

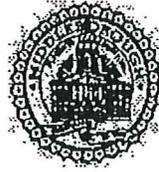
**HEARINGS, MEETINGS, LICENSES**

**11/14/16**

# **HEARINGS, MEETINGS, LICENSES**

**11/14/16**

**NEW HEARING – CLASS II Automobile Dealer's License**



The Middleborough Board of Selectmen will hold a public hearing on **Monday, November 7, 2016 at 7:30 PM** in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Vincent DiRusso, The Auto Liquidation Group for a **Class II Automobile Dealer's License** for the premises located at 91 South Main Street, Middleboro, MA, Assessors Map 58F, Lot 2044. Anyone desiring to be heard on this matter should appear at the time and place designated.

Diane C. Stewart  
Stephen J. McKinnon  
Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
BOARD OF SELECTMEN  
October 20, 2016

The Middleboro Gazette Newspaper

From: Susan Nisenbaum Becker  
Sent: Wednesday, November 02, 2016 10:14 AM  
To: Colleen Lieb  
Subject: Auto Liquidation Group

Selectmen:

I am one of Vince DiRusso's neighbors and live at 101 South Main Street. I cannot attend Monday's meeting to discuss his application for an Auto Dealer's License at his residence but want to weigh in. This is not a commercial neighborhood as you know. It's an historic district where families, adults and children, live, walk, ride bikes, garden, sit in their yards and on porches, entertain, etc. In my opinion, it's not appropriate to have a car dealership in the middle of this district. The increased traffic, noise, and the presence of a group of cars in and around the premises, being test driven , repaired, restored, etc is intrusive to residents and inappropriate. I believe Mr Di Russo should acquire a proper commercial property not in a residential area to conduct his business.

Please feel free to contact me if you have questions.

Thank you.

Sincerely,

Susan C. Becker



# Town of Middleborough

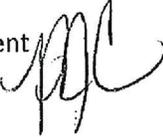
## CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

### MEMORANDUM

TO: Board of Selectmen

FROM: Patricia J. Cassady, Conservation Agent 

DATE: October 20, 2016

RE: Class II Automobile Dealer's License Application  
Auto Liquidation Group – Vincent DiRusso  
91 South Main Street

---

After reviewing this application and looking at on-line mapping I have the following comments:

- 1) There are no wetlands, Natural Heritage & Endangered Species or Floodplain mapped on or near the subject property.

Any questions regarding this matter please contact the Conservation Department at 508-946-2406.

Thank you

pjc

APPLICATION FOR LICENSE OR LICENSING TRANSACTION  
(PLEASE TYPE OR PRINT CLEARLY)

DATE OCT 11 2016  
NAME OF APPLICANT VINCENT A DIRUSSO  
ADDRESS OF APPLICANT 91 S MAIN ST Middleboro  
ASSESSORS MAP & LOT \_\_\_\_\_  
DAYTIME TELEPHONE 617 275 3095  
EMAIL ADDRESS \_\_\_\_\_

NAME OF BUSINESS VINCENT DIRUSSO DBA The Auto Liquidation Group  
OWNER OF PROPERTY TO BE LICENSED VINCENT DIRUSSO  
ADDRESS OF PROPERTY TO BE LICENSED 91 S MAIN ST  
ASSESSORS MAP & LOT 58F-2044

TYPE OF LICENSE REQUESTED (Check One)

2<sup>nd</sup> Hand \_\_\_\_\_ WRPD \_\_\_\_\_  
Class I Automobile Dealer License \_\_\_\_\_ Earth Removal Permit \_\_\_\_\_  
Class II Automobile Dealer License X Liquor License \_\_\_\_\_  
Class III Automobile Dealer License \_\_\_\_\_ Pawnbroker \_\_\_\_\_  
Weekday Entertainment \_\_\_\_\_ Automatic Amusement Device \_\_\_\_\_  
Sunday Entertainment \_\_\_\_\_ Other \_\_\_\_\_

Anticipated Start Date for Business: DEC 1 2016  
Days & Hours of Operation: By APPOINTMENT only X

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

yes 66-68 WEST GROVE ST

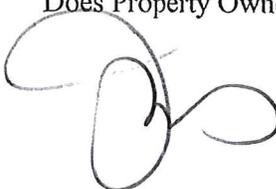
Signature 

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

Dear Treasurer/Collector:

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

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

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Middleboro

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a.....  
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with  
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? VINCENT DIRUSSO DBA THE AUTO LIQUIDATION GROUP

Business address of concern. No. 91 S MAIN.....St.,  
Middleboro.....City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? .....  
INDIVIDUAL

3. If an individual, state full name and residential address.  
VINCENT ARTHUR DIRUSSO  
91 S MAIN ST MIDDLEBORO MA 02346

4. If a co-partnership, state full names and residential addresses of the persons composing it.  
.....  
.....  
.....

5. If an association or a corporation, state full names and residential addresses of the principal officers.  
President .....  
Secretary .....  
Treasurer .....

