

# **NEW BUSINESS**

**2-22-16**

## Jacqueline Shanley

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**From:** decas.murray.decas@verizon.net  
**Sent:** Tuesday, February 16, 2016 3:22 PM  
**To:** Jacqueline Shanley  
**Subject:** Hillcrest  
**Attachments:** Memo of Decision (Hillcrest rent 2016).docx

February 16, 2016

Jackie Shanley, Secretary to Board of Selectmen (*via email*)

RE: Hillcrest Park rent decision (2016)

Dear Jackie:

I enclose a draft decision for the referenced. The Board should review it, and if it approves, the Board should vote to approve the decision, and the Chairman should sign the document.

Notice of the decision should be given to all parties. In this case, I take it the only party is the Park owner even though some persons signed the witness list.

Please let me know if you have any question.

Very truly yours,

Daniel F. Murray

DFM/s

14-121



# Town of Middleborough

Massachusetts

Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Town of Middleborough  
Rent Board Case No. 2015-1

\_\_\_\_\_  
IN RE: Hillcrest Mobile Home Tenants )  
Association, Inc. )  
\_\_\_\_\_)

## MEMORANDUM OF DECISION

The Town of Middleborough Rent Board (the “Board”) received an application filed by Hillcrest Mobile Home Tenants Association, Inc. (the “Applicant”) for an increase in rents to be paid by tenants of Hillcrest Mobile Home Park (the “Park”). The Applicant requested a rent increases of twenty dollars/month for each unit in the Park. The Board scheduled and gave notice of a public hearing to be held with respect to the application. The initial session of the hearing was held on December 28, 2015. The second session of the hearing was on January 11, 2016. The primary issue involved in the hearing was whether the rents paid by tenants in the Park would be increased in view of the reported unexpected operating expenses for water, sewer and taxes.

The Board considered as Board exhibits the application with supporting documentation including a budget for 2015-2016, letter of explanation and profit & loss statement (2014-2015) for the Park. Representatives of the Applicant testified with respect to the application. Various

park residents testified, some of whom expressed opposition to the rent increase. The Board questioned the representatives and witnesses on various matters.

#### FINDINGS OF FACT

Based on creditable evidence presented and accepted at the hearing and the reasonable inferences drawn from that evidence, the Board finds the following facts:

1. There are 93 manufactured homes, formerly mobile homes, in the Hillcrest Mobile Home Park.

2. The Park is a Resident Owned Park within the meaning of the “Town of Middleborough Rules and Regulations for Mobile Home Park Accommodations, Rents and Evictions” (Section 1-N) where over 51% of the owners of homes in the Park are shareholders or members of the Applicant corporation.

3. The budget submitted by the Applicant and considered by the Board and included herein by reference shows that rent of \$330.00/month is required in order to produce a fair net operating income for the Park.

4. The rent set forth in the above finding #3 include \$12.00 per month attributed to the license fee due to the Town of Middleborough for each unit in the Park.

#### RULINGS OF LAW

The Board makes the following rulings of law:

1. Monthly rent of \$330.00 will produce a fair net operating income for the Park.
2. The budget submitted by the Applicant and considered by the Board is included herein by reference.

DECISION

Based on the foregoing, the Board by a vote of 4 in favor, 1 opposed, hereby orders a general adjustment of the rents payable by tenants at Hillcrest Mobile Home Park as follows:

1. Effective on April 1, 2016 for the month of April 2016 and for each month thereafter, the monthly rent for each unit in the Park shall be \$330.00/month which sum shall include \$12.00/month for the monthly license fee due to the Town of Middleborough unless the Board otherwise orders an adjustment of the rent.

2. This decision shall supersede that part of a rent adjustment decision by the Board in 2013 which set the rent for each unit in the Park at \$310.00/month including \$12.00/month for the monthly license fee due to the Town of Middleborough. This decision shall be an adjustment of the rent referred to in said 2013 decision.

Town of Middleborough Rent Board  
By:

\_\_\_\_\_  
Allin Frawley, Chairman

DATED: February 22, 2016

\* Attachments Available Monday Eve.

**Jacqueline Shanley**

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**From:** decas.murray.decas@verizon.net  
**Sent:** Friday, February 19, 2016 11:35 AM  
**To:** Jacqueline Shanley  
**Subject:** Cumberland Farms - monitoring well

February 19, 2016

Robert G. Nunes, Town Manager

*(hand delivered)*

RE: Cumberland Farms – monitoring well – Town Hall

Dear Bob:

I enclose:

1. Duplicate originals of Site Access Agreement for a monitoring well at the Town Hall property. If the Board approves please ask the Selectmen to date and sign the duplicate originals at their 2/22/16 meeting and return one executed original to me for transmission to Cumberland Farms. The agreement was revised to allow for one well, not three.
2. Copy of letter from Cumberland Farms counsel dated 2/3/16. This letter declines to reimburse the Town for consultant fees. You may want to notify Superintendent Lynch of this response to the Town's request for reimbursement.

Very truly yours,

Daniel F. Murray

Town Counsel

DFM/s

Enclosures

16-119

cc: Jackie Shanley, Secretary to Board of Selectmen (*via email*)

**Town of Middleborough, MA**

# **Request for Proposals**

## **Lease of 445 Plymouth Street Historic Oliver House**



**DRAFT 2/1/16**

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## Request for Proposals

The Town of Middleborough, MA, acting by and through its Town Manager, hereby issues a Request for Proposals (RFP) for disposition by lease of a parcel of Town-owned property of approximately seven acres of land and the historic Oliver House, Carriage Barn, and Barn located at 445 Plymouth Street, Middleborough, MA.

The Town seeks to lease the property to a party that is committed and able to restore the historic house and grounds for the purpose of preserving the architectural and historic features of the property. The property will be subject to a preservation restriction agreement held by Historic New England. The Town's primary purpose for this disposition is to promote the public welfare by ensuring the preservation, restoration, and public access and enjoyment of this historic property.

RFP packets are available for pick-up starting on March 7, 2016. RFP packets may be accessed at [\[insert link.\]](#)

**Proposals must be received by 10:00am on Friday, May 27, 2016 and will be opened at this time in the Town Manager's office at 10 Nickerson Ave, Middleborough, MA 02346.**

The Town reserves the right to reject any and all proposals.

## Overview

### Intent

The intention of the Town is to select a bidder to lease the Property in "as is" condition who can:

- a) Demonstrate the experience and capacity necessary to restore and maintain the historic house and grounds
- b) Fully comply with the terms of the Preservation Restriction Agreement
- c) Best meet the Evaluation Criteria delineated in this RFP

### Submission Deadline and Award Date

All proposals must be received via U.S. Mail or in person at the Town Manager's Office, 10 Nickerson Ave, Middleborough, MA 02346 by 10:00am on **Friday, May 27, 2016**. The winning proposal will be selected by the Town by Friday, December 4, 2015. The Town reserves the right to reject any or all proposals, extend the selection date, or to cancel this Request for Proposals.

### Open Houses

The Town will hold two open houses at the Oliver House where attendees will be able to inspect the entire Premises. The open house will be held on the following dates:

- a) Wednesday, April 13, 2016 at 11:00am
- b) Wednesday, May 4, 2016 at 11:00am

Staff from Historic New England will be available on site during the open house to answer any questions regarding the terms of the Preservation Restriction Agreement as well as the approval process for all rehabilitation work to the property.

### Questions and Answers

To be fair to all bidders, all questions outside of the open house must be submitted in writing to the Town Manager at 10 Nickerson Ave, Middleborough, MA 02346 no later than 12:00pm Friday, May 13, 2016. All questions submitted and the answers thereto will be posted by 5:00pm on Wednesday, May 18, 2016 at [\[insert link\]](#).

An applicant without internet access may request that the questions and answers be mailed to the address provided by the applicant.

