |
| <i>Bidder's Name</i>   |                            |                 |                     |
| Hot Mix Asphalt Superpave Mix  | \$71.85 per ton            | 4,980           | \$357,813.00        |
| Bitumen Tack Coat  | \$0.01 per gallon          | 1,000           | \$10.00             |
| Hot Poured Rubberized Asphalt Sealer                                 | \$0.01 per linear ft       | 0               | \$0.00              |
| Cold Planing   | \$1.69 per square yd.      | 52,115          | \$88,074.35         |

|                            |                           |     |                     |
|----------------------------|---------------------------|-----|---------------------|
| Structure Adjustments      | \$215.00 each             | 50  | \$10,750.00         |
| Structures Remodeled       | \$50.00 each              | 25  | \$1,250.00          |
| Structures Rebuilt         | \$110.00 per vertical ft. | 10  | \$1,100.00          |
| Hand Work                  | \$71.85 per ton           | 500 | \$35,925.00         |
| Unclassified Excavation    | \$15.00 per cubic yd.     | 0   | \$0.00              |
| Sawcutting                 | \$0.01 per linear ft      | 0   | \$0.00              |
| Playgrounds / Parking Lots | \$71.85 per ton           | 0   | \$0.00              |
|                            | <b>Item Sub-Total</b>     |     | <b>\$494,922.35</b> |

#### 14. SIDEWALK CONSTRUCTION AND SETTING OF CURBS AND EDGIN (RENEWAL; 3rd and final year)

Capone Brothers Randolph, MA

*BIDDER'S NAME*

|  |                         |     |             |
|--|-------------------------|-----|-------------|
| Earth Excavation (cubic yds)   | \$10.00 per cubic yard  |     | \$0.00      |
| Unclassified Excavation (cub yds)  | \$19.00 per cubic yard  | 250 | \$4,750.00  |
| Class A Rock Excavation (cub yds)  | \$25.00 per cubic yard  |     | \$0.00      |
| Stump Excavation (cubic yards)   | \$25.00 per cubic yard  |     | \$0.00      |
| Topsoil Excavated and stacked (cub yds)  | \$1.00 per cubic yard   |     | \$0.00      |
| Dense graded stone (cubic yards)   | \$19.00 per cubic yard  |     | \$0.00      |
| Processed gravel (in place) (cubic yds)  | \$18.00 per cubic yard  |     | \$0.00      |
| Installation of concrete sidewalks &<br>wheelchair ramps (full depth construction) (sq<br>yds)                 | \$65.00 per square yard | 610 | \$39,650.00 |
| Installation of bituminous concrete sidewalk<br>overlay  | \$140.00 per ton        | 100 | \$14,000.00 |
| Installation of bit. concrete sidewalks and<br>wheelchair ramps (full depth construction) (sq<br>yds)          | \$37.00 per square yard |     | \$0.00      |
| Installation of bituminous concrete berms and<br>curbs   | \$8.00 per linear foot  |     | \$0.00      |
| Install of Granite Curb - Straight - Type VB   | \$18.00 per linear foot | 700 | \$12,600.00 |
| Furnish and Install Granite Curb Corners -<br>Type A   | \$208.00 each           |     | \$0.00      |
| Furnish and Install Granite Curb Inlet -<br>Straight -Type A   | \$280.00 each           |     | \$0.00      |
| Furnish and Install Granite Curb Inlet -<br>Curved -Type A   | \$300.00 each           |     | \$0.00      |
| Furnish and Install Granite Curb - Straight -<br>Type VB   | \$32.00 per linear foot |     | \$0.00      |
| Furnish and Install Granite Curb - Curved -<br>Type VB   | \$35.00 per linear foot |     | \$0.00      |
| Furnish and Install Granite Curb - Curved -<br>Type VA4  | \$39.00 per linear foot |     | \$0.00      |
| Furnish and Install Granite Curb - Straight -<br>Type VA4  | \$36.00 per linear foot |     | \$0.00      |
| Furnish and Install Granite Curb - Straight -<br>Type SB   | \$19.75 per linear foot |     | \$0.00      |
| Furnish & Install Granite Transition Curb for<br>wheelchair ramps & driveways - Straight -<br>Type VB (lin ft) | \$28.00 per linear foot | 80  | \$2,240.00  |

|  |                         |    |                    |
|--|-------------------------|----|--------------------|
| Furnish & Install Granite Transition Curb for wheelchair ramps & driveways - Curved - Type VB (lin ft) | \$33.00 per linear foot | 20 | \$660.00           |
| Furnish and Install Transition Slope to Vertical (each)  | \$235.00 each           | 8  | \$1,880.00         |
| Furnish and Install Handicap Panels (rubber ADA) (each)  | \$299.00 each           |    | \$0.00             |
| Granite Curb - Removed and Reset - Type VB (linear ft)   | \$16.00 per linear foot |    | \$0.00             |
| Granite Curb - Removed and Reset - Type SB (linear ft)   | \$15.00 per linear foot |    | \$0.00             |
| Granite Curb Inlet - Removed and Reset (each)  | \$1.00 each             |    | \$0.00             |
| Granite Curb Corner - Removed and Reset (each)   | \$1.00 each             |    | \$0.00             |
| Granite Edging Removed and Reset (linear ft)   | \$15.00 per linear foot |    | \$0.00             |
| Granite Curb Removed and Stacked (linear ft)   | \$1.00 per linear foot  |    | \$0.00             |
| Granite Curb Inlet - Removed and Stacked (each)  | \$1.00 each             |    | \$0.00             |
| Furnish and Install Granite Edging - Straight - Type SB  | \$19.75 per linear foot |    | \$0.00             |
| Mail Boxes Removed and Reset (each)  | \$50.00 each            |    | \$0.00             |
| Loam and Seed (square yds)   | \$10.00 per square yard |    | \$0.00             |
| Pavement Sawcutting / Grinding (linear ft)   | \$2.00 per linear foot  |    | \$0.00             |
| Sweeping (Manual cleanup following Sawcutting / Grinding) (lin ft)                                     | \$0.10 per linear foot  |    | \$0.00             |
|  | <b>Item Sub-Total</b>   |    | <b>\$75,780.00</b> |

**Total Estimated Value of All Contracts      \$1,066,962.75**

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**Chair, Board of Selectmen**

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Please note that this is a unit price contract. Contract values above are based on estimated quantities, and it is understood that the contractor will provide the quantities actually required by the municipalities.