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES  
If so, is your principal business the sale of new motor vehicles? NO  
Is your principal business the buying and selling of second hand motor vehicles? YES  
Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Home OFFICE 9 CAR GARAGE  
NO EMPLOYEES NOT OPEN TO PUBLIC  
By APPOINTMENT ONLY 90% OF MY BUSINESS  
Done on Phone + Computer  
PROPERTY TOTALLY FENCED + GATED

8. Are you a recognized agent of a motor vehicle manufacturer? NO  
(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? NO  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  
(Yes or No)

If so, in what city — town Middleboro

Did you receive a license? YES ON GOING FOR 55 YEARS  
(Yes or No) For what year? 2016

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO  
(Yes or No)

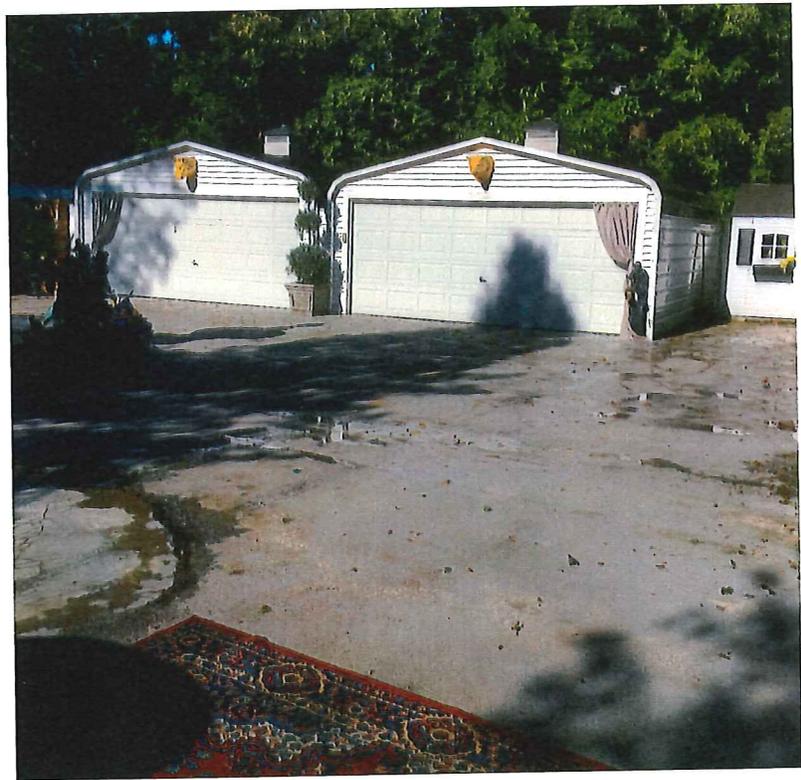
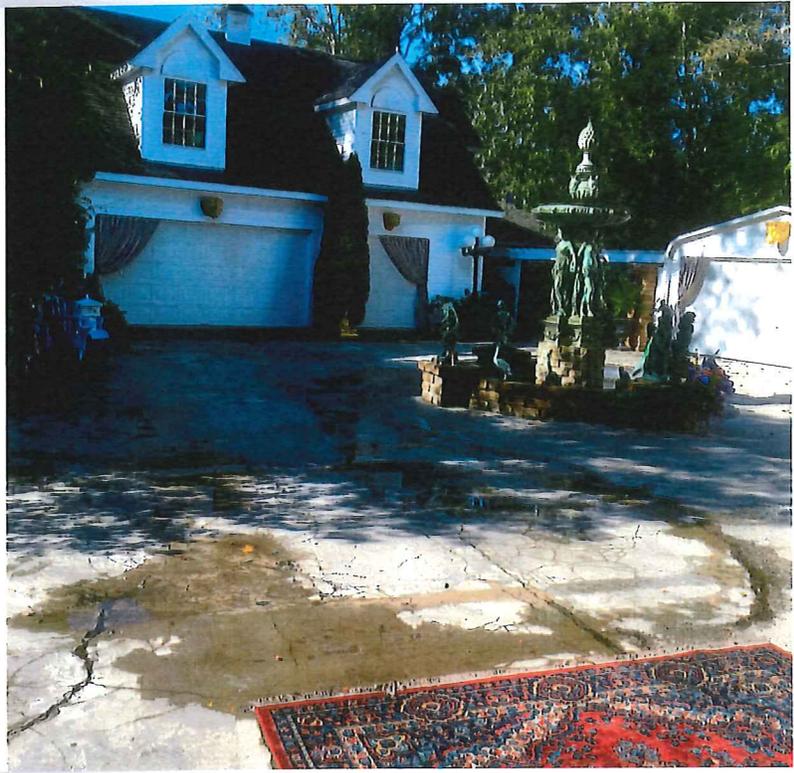
Sign your name in full. [Signature]  
(Duly authorized to represent the concern herein mentioned)

Residence 915 MAIN ST Middleboro MA 01346

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)









The Commonwealth of Massachusetts  
Department of Industrial Accidents  
Office of Investigations  
600 Washington Street  
Boston, Mass. 02111