## Property Description

This roughly 7-acre property is located in the northwestern quadrant of Middleborough, approximately one mile north of the town center. Though positioned at a major intersection at Plymouth Street and U.S. Route 44, the property is screened from public ways by dense vegetation and an earthen berm. As a result of its setting, the property has a pastoral and secluded feeling.

The estate, built c. 1769, includes a roughly 3,800 s.f. main house with 6 bedrooms and 3 bathrooms, carriage house, barn, and gardens. The compound affords privacy and an opportunity for responsible restoration. The house and barn are set back approximately 350 feet from Plymouth Street. They are accessed by a narrow, linear, gravel entrance drive from Plymouth Street flanked by an allée of white pine trees that runs along the northeastern border of the property and opens into a square-shaped gravel parking lot featuring a Norway Spruce (*Picea Excelsa*) at the western corner of the house. A low-lying stone wall lines the southern side of the entrance road. A sequence of formal gardens constructed in the late 1940s extends northwest from the rear of the house. The focus of the gardens is a symmetrical four-square kitchen garden located at the western corner of the kitchen ell and main portion of the house.

The Peter Oliver, Jr. House is a southeast-facing, rectangular, two-story, wood-frame, hip-roofed Georgian-style building with a five-bay by three-bay main block constructed 1767-1769, a kitchen ell constructed while Thomas Weston owned the house, between 1780 and 1834, extending from its northwest elevation and a carriage shed wing, also constructed anywhere between 1780-1834, extending from its northeast elevation.

A wealth of period architectural detail and design distinguishes the Georgian-style Oliver House as one of the area's most distinctive homes. The house was very well constructed, exhibiting an extremely high level of craftsmanship not seen outside of major urban centers during this time period. The interior of the main block Oliver House, which encompasses a center-hall, double-pile plan, has remained generally intact since its construction, with some alterations to moldings, doors, walls, and fireplace mantels made by three owners of the property within the time periods of 1780-1834, 1892-1946, and 1946-1947.

The property is located in the Residence A (RA) zoning district, which permits single-family dwellings, agricultural uses, religious and educational uses, childcare center, and some accessory uses by right. Other residential, institutional, and commercial uses would require a special permit from the Planning Board or Zoning Board of Appeals, as indicated in the Middleborough Zoning Bylaws.

## History and Recent Background

The Peter Oliver, Jr. House was constructed in 1769 by Dr. Peter Oliver, Jr., son of the first Chief Justice of the Massachusetts Bay Colony, the building retains its original character and is an important example of Georgian style architecture, materials and workmanship in the Commonwealth of Massachusetts. The Peter Oliver, Jr. House was host to such visitors as Governor Thomas Hutchinson and Benjamin Franklin, and was confiscated by the Town of Middleborough as abandoned Tory property during the American Revolution.

The house retains many original features from its date of construction including exterior siding, windows, interior framing members, plaster walls and ceilings, and woodwork. In recognition of these qualities, the Peter Oliver, Jr. House is a contributing property in the Middleborough Center National Register Historic District.

The open space of the Premises consists primarily of lawns and gardens, with a terraced garden located to the rear (northwest) of the Peter Oliver, Jr. House. This open space provides a natural setting that complements the historic structures on the Premises, thereby endowing the Peter Oliver, Jr. House, Carriage Barn, and Barn with scenic, natural and aesthetic value and significance.

In anticipation of Town acquisition, the Town contracted professional services to prepare a Structural Assessment and Reuse Study, which was completed in June 2014 by the Public Archaeology Laboratory and McGinley Kaslow & Associates. The Town also conducted a Phase I 21E environmental study, perc tests, a Title 5 inspection, and an appraisal. These studies and test results are available on the Town's website at: [\[insert link\]](#).

The subject property includes a residential dwelling that was built prior to 1978 and such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The Town has no knowledge of lead-based paint and/or lead-based paint hazards on the property.

In 2015, in recognition of this property's historic, scenic, and environmental value, the Town of Middleborough acquired this property and has the adjacent open space property under agreement to acquire later this year. The land abutting the Oliver House property will be managed by the Town as permanent public open space.

## Architectural Description

The Peter Oliver, Jr. House is comprised of a two-story, five-bay, southeast-facing main block (the "Main Block"), a one story entry portico (the "Southeast Entry Portico") attached to the southeast elevation of the Main Block, a one-story side entry portico (the "Northeast Entry Portico") attached to the northeast elevation of the Main Block, a one-story rear ell (the "Rear Ell") attached to the northwest corner of the Main Block, and a one-story carriage barn (the "Carriage Barn") attached to the east corner of the Rear Ell.

The two-story Barn (the "Barn"), located southwest of the Peter Oliver, Jr. House and constructed in the early-nineteenth century, is a significantly intact wood-framed building sided in clapboards and wood shingles with a hip roof.

## Preservation Restriction Agreement

The Oliver House is an historically significant property and substantial public financial resources have been provided to protect the historic features of the property. To protect these resources and the public investments made to protect them, a permanent Preservation Restriction Agreement (PRA) will be placed on the property. The PRA will be recorded at the Plymouth County Registry of Deeds. Key terms of the PRA are summarized below and a copy of the PRA

is attached. All bidders are advised to read the entire PRA to be fully informed as to the PRA's requirements for rehabilitating and maintaining the property.

### **Introduction**

The purpose of the PRA will be to preserve the historic, architectural, cultural, scenic, and aesthetic value and significance of the property and to prevent any use that will significantly impair or interfere with the property's character.

### **Grantor's Covenants**

This section describes the property owner's obligations and will apply to the lessee after the Property is leased to the successful bidder. The PRA requires prior review and approval by Historic New England (HNE) for the majority of restoration work that the property owner will undertake and, therefore, the owner should expect to work closely with HNE throughout the restoration period to ensure the appropriateness of this work.

### **Land Restrictions**

This covenant requires the property owner maintain the property to ensure the landscape features are preserved including the existing open space, planting areas, and woodlands.

### **Exterior Restrictions**

No activity can be undertaken that will alter or adversely affect the appearance, materials, workmanship, or structural stability of certain exterior elements of the Peter Oliver, Jr. House, Carriage Barn, or Barn without prior written approval of HNE. The specific elements are detailed in the PRA and include all facades and elevations, roof, chimneys, foundations, and stone steps.

### **Interior Restrictions**

No activity can be undertaken which will alter or adversely affect the appearance, materials, workmanship, or structural stability of specified interior elements of the Oliver House, Carriage Barn, or Barn. The specific elements are detailed in the PRA and include structural members, space configurations, door locations, wood floors, plaster walls and ceilings, woodwork, hardware, and fireplaces and hearths throughout various rooms of the house.

### **Reversible Alterations**

HNE will approve certain reversible alterations after determining that the proposed activity won't alter or adversely affect any protected features, including asphalt or wood roof shingles, screens, storms, air conditioner units, insulation in attic or cellar, electrical re-wiring, plumbing, painting, etc.

### **Maintenance**

Any successful bidder will agree or covenant to maintain the house and premises in good and sound state of repair.

## Demolition and Relocation

Any successful bidder will not be permitted or allowed to demolish the property either through positive action or neglect and no portion of the house shall be moved.

## Contract Terms and Conditions

The following terms and conditions will apply to the lease of the property described within this Request for Proposals. The lease agreement will be substantially in the form customarily employed by the Town, a copy of which is posted at [\[insert link\]](#).

1. The lease of the property is subject to approval by a 2/3rds vote of Town Meeting and the selection of the lessee and lease agreement is subject to approval by a majority vote of the Board of Selectmen.
2. The selected lessee must execute a lease agreement with the Town of Middleborough within 45 days of notice by the Town of the approval to lease the property. The Town reserves the right to waive or extend this deadline as it sees fit.
3. The selected lessee must occupy the property within 120 days of execution of the lease agreement. The Town reserves the right to extend this deadline as it sees fit.
4. Unless the property is leased for residential purposes, the selected lessee agrees to lease the property "as is" and agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases or any other requirements necessary to use the property including to ensure compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board Rules and Regulations. The selected lessee is responsible for ensuring compliance with Title 5.
5. The lessee will be responsible for all maintenance, cleaning, utilities, rubbish disposal, snow removal, liability and casualty insurance, and restoration of the property per the an annual maintenance and rehabilitation plan, as submitted by the lessee and approved by the Board of Selectmen and Historic New England annually on or by January 31. The Town may consider such expenses in lieu of full market rent for the property.
6. The lease will be for a term of five years, with one option to renew for an additional five-year term. The Town would have the option to terminate the lease prior to term expiration if lessee is not in compliance with the annual maintenance and rehabilitation plan. Any consideration of the option to renew the lease will be based on terms as established by the Town with approval of the lessee.

## Submission Requirements

The submitted proposal must be complete and must conform to all submission requirements and submitted no later than by 10:00am on Friday, May 27, 2016. Ten (10) complete hard copies of the proposal must be received via U.S. Mail or in person at the Town Manager's Office, 10 Nickerson Ave, Middleborough, MA 02346 and must also be submitted by email to [clacroix@middleborough.com](mailto:clacroix@middleborough.com).

All proposals must be submitted in one sealed envelope containing the proposal clearly labeled with the following:

**" Proposal for the Lease of 445 Plymouth St."**

## Proposal Contents

All proposals must contain the following:

- 1) **Certified check** in the amount of \$500 deposit made payable to the Town of Middleborough. Checks will be returned if the proposal is not selected by the Town or if the proposal is withdrawn. A selected proposer who fails to execute a lease will forfeit the deposit.
- 2) **Description and address of the respondent.**
- 3) **Statement of intent and intended use of the property:** Why is the bidder interested in leasing the Oliver House? How does the proposed use(s) provide community benefit?
- 4) **Statement of qualifications:** What makes the bidder a qualified candidate?
- 5) **Operations Plan:** Describe the operating needs of the proposed use and how the use will be financially sustainable. Include a 5-year operating proforma.
- 6) **Rehabilitation Plan:** What rehabilitation work does the bidder propose to undertake to support the proposed use? What are the estimated costs? What is the basis for the costs? Include a 5-year rehabilitation plan.
- 7) **Zoning and Code Compliance:** Does the proposed use require any zoning relief or code waivers? If yes, what is the nature of the needed relief and waivers? What is the timeframe for securing the needed waivers/relief?
- 8) **Statement of financial capacity:**
  - a) This should demonstrate the bidder's ability to carry out the operations of the proposed use, property rehabilitation, and maintenance of the property.
  - b) Anticipated sources of permanent financing and working capital for operating and rehabilitation work.
  - c) Bank letter of credit and/or loan preapproval, if applicable.
- 9) **Executed Forms:**
  - a) Statement of Understanding of Preservation Restriction Agreement
  - b) Certificate of Non-Collusion
  - c) Certificate of Tax Attestation
  - d) Statement of Proposed Rental Price on Price Proposal Form

In addition, the selected proposer will be required to submit a disclosure of beneficial interests to DCAMM, as required by MGL c.7C s.38.

All information submitted is considered a matter of public record. The Town reserves the right to request additional information from bidders.

## Amendments/Modifications to Proposals

The respondent may, at any time prior to the deadline for submission of the Proposals, modify the Proposal by submitting a modification to the address specified in the RFP, in a sealed envelope/package containing the modification and clearly marked with the following:

**"445 Plymouth St. Lease Proposal Modification."**

## Withdrawal of Proposal

Any respondent may withdraw its Proposal at any time prior to the deadline for submission of Proposals. Any respondent wishing to withdraw a Proposal must provide a written authorization and acknowledgement that they are withdrawing their Proposal and that the Town of Middleborough is held harmless from any responsibility as a result of the Proposal withdrawal.

## Evaluation Criteria

### Minimum Evaluation Criteria

All bidders must include the following components in their Proposals in order to be considered for review to meet the minimum criteria to be considered responsive to this request for proposals for this property lease:

- a) Respond to all instructions and requirements of this RFP.
- b) Provide a deposit in the amount of \$500 by certified check
- c) Demonstrate good financial standing.

### Comparative Evaluation Criteria

- a) Demonstrate financial and technical feasibility of proposal
- b) Demonstrate proposal's compatibility with terms of the Preservation Restriction Agreement.
- c) Demonstrated experience necessary to complete rehabilitation and operate the proposed use.
- d) Demonstrates significant public benefit including frequent public access to property and house.
- e) Offers the best price (including consideration of in-kind services)

### Ranking

- a) Highly Advantageous – Proposal meets all or most of the comparative evaluation criteria and all minimum evaluation criteria
- b) Advantageous – Proposal meet some of the comparative evaluation criteria and all minimum evaluation criteria
- c) Not Advantageous - Proposal does not meet comparative evaluation criteria and/or does not meet all minimum evaluation criteria

## Selection Procedure and Rule for Award

All proposal packages submitted by the deadline will be opened at [insert time and place] and reviewed for completeness by Town staff. All proposals deemed complete will be reviewed by the Middleborough Board of Selectmen to determine the most advantageous proposal from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the solicitation, will be selected..

The Town reserves the right to make the final selection of bidder. The Town reserves the right to reject any and all proposals if in its sole determination it is in the public interest to do so.

The Board of Selectmen shall award the contract to the responsive and responsible bidder that offers the most advantageous proposal in accordance with the evaluation criteria.

## Exhibit 1 - Statement of Understanding of Preservation Restriction Agreement

**Statement of Understanding of Preservation Restriction Agreement.**

I/We have read the Preservation Restriction Agreement. I/We understand that the successful bidder for the Oliver House property will lease the property subject to the terms of Preservation Restriction Agreement, substantially in the form as presented in at [\[insert link\]](#).

---

Applicant Signature

Date

## Exhibit 2 – Certificate of Non-Collusion

The undersigned certifies under penalties of perjury that this bid is made in good faith and is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section with word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned certifies that no official or employee of the Town of Middleborough, MA is pecuniarily interested in this proposal or in the contract that the bidder offers to execute or in profits expected to rise there from.

---

Date

(Signature of individual submitting bid or proposal)

Title:

Company Name Street Address:

### Exhibit 3 - Certificate of Tax Attestation

Pursuant to M.G.L. Chapter 62C, Section 49A, I hereby certify under penalties of perjury that

\_\_\_\_\_  
Name of Proposer

has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security #/Federal Identification #:

Signature of Individual or Corporation Name: \_\_\_\_\_

BY, \_\_\_\_\_

Corporate Office & Title(if applicable): \_\_\_\_\_

## Exhibit 4 - Price Proposal Form

In accordance with the information, terms and conditions attached hereto, I (We) hereby offer to lease from the Town of Middleborough, MA the land identified as:

Oliver House Property  
445 Plymouth Street, Middleborough, MA

Rent Offer Written in Figures: \_\_\_\_\_ per month

Rent Offer Written in Words: \_\_\_\_\_ Dollars

Signature of Respondent: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Note: If a partnership or corporation, list all partners or all officers of the corporation and include a sealed corporate vote to allow an officer to act on this matter. Partnership or Corporation Officers Names and Address.

The Town reserves the right to reject any and all proposals if in its best interest to do so.





# **Agricultural Commission**



## TOWN OF MIDDLEBOROUGH

Bank Building, 20 Centre Street

Middleborough, Massachusetts 02346-2250

The Middleborough Agricultural Commission has openings for two full time Commissioners and four alternate Commissioners. We are looking for individuals committed to protecting farmers, large or small. It is not necessary to be a full time farmer, but an understanding of some aspect of farming is helpful. We plan to fundraise in 2016 and are committed to get "Right to Farm" signs on as many incoming roads to Middleborough as possible. The web page for the Agricultural Commission is:

<http://www.middleborough.com/agricultural-commission/index.html>.