Workers' Compensation Insurance Affidavit - General Businesses

name: VINCENT DI RUSSO DBA The Auto Liquidation Group  
address: 915 MAIN ST Tax ID # 43-20897-22  
city: Middleboro MA state: MA zip: 02346 phone # 617 275 3095

work site location (full address):  
 I am a sole proprietor and have no one working in any capacity. Business Type:  Retail  Restaurant/Bar/Eating Establishment  
 I am an employer with \_\_\_\_\_ employees (full & part time).  Office  Sales (including Real Estate, Autos etc.)  
 I am an employer providing workers' compensation for my employees working on this job.  Other:

company name:  
address:  
city:  
phone #:  
policy #:

insurance co.  
 I am a sole proprietor and have hired the independent contractors listed below who have the following workers' compensation policies:

company name:  
address:  
city:  
phone #:  
policy #:

company name:  
address:  
city:  
phone #:  
policy #:

Failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one year's imprisonment as well as civil penalties in the form of a STOP WORK ORDER and a fine of \$100.00 a day against me. I understand that a copy of this statement may be forwarded to the Office of Investigation of the DIA for coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.  
Signature: [Signature] Date: OCT 11 2016  
Print name: VINCENT DI RUSSO Phone #: 617 275 3095

Official use only do not write in this area to be completed by city or town official  
city or town: \_\_\_\_\_ permit/license # \_\_\_\_\_  
 check if immediate response is required  
contact person: \_\_\_\_\_ phone #: \_\_\_\_\_  
 Building Department  
 Licensing Board  
 Selectman's Office  
 Health Department  
 Other

# **HEARINGS, MEETINGS, LICENSES**

**11/14/16**

**NEW HEARING – WRPD Application – 375 Wareham Street**



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, **November 7, 2016 at 8:00 PM**, for the purpose of **discussing an application filed by Foresite Engineering on behalf of the Brockton YMCA** for a Special Permit under the Water Resource Protection District By-law to allow for earth removal to create a sports complex as shown on plans dated 7/1/16. **This property is shown as Assessors Map 73, Lot 5813, Zoning District - Residence Rural, WRPD District Z2.** Anyone wishing to be heard on this matter should appear at the time and place designated.

Diane C. Stewart  
Allin Frawley  
Leilani Dalpe  
John M. Knowlton  
Stephen J. McKinnon  
BOARD OF SELECTMEN  
October 20 & 27, 2016  
The Middleboro Gazette Newspaper



November 2, 2016

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

**Re:    *Engineering Review***  
***WRPD Permit Application***  
***Camp Yomechas***  
***375 Wareham Street – Middleborough, MA***  
***ADE Project #2518.50***

Dear Board Members:

Atlantic Design Engineers, Inc. (Atlantic) has completed our initial engineering review of the site plans and application materials for the above-referenced project relative to an application for a permit under the WRPD bylaw. The plans are dated 7/1/16 and the Project Plan is dated 9/27/16. Both are prepared by Foresight Engineering, Inc. for Old Colony YMCA of Middleboro, MA.

We have the following comments for consideration of the Board:

1. The Site Plans submitted with the WRPD application are dated 7/1/16 and are being revised as part of the Earth Removal application for the same project. The plans for each application should be the same for permitting consistency.
2. Provide calculations on the plans to show compliance with the following requirements of WRPD Z2:
  - 8.2.7.3.i.v.) Less than 15% of 100 foot buffer zone is disturbed.
  - 8.2.7.3.j) Less than 25% impervious area on the lot.
  - 8.2.7.3.j) Not less than 50% of the lot maintained in a natural vegetated state.
3. The parking area is required to be impervious and be equipped with oil, grease, and sediment traps per WRPD bylaw section 8.2.7.3.j.
4. Per WRPD bylaw section 8.2.7.3.i.b., the plans need to be stamped by an RLS and should show the wetland flag numbers and the 25 foot no disturb zone. The wetlands should not be “approximate” as the 100 foot buffer to them represents jurisdictional boundaries in the WRPD bylaw.



5. Sheet 2, the existing conditions plan shows a structure labeled as “Proposed Pavillion”. Is it existing or proposed? It is not mentioned in the narrative or application.
6. Label the setback from the existing septic system to Tispaquin Pond to confirm it is greater than 100 feet as required by the bylaw.
7. Show the distances from the structures to the wetlands. (Checked off on the checklist but not found on the plans.)
8. The abutter’s names are not labeled on the site plans.
9. 100 foot buffers to property lines have not been provided.
10. The buffer adjacent to Lot 80-1093 is labeled as a vegetated buffer yet there is no existing vegetation and no plantings are proposed.
11. The buffer adjacent to Lots 80-185, 80-931, and 80-938 is labeled as a vegetated buffer 50 feet wide yet the existing vegetation is not 50 feet wide and additional plantings are not shown.
12. No improvements are shown at the entrance onto Rte. 28. The plans should demonstrate that adequate width, radii, and site lines exist for the gravel removal truck traffic and show proposed improvements as needed.
13. The plans show that the northwestern corner of the existing paved access road at the entrance to Rte. 28 encroaches on the #373 Wareham Street property. This situation should be corrected.
14. Have the wetlands shown been flagged and surveyed? If not, they should be flagged and surveyed to confirm the 100 foot and 25 foot buffer zones.
15. Grading is needed at the new access road off of the existing paved road. It appears this grading may require adjustment to the limit of work/Erosion Barrier and may result in work within the 100 foot buffer zone.
16. No stormwater management measures are proposed.
17. The erosion barriers should be extended behind the New Horizon buildings.
18. The grading is incorrect and a 92 foot contour is missing at the Parking Lot/Gravel Road.
19. The proposed tree line is missing at the northeastern limit of work.
20. North arrows are missing on all sheets except Sheet 2.



21. The Construction pad detail should show the width to be the full width of the access road.
22. Show the proposed grading for Phase I.
23. Provide erosion control measures for all stockpile areas.
24. The contractor notes on Sheet 5 should include notification to the Board of Selectmen's earth removal agent for all inspections.
25. Show/label the distances from Wareham Street to the proposed work (200 foot minimum is required).
26. Label the distances from the limit of work to the property lines of abutters.
27. Test pits indicate possible high groundwater at 30 inches. Proposed cuts are upwards of 8 feet. Please provide dewatering methods and other means to control intercepted groundwater during and after construction.
28. The project plan should indicate safety measures to be put in place as the access road is to be shared by a day camp and the proposed gravel removal activities are immediately adjacent to a day camp.
29. The SWPPP required for construction activities and compliance with the NPDES program, when finalized, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.

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

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**

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

Richard J. Tabaczynski, P.E.  
Vice President

**From:** Robert Buker  
**Sent:** Friday, October 21, 2016 12:13 PM  
**To:** Tammy Mendes  
**Cc:** Catherine Hassett  
**Subject:** Camp Yomechas WRPD Application

Hello Tammy,

The Health Department comments regarding the WRPD Application Filed by Foresite Engineering on behalf of Camp Yomechas, to be heard by the Board on November 7, 2016 are as follows:

In March of 2015, the YMCA entered into an MOU with the Middleborough Health Department, regarding compliance with 105 CMR 440.07 Water Supply. The Health Department would like to see that maximum feasible compliance with 105 CMR 440.07 has been met at Camp Yomechas, or will be by the end of this proposed work. Thank you.

Robert E. Buker, REHS-RS  
Health Officer Town of Middleborough  
508-946-2408



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

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

November 1, 2016

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

RE: Earth Removal Permit for Brockton YMCA for a Special Permit located at 375 Wareham Street, Assessor's Map: 073 Lot: 5813 and Map: 080 Lot: 255, Zoning District Residential Rural, WRPD District Z2.

Honorable Board,

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

Respectfully submitted,

Robert J. Whalen  
Building Commissioner  
Zoning Enforcement Officer

RJW/d



## Town of Middleborough

### CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

### MEMORANDUM

TO: Board of Selectmen (via email)  
Robert Buker, Health Officer (via email)  
Ruth Geoffroy, Planning Director (via email)  
Christopher Peck, DPW Superintendent (via email)  
Richard Tabaczynski, Atlantic Design Engineers, Inc. (via email)  
Robert Whalen, Building Commissioner (via email)

FROM: Patricia J. Cassady, Conservation Agent 

RE: W.R.P.D. Application -- YMCA -- Camp Yomechas, 375 Wareham Street (Map 73, Lot 5813)

DATE: October 13, 2016

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This memorandum is in response to the Water Resource Protection District By-law Application that the above-mentioned applicant has submitted to the Board of Selectmen.

I have the following comments regarding this site:

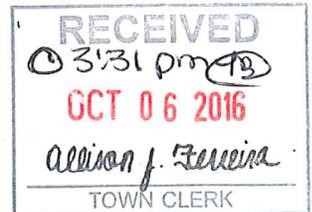
- 1) This area is *not* in a floodplain or mapped under the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.
- 2) There are bordering vegetated wetlands with a 100-foot buffer zone at the site on the other side of the entrance road. These may be potentially far enough from the project however we would be interested in how they will be protected during the construction period.
- 3) There are isolated wetlands near the proposed earth removal/construction area and should be further examined as they may be potential vernal pools and it should be determined through calculations if any of them qualify as Isolated Land Subject to Flooding under the Wetlands Protection Act.
- 4) All wetland resource areas and isolated wetlands should show on **all** plans submitted.
- 5) Proposed erosion control should be on the proposed site plan as well.
- 6) I would recommend that the applicant and their representative speak with the Conservation Department prior to the commencement of any activity pertaining to the proposed earth removal.

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

Thank you  
pjc

# Foresight Engineering

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



September 27, 2016

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

RE: Project plan WRPD Z2, 375 Wareham Street, Middleborough, MA

- Purpose of Project:** The proposed project will include widening of existing gravel roadways within the camp, removal of gravel to create a level area for a proposed baseball field, batting cages, basketball court, concession stand, gravel parking area and spectator walkway surrounding the sports complex area.
- Description of site prior to work:** The property is located at 375 Wareham Street in Middleboro and is the location of Camp Yomechas. This is a summer camp ground and day camp for individuals and families. The septic system was upgraded in 2001. The property abuts Tispaquin Pond to the North and East and Residential properties to the South and West. The proposed work area is located to the Southern portion of the camp and abuts residential homes located on Wareham Street. This area is currently used for multiple camp functions and activities. The area has recently been cut and partially cleared. The entire property is located within WRPD Z2.
- WRPD Narrative:** The project falls under the permitted uses within WRPD Z2. The day camp is looking to enhance their outdoor recreational areas with no excavation or removal of soils within 4' of the groundwater table. The project will not change the use of the camp, but provide more facilities for activities further from Tispaquin pond than existing field areas. There will be no storage of hazardous wastes, sludges, deicing chemicals, fertilizers, or oil on site. There materials stored on site will have no impact on groundwater. None of the proposed work will affect the existing water table or Tispaquin Pond and its tributaries. Silt fence will be placed as shown near the existing wetlands. Topography does not allow surface flow from construction area to reach any