Meeting dates can be found there as well as Middleborough's "Right to Farm by-law." We meet once a month and members have the opportunity to attend the state Agricultural Commission meeting as well as meetings with other towns' agricultural commissions. You can contact a member listed or email the Commission. Letters of interest should be sent to the Board of Selectmen, 10 Nickerson Avenue, Middleborough, MA 02346 and include your experience and background with plants, soil, and/or animals.

## Jacqueline Shanley

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**From:** Connie Miller  
**Sent:** Wednesday, February 17, 2016 5:51 PM  
**To:** Jacqueline Shanley  
**Cc:** Butch Bell; Jaime Meserve; Nancy Parks; Patti Zimmerman; Robert Mosley; Siobhan and John Joyce  
**Subject:** Ag Commissioner

Jackie,

At this time, can you add to the Selectmen's agenda asking them to appoint Patti Zimmerman as a full time Agricultural Commission member and Butch Bell as an alternate commissioner? You should already have letters from them. We have had other people express an interest, but at this time I am unaware of any other letters written.

Connie Miller  
Secretary  
Middleborough Agricultural Commission

## Jacqueline Shanley

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**From:** Connie Miller <[redacted]@[redacted].net>  
**Sent:** Wednesday, January 06, 2016 11:28 AM  
**To:** Jacqueline Shanley  
**Cc:** Butch Bell; Jaime Meserve; Nancy Parks; Robert Mosley; Siobhan and John Joyce  
**Subject:** Ag Commissioner  
**Attachments:** Zimmerman P 1-2016 001.jpg; Middleboro Ag Com-B Bell appt 12-15 001.jpg

Jackie,

Patti Zimmerman has attended 2 of our meetings and would like to become a member. Attached is her letter. I also attached a copy of Butch Bell's letter. Though not clear, it is dated 12/7/15. He would like to serve as an alternate commissioner. As soon as it is permissible, please put it on the Selectmen's agenda for a meeting.

Connie Miller  
Secretary  
Middleborough Agricultural Commission

## Jacqueline Shanley

---

**From:** Connie Miller <...>  
**Sent:** Wednesday, December 09, 2015 7:59 AM  
**To:** Jacqueline Shanley  
**Cc:** Bill Rogers; Butch Bell; Jaime Meserve; Nancy Parks; Robert Mosley; Siobhan and John Joyce  
**Subject:** appointment to Agricultural Commission  
**Attachments:** Middleboro Ag Com-B Bell appt 12-15 001.jpg

Middleborough Agricultural Commission  
Eastern Bank Building  
20 Centre St.  
Middleborough, MA 02346  
December 9, 2015

Middleborough Board of Selectmen  
c/o Jacqueline Shanley  
Town Hall  
10 Nickerson Ave.  
Middleborough, Ma 02346

Dear Board of Selectmen,

The Middleborough Agricultural Commission would like you to nominate Butch Bell as an alternate member to the Commission for a term of 3 years. He has shown a strong interest in agriculture especially as it affects Middleborough. We of the Agricultural Commission consider him to be well qualified.

Attached is his letter asking to become an alternate member. If you need a hard copy or the original, please let me know.

Yours truly,  
Connie Miller  
Secretary  
Middleborough Agricultural Commission

7/7/15

I wish to be reappointed to  
The Agricultural Commission as an  
Alternate

Thank You

Francis "Butch" Bell

---

January 4, 2016

To: Agricultural Commission

I would like to join the Agricultural Commission of Middleborough. I am a resident involved in several forms of farming in our community. I have worked in the cranberry industry for over 26 years in the field and in the office. I have been growing vegetables and herbs and selling at Farmers Market in Middleborough, Carver, Plymouth, Duxbury, and Mattapoisett for the last several years. I believe I have a lot to offer to the commission and hope that you will consider my request to join.

Thank you

Patti Zimmerman

123 Wood Street

Middleborough

01930

-----

Middleborough Agricultural Commission  
Bank Building  
20 Centre St.  
Middleborough, MA 02346  
January 4, 2016

Middleborough Board of Selectmen  
c/o Jacqueline Shanley  
Town Hall  
10 Nickerson Ave.  
Middleborough, Ma 02346

Dear Board of Selectmen,

The Middleborough Agricultural Commission has openings for 2 full time Commissioners and 4 alternate commissioners. We are looking for individuals committed to protecting farmers, large or small. It is not necessary to be a full time farmer, but an understanding of some aspect of farming is helpful. We plan to fundraise in 2016 and are committed to get "Right to Farm" signs on as many incoming roads to Middleborough as possible. The web page for the Agricultural Commission is on the town's website (<http://www.middleborough.com/agricultural-commission/index.html>). The meeting dates can be found there as well as Middleborough's "Right to Farm by-law." We meet once a month and members have the opportunity to attend the state Agricultural Commission meeting as well as meetings with other towns' agricultural commissions.

The Commission would like to increase the number of Commissioners soon, as we plan to be more active in 2016 and will need the help and support of new members. We want to advertise the openings on the town website and in the Middleborough Gazette.

At this time Butch Bell, whose position as Commissioner has expired, would like to be appointed as an Alternate Commissioner.

Yours truly,



Robert Mosley  
Chairman  
Middleborough Agricultural Commission

# **Cultural Council**

December 26, 2015

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

Dear Selectmen,

I am writing to express my interest in the consideration of my appointment into the Middleborough Cultural Council. I have been a resident of Middleborough for twenty seven years now and I believe that it is time I contributed to the community. As a member of the Middleborough Rotary Club, I have supported organizations and events promoting the arts.

I believe the fine arts to be of great importance in Middleborough. I have enjoyed and participated in a variety of opportunities promoting local talent as well as cultural recognition. I am enthused to take involvement in an event promoting the talent and cultural arts of our town such as a historical tour and/or re-enactment, a musical performance, or a show in the theatre department.

Thank you for your consideration. I believe make a contribution to Middleboro as a member of the Middleborough Cultural Council; promoting the fine arts and culture in addition to the talent in our town. You can contact me at \_\_\_\_\_ and I look forward to hearing from you.

Thank you,

Sincerely,

Kevin H. Schmidt

# Zoning Board of Appeals

**Jacqueline Shanley**

---

**From:** decas.murray.decas@verizon.net  
**Sent:** Tuesday, January 12, 2016 1:42 PM  
**To:** Jacqueline Shanley  
**Cc:** Allison Ferreira; Tammy Mendes; Robert G. Nunes  
**Subject:** BOA - vacancies

January 12, 2016

Jackie Shanley, Secretary to Board of Selectmen (*via email*)

RE: Board of Appeals – Vacancies

Dear Jackie:

You advised that Bruce Atwood resigned as a (regular) member of the Board of Appeals. We discussed actions/procedures needed to fill the vacancy. It was thought that General Laws Chapter 41, Section 11 applies. Section 11 provides for the Board of Selectmen and the remaining members of the board in which a vacancy has occurred to fill the vacancy by roll call vote.

My opinion is that Section 11 does not apply in this case. The reason is that General Laws Chapter 40A, Section 12 provides that the Board of Selectmen shall appoint members of the board of appeals and that vacancies in the board shall be filled for unexpired terms in the same manner as in the case of original appointments. Section 12, because it applies specifically to filling vacancies in the Board of Appeals, in my opinion controls the conflicting general vacancy filling provision in Chapter 41, Section 11.

We discussed giving public notice of the vacancy pursuant to the Board of Selectmen's Appointment Policy. I think the policy applies to filling a vacancy under Section 12 because the Board of Selectmen is the sole appointing authority, unlike filling a vacancy under Section 11. You advised that the only public notice, which has been given, was as to a vacancy in an "alternate" or "associate" member's position. Since there is no vacant alternate or associate member's position, the published public notice is inadequate. The notice should refer to a vacant (regular) member's position.