water sources. All run off will be contained within limits of work during construction and flow naturally over landscape after construction is completed.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'DM', written over a horizontal line.

Darren Michaelis  
Design Engineer

PETITION APPLICATION FOR A WRPD SPECIAL PERMIT

One (1) electronic copy of the petition & engineering plans must be filed with the Selectmen's office via email: [jshanley@middleborough.com](mailto:jshanley@middleborough.com) and Seven (7) complete paper sets of the petition application, including all required documents, such as engineering plans, must be filed with the Town Clerk at 20 Centre Street (former Eastern Bank building), 1<sup>st</sup> floor, Middleborough, MA. The Town Clerk's office will forward all petitions for a Special Permit to the Board of Selectmen's office.

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

A. Location of property in question:

Street address: 375 WARREN ST  
Map & Lot: 73 5013  
Zoning District: RR  
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)  
WRPD District: 77  
(Z1, Z2, Z3, Z4)

B. To allow for:

EARLY REMOVAL TO CREATE SPORTS COMPLEX AS SHOWN  
ON PLANS DATED 7/11/10 BY FORESIGHT ENG INC.  
YMCA DAY CAMP LOCATED IN WRPD 77.

(As shown on the attached plan)

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

C. Submitted by:

Susan Oko/170  
Printed full name (Individual)

[Signature]  
Signature (Individual)

5190 Conroy Rd, Middleborough  
Address 02576

508-245-2140  
Daytime telephone

FORESIGHT ENG  
Printed company name/engineering firm

[Signature]  
Signature (company/engineering rep.)

foresight-engineering.com  
Email address

## CHECKLIST FOR PROJECT WRITTEN NARRATIVE

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

## CHECKLIST FOR SITE PLANS

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

No.	Description	Initial	N/A
1.	One (1) electronic copy of the site plans must be filed with the Board of Selectmen's office via <a href="mailto:jshanley@middleborough.com">jshanley@middleborough.com</a> .	<u>DM</u>	_____
2.	Seven (7) paper copies of the site plan must be filed with the Town Clerk's office, along with seven (7) paper sets of the petition application (see top of "Petition Application" form).	<u>DM</u>	_____
a.	Show locus to reasonable scale (use corner of the site plan page).	<u>DM</u>	_____
b.	Show existing and proposed street lines, number & name.	<u>DM</u>	_____
c.	Show existing and/or proposed building, including accessory buildings.	<u>DM</u>	_____
d.	Show driveway and driveway openings.	<u>DM</u>	_____
e.	Show natural waterways (if any).	<u>DM</u>	_____
f.	Show distance from structure to wetlands.	<u>DM</u>	_____
g.	Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.		_____
h.	Show setback dimensions or distances from street and abutters.	<u>DM</u>	_____
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<u>DM</u>	_____
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>DM</u>	_____
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<u>DM</u>	_____
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<u>DM</u>	_____
	Note: If the site has no approval required other than a home lot, then a Land Surveyor stamp will be accepted.		

**INSTRUCTIONS for filing Petition for Public Hearing re WRPD Special Permit**

The petitioner is to file **ONE (1) electronic copy** and **SEVEN (7) paper copies** of the **ENTIRE** application & site plans, including a Certified Abutter's list (which may be obtained at the Assessors' office, Town Hall, 10 Nickerson Ave.) and a non-refundable filing fee of fifty (\$50) dollars, payable to the Town of Middleborough, **at the Town Clerk's office** located at the Town Hall Annex, **20 Centre Street**. The Town Clerk's office will forward the petition packet to the Board of Selectmen's office.

All applications/petitions received must be complete before they can be acted upon by the Board of Selectmen. The Board reserves the right to either, refuse to accept, or return for additional information, any petition which is not completed according to these directions. The Board additionally reserves the right to seek review of the petitioner's application by an outside consultant (reference regulation "Outside Consultants – Special Account").

- A. The petitioner must prove, in writing, at the time of filing, that the proposed use:
  1. Is in harmony with the purpose and intent of the WRPD Bylaw and will promote the purposes of the Water Resource Protection Districts;
  2. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
  3. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge areas; and
  4. Will not adversely affect any existing or potential water supply.
- B. The petitioner is responsible for the cost of the legal publication of hearing notice in the Middleboro Gazette newspaper. The hearing notice for a WRPD Special Permit public hearing is required to be published twice. The fee is not determined until layout by the newspaper, and therefore, is not due at time of petition submittal. The Board of Selectmen's office staff will notify the petitioner of the amount due, once it is known.
- C. The petitioner will be notified of the date, time, and place of the public hearing by the Board of Selectmen's office staff. The office staff will provide the petitioner with a public hearing notice. The petitioner will make

the necessary copies and mail this notice to each abutter on the Certified Abutter's list via Certified, Return Receipt requested mail.

The petitioner collects the green receipt cards as they are received back from the abutters, and the receipts proving the certified letters were sent, and brings them to the public hearing to turn into the Selectmen's Executive Assistant.

- D. The petitioner or a representative must attend the public hearing. The petitioner should bring to the hearing any documents, plans, witnesses, other information, or materials, that will be necessary to substantiate the request.
- E. After the public hearing, you will receive a letter from the Board of Selectmen's office advising you that your application, Certificate of Granting and the Report of the hearing has been filed with the Town Clerk. This information is a matter of public record and may be seen at the Town Clerk's Office. The letter will indicate if your petition was granted. If any stipulations were voted by the Board, they will be included in the report.
- F. Anyone who may wish to appeal the decision of the Board may do so, provided an action is taken to the Superior Court sitting in Plymouth County, Massachusetts, or the Land Court, within twenty (20) days after the hearing decision has been filed.
- G. After the twenty day appeal period has expired, you will be mailed a Certificate of Granting of Special Permit, a copy of the Report of the Hearing, and a letter from the Town Clerk. These forms must be filed with the Plymouth Registry of Deeds, Russell Street, Plymouth, Massachusetts. You are required to provide proof (copy) of this filing to the Board of Selectmen's office.

Please feel free to contact the Board's Executive Assistant, Jackie Shanley, in the Selectmen's office at 508 946-2405 with any questions.

# **HEARINGS, MEETINGS, LICENSES**

**11/14/16**

**CONTINUED HEARING – Earth Removal – Costello Dismantling**



November 1, 2016

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

**Re: *Final Engineering Review  
Earth Removal Permit Application  
Costello Dismantling, Inc.  
701 – 703 Wareham Road – Middleborough, MA  
ADE Project #2518.44***

Dear Board Members:

Atlantic Design Engineers, Inc. (Atlantic) has completed our final engineering review of the site plans and application materials for the above-referenced project relative to an application for a permit under the Earth Removal bylaw. The plans are revised dated 10/20/16. The watershed plans are revised dated 9/28/16 and the drainage calculations are revised dated 10/24/16. All items are prepared by James Engineering, Inc. for Costello Dismantling, Inc. of Rochester, MA.

The comments from our last 10/12/16 review letter have been adequately addressed. We offer the following for consideration of the Board:

- Screening of gravel is not allowed per the Town's standard conditions for earth removal permits, except if the gravel is to be used on-site. (In addition, the screening is limited to 150-200 cubic yards an hour.) A note has been added to Sheet 1 that requests a waiver of this condition. Note that a waiver is not needed if the material is to be used on-site.

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

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**



Richard J. Tabaczynski, P.E.  
Vice President

RJT/rp



August 22, 2016

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

**Re: 2<sup>nd</sup> Engineering Review  
Earth Removal Permit Application  
Costello Dismantling, Inc.  
701 – 703 Wareham Road – Middleborough, MA  
ADE Project #2518.44**

Dear Board Members:

Atlantic Design Engineers, Inc. (Atlantic) has completed our 2<sup>nd</sup> engineering review of the site plans and application materials for the above-referenced project relative to an application for a permit under the Earth Removal bylaw. The plans are revised dated 6/20/16 and 6/25/16. The watershed plans are revised dated 5/2/16 and the drainage calculations are dated July 2014. All items are prepared by James Engineering, Inc. for Costello Dismantling, Inc. of Rochester, MA.

We have the following comments for consideration of the Board:

1. The width of the buffer to Wareham Road is not listed on the plans or in the application. Please clarify. Also, will there be any proposed plantings to supplement the buffer to Wareham Road? There doesn't appear to be any existing vegetation that will be preserved. ***Partially addressed. The plans now show the 200 foot setback line but do not label the distance from Wareham Street to the actual, proposed limit of gravel removal. It appears to be only about 50 feet. In addition, there is still no mention of any proposed plantings to supplement the buffer to Wareham Road. (The berms are only proposed to be mulched.) Most of the existing trees that presently screen the site, particularly from the west, will be removed, and the westernmost section of the masonry wall is not really 6' high as labeled.***
2. Erosion control measures are not shown on the plans. ***Partially addressed. Erosion Control measures are recommended at the basin outlets to prevent silt-laden runoff from entering Wareham Street prior to the site and basins being stabilized. In addition, measures are recommended to prevent erosion of the pond slopes, as  $\pm 400'$  of upgradient sheet flow discharge directly into them. Also, the drainage report, in response to DEP Standard No. 8, indicates mulch logs along the limit of work but these are not shown on the plans.***