There is confusion regarding the position of “alternate” board member. There is no position of alternate board member. The Zoning By-law (Section 9.1.2) and Section 12 of Chapter 40A refer to “associate” members of the board. The position should be identified as an associate member of the board.

I was advise that the Board of Appeals is interested in filling the vacancy in the regular membership with one of the associate members. If the Board of Selectmen decides to fill the regular vacancy with one of the associate members, I recommend that the Board’s vote to fill the vacancy be stated to be effective when the associate member resigns his position as associate member. My opinion is that a person may not hold simultaneously positions as a regular member and as an associate member.

Very truly yours,

Daniel F. Murray

Town Counsel

16-103-1

cc: Allison Ferreira, Town Clerk (*via email*)

Board of Appeals (*c/o Tammy Mendes via email*)

Robert G. Nunes, Town Manager (*via email*)

**Darrin DeGrazia**

**Middleborough MA 02346**

January 7, 2016

Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

Re: Letter of Intent for Zoning Board of Appeals

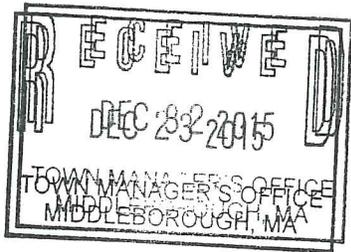
Dear Honorable Board,

Please accept this as my letter of Intent to serve as a regular board member on the Zoning Board of Appeals. I have and currently serve as a third alternate member on the board for the past ten (10) years. If the Board of Selectmen chooses to vote me as a regular member there will be a vacancy for a third alternate member on the board.

I respectfully request your support in being appointed a regular board member on the Zoning Board of Appeals.

Sincerely,

  
Darrin DeGrazia



12/21/15

Dear Board of Selectmen and Zoning Board of Appeals Members,

I respectfully request that you consider this letter as my application to be considered to fill the 3<sup>rd</sup> alternate position on the Zoning Board of appeals.

I know that many of you know that I was the Town Manager for twenty-two years, retiring in 2007, and that I am serving my second term on the Middleborough Gas and Electric Commission.

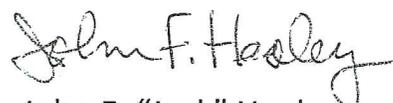
Since my "retirement" I have served as Interim Town Manager in Southbridge, Interim Town Administrator in Kingston, Freetown and Westport and returned to Freetown as the Town Administrator, working full time for a part time salary, in keeping with the rules of the Retirement Board.

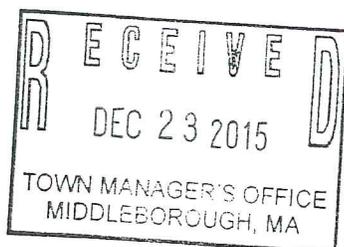
I do not work on Thursday, and would be available to attend meetings on Thursday nights. MG + E meetings are held monthly on Wednesday night.

As I understand the role of the 3<sup>rd</sup> Alternate Member, he or she would sit in on Zoning Board of Appeals meetings every other Thursday night, and may be called upon to vote on a matter if a regular member, who has been hearing a case, is unable to attend, and a vote is required.

I have always had a strong interest in land use by-laws and regulations and their importance in maintaining the health and character of our community. And I have long admired the commitment and length of service of the current members. It would be an honor to serve with them.

Sincerely,

  
John F. "Jack" Healey



## Jacqueline Shanley

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**From:** Martha Edwards  
**Sent:** Saturday, December 12, 2015 8:13 AM  
**To:** Jacqueline Shanley  
**Subject:** Third Alternate Member to the Zoning Board of Appeals

I would like to enter my name for consideration for the vacancy on the Board of Appeals. Please feel free to contact me with regard to this by e mail or I can be reached by phone during business hours at

Respectfully  
Mark D Edwards  
  
Middleboro, Ma

# Law Offices of Adam M. Bond

1 N. Main Street  
Middleborough, MA 02346  
T: 508-946-1165  
F: 508-946-1057  
[abond@adambondlaw.com](mailto:abond@adambondlaw.com)

November 3, 2015

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

Honorable Board Members:

It was with great sadness that I learned of Chairman Atwood's resignation from the Middleborough Zoning Board of Appeals. I have the greatest respect for him and what he has accomplished for this Town, and it is truly a loss of knowledge and dedication to that Board.

As discussed at the Board of Selectmen's meeting on November 2, 2015, your Board is seeking volunteers to fill an open position on that Board. I submit this letter for the purpose of asking you to consider me in filling the open position on the Zoning Board of Appeals, whether that be a full position or an Associate Member position.

I am dedicated to the continued improvement of the Town, as well as the preservation of its open space and other natural resources. While I am an advocate for maintaining the rural character of this Town, I also am an advocate for making sure that the land in this Town is being used for its highest purpose and in conformity with the zoning restrictions currently in place. The balance between these two goals is certainly delicate, but I believe that my legal background in land use law will certainly be a positive contribution to the current Zoning Board.

For the better part of my legal career, I have dealt with zoning and land use matters, including interpretation of the zoning laws for developers, representing developers, representing opponents of developers, suing zoning boards, and handling numerous zoning appeals. I have a great familiarity with the administrative process from both a defensive standpoint (i.e., avoiding pitfalls which lead to litigation), and from an offensive standpoint (i.e., finding problems with zoning decisions in order to support an appeal or a civil rights claim).

I have also spent the better part of my career dealing with regulatory agencies, administrative procedures, administrative rules and administrative decision making. As a judge's clerk, I also spent many years writing decisions which were subject to appellate review by higher courts, and had only one reversal in a 3 year period.

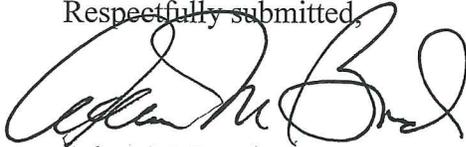
Finally, I note that my desire is to contribute a different skill set and perspective to the Zoning Board of Appeals, in the hope that it will only improve its already professional operation. I believe that different views and a diversity of talents can only make hearings and deliberations, on matters of

crucial interest to the Town, more productive and less likely to lead to the filing of litigation.

I would be honored to be considered for appointment to the Middleborough Zoning Board of Appeals, and I can assure you that I would not disappoint you in my fulfillment of my duties on that Board.

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Adam M. Bond', written in a cursive style.

Adam M. Bond

MIDDLEBOROUGH POLICE DEPARTMENT  
99 NORTH MAIN STREET  
MIDDLEBOROUGH, MA 02346



Joseph M. Perkins  
Chief of Police

P (508) 947-1212  
F (508) 947-1009  
middleboroughpolice.com

February 8, 2016

Board of Selectmen  
Town Hall  
Middleborough, MA 02346

Dear Honorable Board:

After being extended a conditional officer of employment by the Board, the following candidates have taken and passed medical, psychological, and physical ability testing as required for employment by Civil Service:

<b>Jeffrey J. Irr</b>	<b>Middleborough</b>
<b>Wheldon F. Nelson</b>	<b>Middleborough</b>
<b>Stephen A. Robbins</b>	<b>t., Middleborough</b>
<b>Ryan S. Whiteside</b>	<b>Middleborough</b>

All four individuals interviewed extremely well and should excel in the Academy and as Police Officers for the Town of Middleborough. I recommend you vote to consider an offer of employment, with an effective appointment date of **March 18, 2016** of these individuals for the four (4) openings on the police department.

Please contact me if you have any questions.