3. Clarify that disturbed areas that are outside the limit of the proposed gravel working surface are to be loamed and seeded and/or stabilized with vegetation. ***Not addressed. The plans still do not indicate that disturbed areas outside the limit of the working surface are to be loamed and seeded or stabilized with vegetation.***
4. Stormwater calculations have not been provided, so we cannot confirm the adequacy of the existing detention basin or inlet pipes. ***Partially addressed. We have the following comments regarding the calculations:***
  - a.) ***The date of the calculations is July 20, 2014. Please correct.***
  - b.) ***The calculations need to be stamped and signed by a P.E.***
  - c.) ***The actual NRCS soil types should be used in the calculations, not just an assumed HSG B with no technical backup for the assumption.***
  - d.) ***What is the assumed starting water elevation of 76.25 in the existing basin based upon? See also comment #13.***
  - e.) ***The calculations show an increase in runoff over existing conditions for the 100 year storm. Provide information to demonstrate this will have no detrimental effect on downstream properties.***
  - f.) ***The existing Tc lengths for Subcatchment 1S stop short of the existing basin by about 80'. Please correct.***
  - g.) ***The CN value of 82 (gravel) used for Subcatchment 2S is underestimated due to the impervious nature of the proposed compacted reclaimed asphalt/concrete working surface.***
  - h.) ***The 6" orifice for Pond 5P is not indicated on the plans. (See Comment #7.)***
  - i.) ***The 3.0' long sharp crested weirs for Pond 5P is not indicated on the plans. (See Comment #7.)***
  - j.) ***The outflow calculation for the new basin Pond 5P indicate "Free Discharge" which is incorrect as the outlet pipes discharge into the existing basin which, when filling with water, will surcharge the outlet pipes creating a tailwater situation.***

Additional comments based upon the newly submitted revised information:

5. The graphic scales on all plan sheets are incorrect.
6. Sheet 2 is missing a north arrow.
7. A detail of the basin outlet control structure is needed.
8. Rip-rap aprons with flared ends or headwalls are needed at the outlets of the 6" and 18" culverts. Also, label the proposed outlet inverts.
9. Additional detail/topography/existing conditions are needed for outlet end at the proposed 6" culvert. What specifically is it discharging to? Is an easement needed for the Algonquin Gas Company property?



10. The Town of Rochester approval is needed for the new storm drain pipes, the modification to the existing basin, and this new stormwater discharge to Wareham Street, especially considering the increase in runoff for the 100 year storm.
11. The new 6” pipe from the existing detention basin is proposed at elevation 75.6, which is lower than the apparent standing water elevation (76.25) in the basin. Determination of the estimated high groundwater in this area is critical to determine if this new outlet pipe will in fact be de-watering this basin and thereby converting groundwater to a surface water discharge onto Wareham Street.
12. The drainage narrative states that all impervious surfaces from the site will be removed but the entire area is proposed to be covered with 6” of compacted reclaimed asphalt and concrete which is essentially impervious and therefore creating a much larger impervious surface than existing. We therefore disagree that no pre-treatment is required.

In addition, the CN value used in the proposed conditions calculations for this area corresponds to “gravel”, and should be higher based on the impervious nature of the compacted reclaimed asphalt/concrete.

13. Test pit (soil evaluation) information is needed to confirm the estimated high groundwater elevation for the basin design, especially since the grading shows an 8’ cut of the northeast corner of the basin. The bottom of the basin needs to be above the estimated high groundwater.
14. Specify the type of pipe used for the culverts to match the calculations.
15. What is the distance from the new detention basin to the existing septic system and does it meet Title 5 setback requirements?
16. The site plans need to be stamped and signed by a P.E.
17. Specify the bottom elevation of the new basin to match the calculations.
18. The Drainage Report indicates the basins are to be used as sediment basins during gravel removal but the outlet pipes are at the bottom of the basins, therefore providing no sediment storage capacity.



*Board of Selectmen  
2<sup>nd</sup> Engineering Review  
Earth Removal Permit Application  
701 – 703 Wareham Road – Middleborough, MA  
August 22, 2016 – Page 4*

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

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**

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

Richard J. Tabaczynski, P.E.  
Vice President

RJT/rp



April 29, 2016

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

**Re:   *Engineering Review  
Earth Removal Permit Application  
Costello Dismantling, Inc.  
701 – 703 Wareham Road – Middleborough, MA  
ADE Project #2518.44***

Dear Board Members:

Atlantic Design Engineers, Inc. (Atlantic) has completed our engineering review of the site plans and application materials for the above-referenced project relative to an application for a permit under the Earth Removal bylaw. The plans are dated 2/7/16 and are prepared by James Engineering, Inc. for Costello Dismantling, Inc. of Rochester, MA.

We have the following comments for consideration of the Board:

1. The width of the buffer to Wareham Road is not listed on the plans or in the application. Please clarify. Also, will there be any proposed plantings to supplement the buffer to Wareham Road? There doesn't appear to be any existing vegetation that will be preserved.
2. Erosion control measures are not shown on the plans.
3. Clarify that disturbed areas that are outside the limit of the proposed gravel working surface are to be loamed and seeded and/or stabilized with vegetation.
4. Stormwater calculations have not been provided, so we cannot confirm the adequacy of the existing detention basin or inlet pipes.