Respectfully,

Peter J. Andrade, Executive Lieutenant  
Middleborough Police Department

## Jacqueline Shanley

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**From:** decas.murray.decas@verizon.net  
**Sent:** Thursday, January 14, 2016 10:37 AM  
**To:** Jacqueline Shanley  
**Subject:** earth removal permit (Harju)

January 14, 2016

Jackie Shanley, Secretary to Board of Selectmen (*via email*)

RE: Harju earth removal permit No. 07-4 (off Rocky Meadow Street)

Dear Jackie:

You advised that the referenced permit expired. Chris Peck reported that notwithstanding the permit expiration that earth material was being excavated on Lot 1336 and moved to Lot 2411.

You advised Dana Harju that the permit had expired and that the excavation/removal referenced in the first paragraph violated the Earth Removal By-Law ("ERB"). I have assumed that the permit issued in 2007 has expired under the ERB and pursuant to any law. I have not independently verified expiration. You also told him that if he had completed the project which was the subject of the permit that he needed to apply for a certificate of completion, and if the project was not complete, that he needed to apply for a new permit. You advised him that you thought that he needed to apply for a new permit.

You advised that Brian Wick, Executive Director of Cape Cod Cranberry Growers' Association sent a communication to Chairman Frawley on behalf of Ken Harju. Ken Harju reportedly is the father of Dana Harju with whom you conferred. Mr. Wick contends that a permit is not required to remove earth material from one location and transport the material to another location. Mr. Wick's contention may assume that the two locations involved are separate lots within the meaning of the ERB. I have assumed that the two locations are separate lots under the ERB.

Mr. Wick's communication is based on the assumption that the ERB is part of the Zoning By-law. The ERB is not a zoning by-law. It is a general Town by-law. Section 3 of General Laws Chapter 40A (the Zoning

Act) cited by Mr. Wick is not relevant to the ERB. Section 3 does not regulate non-zoning by-laws such as the ERB. The ERB is a regulatory provision separate from and independent of the Zoning By-law.

An issue you identified is whether a person may without a permit under the ERB remove earth material from one lot and transport it to another lot. Relevant provisions of the ERB are:

- Section 3 – No earth shall be removed from any lot...unless a permit shall have first been obtained by the owner from the Board pursuant to this By-law, except as otherwise provided herein;
  
- Section 1 – Definitions:
  - “removal” shall mean stripping, excavating or blasting earth from one lot and carrying it away from said lot.
  - “lot” shall mean a single parcel of land lying in a single body and separated from contiguous land by property liens (sic), street lines or Town lines.
  - “property line” shall mean a line separating land in one ownership from land in a different ownership, or from other land in the same ownership.

I understand and have assumed that Lot 1336 and Lot 2411, as reported by Mr. Peck, are separate lots within the meaning of the ERB. I have also assumed that the removal reported by Mr. Peck does not fall under any of the ERB exemptions set forth in Section 4 of the ERB: (a) earth removal up to 25 cubic yards per lot per year; (b) earth removal in conjunction with a valid building permit; (c) earth removal in compliance with an approved subdivision plan.

I think one may not excavate material on one lot and remove that material to another lot without an ERB permit. It appears to me that a permit under the ERB is required with respect to the activity reported by Mr. Peck.

Very truly yours,

Daniel F. Murray  
Town Counsel  
DFM/s  
94-337

## Jacqueline Shanley

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**From:** Christopher Peck  
**Sent:** Friday, January 15, 2016 1:19 PM  
**To:** Jacqueline Shanley  
**Cc:** Selectman Allin Frawley; Robert G. Nunes  
**Subject:** RE: Harju Earth Removal Site-Complaint  
**Attachments:** IMG\_0843.JPG; IMG\_0844.JPG; IMG\_0845.JPG; IMG\_0846.JPG; IMG\_0847.JPG; IMG\_0848.JPG; IMG\_0849.JPG; IMG\_0850.JPG

Jackie,

I visited the Harju Earth Removal this morning. There was no activity while I was there.

Please see the attached pictures of the earth removal site, entrance/exit drive and the excavation operation that is taking place on the adjacent parcel. Please note I took the picture of the work being done on the adjacent property from the area of the permitted earth removal therefore staying off unpermitted private property. (the equipment is hard to see as it was taken from far away) The earth removal permit allows me to visit the site as needed for inspection. It appears that they are hauling material off site and taking a right onto Rocky Meadow towards Purchase Street. Based on the amount of material on the roadway there has been a lot of trucking taking place. (see pictures)

Any questions please let me know.

Thanks,

Chris

**Christopher Peck**  
Director of Public Works  
Middleborough, MA 02346

*PH: 508-946-2481*

*FX: 508-946-2484*

[cpeck@middleborough.com](mailto:cpeck@middleborough.com)



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**From:** Jacqueline Shanley  
**Sent:** Thursday, January 14, 2016 2:45 PM  
**To:** Christopher Peck  
**Cc:** Selectman Allin Frawley; Robert G. Nunes  
**Subject:** Harju Earth Removal Site-Complaint

Good Afternoon Chris,

An abutter to the Harju Earth Removal project has come in to see me and reports large trucks entering and exiting the Rocky Meadow Earth Removal project all day. He has witnessed big trucks entering and exiting the Purchase Street side the whole week of Christmas.

He suggested that you will be able to see a big difference in both areas since your last site visit. They have been exporting sand or sand & gravel. The streets also show dirt track marks.

I have confirmed with Chairman Frawley that he would like you to go out to visit site.

Thank you.

Jackie

Jackie Shanley  
Executive Assistant to Board of Selectmen  
Town of Middleborough  
10 Nickerson Ave.  
Middleborough, MA 02346  
508 946-2405 Tel.  
508 946-0058 Fax  
[jshanley@middleborough.com](mailto:jshanley@middleborough.com)

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**From:** Selectman Allin Frawley  
**Sent:** Friday, February 05, 2016 8:02 AM  
**To:** Christopher Peck; Jacqueline Shanley; Robert G. Nunes  
**Subject:** RE: Harju Earth Removal Permit - Dana Harju

So how do we stop this?  
What is our next step?  
Allin

---

**From:** Christopher Peck  
**Sent:** Friday, February 05, 2016 6:39:43 AM  
**To:** Selectman Allin Frawley; Jacqueline Shanley; Robert G. Nunes  
**Subject:** RE: Harju Earth Removal Permit - Dana Harju

To All,  
I went out to the Harju's earth removal yesterday. I found that they were hauling gravel off site and were operating a screen on site. Please see attached pictures.  
Later in the day I spoke with Dana and informed him that he was in violation. He does not feel the town can stop him from continuing with his operation. He admitted to hauling six loads of sand off site yesterday.  
I told Dana that he should cease operations on site but stated he was working under an agricultural permit.  
Thanks,  
Chris

**Christopher Peck**  
Director of Public Works  
Middleborough, MA 02346

*PH: 508-946-2481*  
*FX: 508-946-2484*  
[cpeck@middleborough.com](mailto:cpeck@middleborough.com)



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**From:** Selectman Allin Frawley  
**Sent:** Wednesday, February 03, 2016 2:36 PM  
**To:** Jacqueline Shanley; Robert G. Nunes; Christopher Peck  
**Subject:** RE: Harju Earth Removal Permit - Dana Harju

Chris,  
Can you take a look at this?

Thanks,  
Allin

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**From:** Jacqueline Shanley  
**Sent:** Wednesday, February 03, 2016 2:35:00 PM  
**To:** Selectman Allin Frawley; Robert G. Nunes; Christopher Peck  
**Subject:** FW: Harju Earth Removal Permit - Dana Harju

Good Afternoon,

I just received a voicemail from a neighbor/abutter of the Harju's Earth Removal site and they want to know what the status is re their expired permit because they have had trucks going in and out of the property all day removing earth.

Please advise as to what response I may offer this resident.

Thank you.

Jackie

Jackie Shanley  
Executive Assistant to Board of Selectmen  
Town of Middleborough  
10 Nickerson Ave.  
Middleborough, MA 02346  
508 946-2405 Tel.  
508 946-0058 Fax  
[jshanley@middleborough.com](mailto:jshanley@middleborough.com)

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**From:** Jacqueline Shanley

**Sent:** Tuesday, February 02, 2016 2:14 PM

**To:** Selectman Allin Frawley; Robert G. Nunes; Christopher Peck; Attorney Dan Murray

**Subject:** Harju Earth Removal Permit - Dana Harju

Good Afternoon,

In an effort to keep everyone informed, Dana Harju just visited the Selectmen's office. He began by letting me know that he only just received my voicemail message of January 20<sup>th</sup> as the telephone number we had for him belongs to his parents and they have been in Florida.

I offered that I had emailed Brian Wick, Executive Director of Cape Cod Cranberry Growers' Association on January 20<sup>th</sup> and had included Town Counsel's response in that email. I told Dana I was surprised Mr. Wick hadn't shared that information with him and/or his parents. He said that he hadn't. A few minutes into discussion about the situation, he offered that Mr. Wick had actually shared the email with his parents.

Dana advised me that Mr. Wick is looking into the Right to Farm and says that zoning laws can't interfere with agricultural practices. Dana told me that the moving of the sand is "for agricultural practices for purposes of building a cranberry bog".

When I responded that it is my understanding that an Earth Removal permit is required for purposes of building a cranberry bog, Dana told me that I was mistaken and that an Earth Removal permit is only issued/required for the sale of rocks/sand/dirt/earth. He used the analogy that subdivision builders must be taking out Earth Removal permits when they remove and sell earth as they build their subdivisions.

I asked him about the project with the expired permit and he told me the project is complete. I asked him to send us an email/notification that it is complete and we could have Chris Peck inspect so that we can move forward and issue him a Certificate of Completion, which he is required to file with the Registry of Deeds. He will be sending us something in writing.

I asked him if I was remembering correctly that he intends to file for a new permit for another project and he confirmed that to be accurate. I asked if it related to the moving of the sand and he said it did not. I asked if it was for a different location and he said, "Yes. We will just be entering/exiting from a different entrance and exit. It is a big property."

He told me that we should expect something in writing from Mr. Wick at some point relative to the moving of the sand.

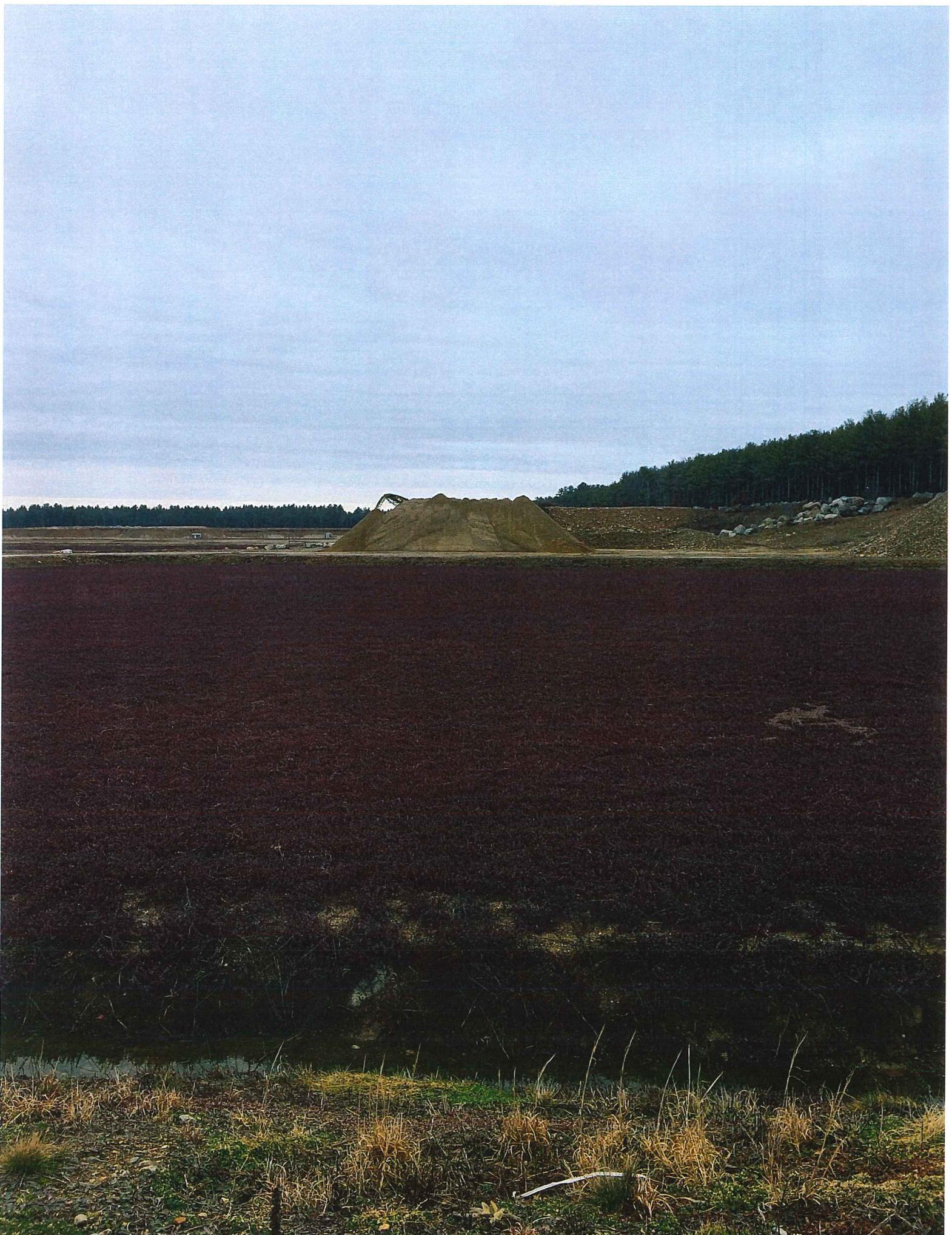
I did get his personal cell phone so we now have that in the files.

Jackie

Jackie Shanley  
Executive Assistant to Board of Selectmen  
Town of Middleborough  
10 Nickerson Ave.  
Middleborough, MA 02346  
508 946-2405 Tel.  
508 946-0058 Fax  
[jshanley@middleborough.com](mailto:jshanley@middleborough.com)







## Jacqueline Shanley

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**From:** Jacqueline Shanley  
**Sent:** Wednesday, January 20, 2016 2:51 PM  
**To:** 'Brian Wick'  
**Cc:** Selectman Allin Frawley; Robert G. Nunes  
**Subject:** RE: Harju Bog Sanding  
**Attachments:** Harju E. R. Permit - Town Counsels Opinion.pdf

Good Afternoon Mr. Wick,

Attached please find the opinion of Middleborough's Town Counsel relative to this matter. I will be contacting the Harju's by telephone to share the attached information. After you/they have had a chance to review Town Counsel's opinion, and if there remains any question as to the necessity of an Earth Removal permit, please let us know if a meeting between the Harjus and Town Officials would be helpful.

Thank you.

Jackie

Jackie Shanley  
Executive Assistant to Board of Selectmen  
Town of Middleborough  
10 Nickerson Ave.  
Middleborough, MA 02346  
508 946-2405 Tel.  
508 946-0058 Fax  
[jshanley@middleborough.com](mailto:jshanley@middleborough.com)

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**From:** Brian Wick [<mailto:bwick@cranberries.org>]  
**Sent:** Tuesday, January 12, 2016 5:06 PM  
**To:** Jacqueline Shanley  
**Cc:** Selectman Allin Frawley; Robert G. Nunes  
**Subject:** Harju Bog Sanding

Jackie,

As you know, I had sent a letter on December 28 to the town of Middleboro regarding Mr. Ken Harju looking to transport sand between his properties for rebuilding a section of bog, a normal agricultural practice. I noted the relevant section of Massachusetts General Law, Chapter 40A, Section 3 regarding zoning and agriculture: "Section 3. No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture..."