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

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**

Richard J. Tabaczynski, P.E.  
Vice President

P.O. Box 1051  
Sandwich, MA 02563  
(508) 888-9282 · FAX 888-5859  
email: [ade@atlanticcompanies.com](mailto:ade@atlanticcompanies.com)  
[www.atlanticcompanies.com](http://www.atlanticcompanies.com)



## Town of Middleborough

### CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

### MEMORANDUM

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

FROM: Patricia J. Cassady, Conservation Agent 

RE: Earth Removal Application – Costello Dismantling, Wareham Street (Map 110,  
Lots 3952 & 3985)

DATE: March 24, 2016

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

I have the following comments regarding this site:

- 1) Per the DEP Water Resources Mapping this site is within an Interim Wellhead Protection Area.
- 2) The site does not have floodplain nor is it mapped under the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.
- 3) The Conservation Commission issued an Order of Resource Area Delineation approving the wetland line on April 16, 2009 under DEP # SE220-1075. This permit was valid for 3 years and was to expire on April 16, 2012 but through the Permit Extension Act this permit was valid for an additional 4 years. This permit is set to expire on **April 16, 2016**.
- 4) The wetland line was mostly delineated from July 15 through July 30, 2007 and some was delineated on April 8, 2009. That would make this wetland line almost 10 years old.
- 5) There is a potential vernal pool in the powerline easement.
- 6) **This wetland line will need to be re-delineated and approved by the Conservation Commission if work is to take place after April 16, 2016.**

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

Thank you

pjc

Incorporated 1669



CRANBERRY CAPITAL  
OF THE WORLD



**DIVISIONS**

Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Wastewater  
Water

Christopher Peck  
D. P. W. Director

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

March 24, 2016

Mr. Allin Frawley, Chairman  
Board of Selectmen  
Town Hall  
10 Nickerson Ave  
Middleborough, Ma 02346

**Subject: Costello Dismantling (701/703 Wareham St.)- Earth Removal Permit Review Letter**

Dear Mr. McKinnon,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by James Engineering Inc. on behalf of their client Costello Dismantling. As part of the submittal I received the following:

- Earth Removal Permit Application dated February 17, 2016, prepared for Costello Dismantling, prepared by James Engineering, Inc.
- Project Plan prepared by James Engineering, Inc.

The Department of Public Works comments are as follows:

1. It is assumed that the exiting trucks will utilize the existing site driveway located southwest of the proposed earth removal area. Please clarify. The applicant should take measures to prevent sediment from being tracked out onto Route 28 which is owned and maintained by MassDOT.
2. The plan notes "100.0' Buffer to be maintained" and "Proposed limit of clearing" contradict each other. The proposed limit of clearing is shown within the 100 foot buffer. Please clarify.
3. The applicant should provide protection of the existing leaching field to prevent possible damage to the leaching field. The limit of excavation is approximately 50 feet from the existing leaching field.

4. It appears there will be approximately a 14 foot cut in the area of the northerly portion of the earth removal. The applicant should maintain a stabilized slope condition at all times during the earth removal.
5. Please verify the map and lot numbers of 703 Wareham Street. The proposed plans show Map 110, Lot 3995, while the town assessor's map shows Map 110, Lot 3985.

Very Truly Yours,



Christopher Peck  
Director of Public Works

Cc: Town Manager



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

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

March 28, 2016

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

RE: Application for Earth Removal Permit, Costello Dismantling  
Map 110, Lots 3952 & 3985

Honorable Board,

I have reviewed the plan submitted by Gary James, Registered Professional Engineer of James Engineering, Inc. dated: February 7, 2016 for an Earth Removal permit for Costello Dismantling.

I have no comment.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner



**Town of Middleborough**  
**Massachusetts**

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

DATE Feb 17, 2016  
NAME OF APPLICANT Costello Dismantling  
ADDRESS OF APPLICANT 46 King's Highway, Rochester, MA  
ASSESSORS MAP & LOT Map 110. Lots 3352 & 3995  
DAYTIME TELEPHONE 5

NAME OF BUSINESS Costello Dismantling, Inc  
OWNER OF PROPERTY TO BE LICENSED CDD,LLP  
ADDRESS OF PROPERTY TO BE LICENSED 701 & 703 Wareham Street  
ASSESSORS MAP & LOT Map 110, Lots 3352 & 3995

3952 & 3985

*TYPE OF LICENSE REQUESTED (Check One)*

- |   |                               |
|---|-------------------------------|
| 2 <sup>nd</sup> Hand _____                | WRPD _____                    |
| Class I Automobile Dealer License _____   | Earth Removal Permit <u>X</u> |
| Class II Automobile Dealer License _____  | Liquor License _____          |
| Class III Automobile Dealer License _____ | Junk Dealer _____             |
| Entertainment _____                       | Other _____                   |

Anticipated Start Date for Business: March 15, 2016  
Days & Hours of Operation: Monday - Friday, 7:00 A.M. - 5:00 P.M.

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?

If yes, explain:

Yes, earth removal permit issued on this site for removal of same material but material was not removed within time limits allotted.

Signature [Handwritten Signature]

DATE OF HEARING: \_\_\_\_\_

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

**Dear Treasurer/Collector:**

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

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

[Large Handwritten Signature]