As my letter mentioned, Mr. Harju was denied this right and his window to get the work done was closing with it being winter. With the holidays upon us all, I recognized that Town Hall staff may not be available to make an immediate decision, so I copied others who I thought might be able to respond and act accordingly. That idea did not work out. In a

brief conversation with you last week, you noted that the town was still considering how to respond. I know you have other matters to deal with but this is critical to Mr. Harju's farming operation and I would expect by now that someone would be able to make a decision as to whether the town is going to allow him to proceed or not. If that decision has not been made, an update as to where the matter stands would be appreciated.

If you or someone from the town wishes to discuss this matter, please let me know. I also have contacts at the Massachusetts Department of Agricultural Resources, should someone from the town wish to speak with them. I'd like to get this resolved now and allow Mr. Harju to continue his project.

Brian

---

Brian Wick  
Executive Director  
Cape Cod Cranberry Growers' Association  
P.O. Box 97  
1 Carver Square Boulevard  
Carver, MA 02330  
P: 508-866-7878 ext. 14  
F: 508-866-4220  
[www.cranberries.org](http://www.cranberries.org) | [bwick@cranberries.org](mailto:bwick@cranberries.org)



# Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG  
*Treasurer and Receiver General*

MICHAEL R. SWEENEY  
*Executive Director*

February 11, 2016

Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

Dear Sir/Madam:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO To Go agents to display the game at their location. In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following KENO To Go agent(s) in your community:

STOP N SAVE  
158 CENTER STREET  
MIDDLEBORO

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Christian Gonsalves, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,

Michael R. Sweeney  
Executive Director

Certified Mail – Return Receipt Requested:  
7014 1820 0002 1477 9445



*Supporting the 351 Cities and Towns of Massachusetts*



Disabled American Veterans  
Cpl. William F. Reardon  
Chapter 57  
P.O. Box 57  
Taunton, Massachusetts 02780  
(508) 823-0409



Officers 2014 - 2015

Commander  
Morton Morin

Sr. Vice Commander  
William Kreger

Jr. Vice Commander  
Alfred Hinds

Adjutant:  
Guy Maroon

Treasurer:  
Neil Theisen

Quartermaster:  
Norman Willoughby

Board of Selectman  
Town Of Middleboro  
10 Nickerson Ave  
Middleboro, Ma. 02346

Jan. 1 2016

Dear Sir/Madam

Once again the Disabled American Veterans  
Cpl. William F Reardon, Chapter 57 requests permission to  
conduct our annual Forget-Me-Not Fund Raising event in the  
Town of Middleboro **on July 2 thru 5<sup>th</sup>, 2016.**

This is the only fundraising drive the D.A.V. conducts to  
Raise the funds which enable us to assist Disabled Veterans, Veterans  
And Their families. As we see more and more young disable veterans  
returning home from proudly serving their country, we find ourselves more  
in need now than ever before of the resources needed to help serve them.  
Chapter 57 makes itself available to assist all Veterans and their families,  
not just members of our Chapter. Requests for assistance are judged on a case  
by case basis. We fear that without your help we will not have the  
funds available to help serve our worthy veterans.

All members of Wm. F. Reardon, Chapter 57 are volunteers  
And 100% of Forget-Me-Not donations go to help Veterans.  
We appreciate your assistance with our annual Fund Raiser

Sincerely

A handwritten signature in black ink that reads "William F Kreger".

William F Kreger  
Sr. Vice Commander  
Chairman: Fundraising



DAV Chapter 57 is a non-profit 501 (c) (3) Org.

LICENSE APPLICATION

Date... 2/1/16.....

Name of Business..... New To You Family Thrift Store.....

Name of Applicant/Petitioner..... Andrew Sappas.....

Address/Location for Permit Use..... 59 Center St Middleborough MA 02346.....

Assessor's Map and Lot# for Permit Use..... Map 50P Lot 6214.....

Address of Applicant/Petitioner..... 890 Pleasant St Bridgewater MA 02324.....

F.I.D. # of Applicant/Petitioner..... 010128.....

Email Address..... [unclear].....

Hours of Operation..... 9 to 6 Mon-Sun.....

Please provide description of merchandise for sale..... Used Furniture & Everyday.....

..... Home goods.....

2nd Hand Junk Dealers

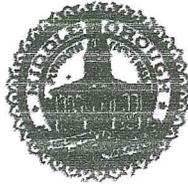
Signature of Applicant

TO: TREASURER/COLLECTOR  
FROM: SELECTMEN'S OFFICE

Please inform this department, as well as the Board of Selectmen, as to whether or not the above 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 this Property Owner/Petitioner/Applicant owe taxes/municipal charges: No  
(Yes or No)

Signed:   
(Treasurer/Collector)



Town of Middleborough  
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE  
(PLEASE TYPE OR PRINT CLEARLY)

DATE 2/10/16  
NAME OF APPLICANT William Fuller *Attending SERVICE of U.F.*  
ADDRESS OF APPLICANT 13 WEST END AVE  
ASSESSORS MAP & LOT 498/5595  
DAYTIME TELEPHONE 508 923 4744

NAME OF BUSINESS Alley Theatre  
OWNER OF PROPERTY TO BE LICENSED HOWLAND TRUST  
ADDRESS OF PROPERTY TO BE LICENSED 133 CENTER ST.  
ASSESSORS MAP & LOT 50P/5389

TYPE OF LICENSE REQUESTED (Check One)

2<sup>nd</sup> Hand Furniture \_\_\_\_\_ 2<sup>nd</sup> Hand Clothing \_\_\_\_\_  
Class I License \_\_\_\_\_ Class II License Beer/Wine  
Class III License \_\_\_\_\_ Liquor License  ALL ALCOHOL  
Common Victualler \_\_\_\_\_ Automatic Amusement \_\_\_\_\_  
Entertainment \_\_\_\_\_ Other \_\_\_\_\_

Anticipated Start Date for Business 2/25/16 — PAINT NIGHT FUNDRAISER  
Hours requested: 6pm - 10pm

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

If yes, explain:  
yes, similar occurs and subsequent approval

Signature [Signature]

DATE OF HEARING \_\_\_\_\_ APPROVED/DENIED \_\_\_\_\_

Do not write below line: To be Completed by Treasurer/Collector: \_\_\_\_\_

Please inform this department, as well as the Board of Selectmen, 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? \_\_\_\_\_

February 5, 2016

Middleborough Selectman's Office  
Middleboro Town Hall  
10 Nickerson Ave.  
Middleborough, MA 02346

To the Board of Selectmen,

I am writing to let you know the 10<sup>th</sup> annual Patriot Half triathlon is scheduled for Saturday, June 18, 2016. The Patriot Half is based at Cathedral Camp in East Freetown and involves athletes swimming then biking and then running.

As in the past, athletes will utilize selected roads in Middleborough as part of the bike segment of this event. The Patriot Half starts at 7:00am and athletes will be cycling on the roads of Middleborough between 8:00am and 12:30pm. Please refer to the attached map to see the Patriot Half bike course that shows the Middleborough roads that will be utilized. The bike course has remained the same since 2012.

Maintaining the highest standards of safety for athletes, pedestrians and motorists remains our highest priority. As the event draws closer I will reach out to the Middleborough Police to coordinate details at the appropriate road intersections on the bike course. This year's race will comply with all safety requirements of a USA Triathlon sanctioned event.

We appreciate the opportunity to utilize the roads of Middleborough and look forward to a great race day and sharing the beauty of Middleborough with our athletes. Please don't hesitate to contact me with any questions.

Sincerely,



Mark Walter  
USAT Certified Race Director  
Sun Multisport Events  
54 Beechnut Road  
Westwood, MA 02090

Phone: 781-414-0437



# PATRIOT HALF BIKE COURSE (28 miles x 2)

