

HEARINGS, MEETINGS, LICENSES

3/30/15



A hearing will be held by the Board of Selectmen on Monday, March 30, 2015 at 7:20 PM in the Selectmen's Meeting Room at the Town Hall, located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by 58 East Grove Inc., d.b.a. Boston Tavern for an Alteration of Premises All Alcoholic Beverages Restaurant Liquor license, property located at 58 East Grove Street, Middleboro, MA Assessors Map 58, Lot 5557, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: March 12, 2015

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074



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 19, 2015

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

Subject: Application for Liquor License hearing for Alteration of Premises at
58 East Grove Street, Assessors' Map: 058 Lot: 5557, GU/WRPD Z2.

Dear Board,

I have reviewed the application for a Liquor License hearing for Alteration of Premises submitted by Dennis Barbato for 58 East Grove Inc. d.b.a. Boston Tavern located at 58 East Grove Street.

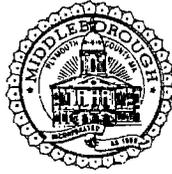
Middleborough Zoning By-law Section 5.3 requires one parking space for every three restaurant seats. Because of the increase in seating this property would not meet these requirements.

The applicant has been informed that the shared parking being shown would need approval by the Zoning Board of Appeals before a permit can be issued to construct the deck.

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
Robert Whalen, Building Commissioner
Robert Buker, Health Officer

FROM: Patricia J. Cassady, Conservation Agent 

DATE: March 10, 2015

RE: Liquor License Application for Alteration of Premises
58 East Grove, Inc., d.b.a. Boston Tavern
58 East Grove Street, Map 58, Lot 5557

After reviewing the above-mentioned project I have a few comments:

- 1) This property was issued a Certificate of Compliance on April 10, 2013 for the completion of the gazebo under DEP File # SE220-1134.
- 2) According to the plan on record under DEP File # SE220-1134 part of the deck will be in the outer riverfront area of the Nemasket River. The proposed deck however will *not require* the filing of a permit application with the Conservation Commission because the deck is proposed where there is existing pavement and will not have adverse impact to the riverfront area.

If there are any questions regarding this matter don't hesitate to contact me at 508-946-2406 or pcssdy@middleborough.com

Thank you
pjc



Town of Middleborough
Massachusetts
Board of Selectmen

MEMORANDUM

TO: Building Commissioner
Health Officer
Conservation Commission

FROM: Jackie Shanley, Executive Assistant

DATE: March 4, 2015

RE: **Liquor License Application for Alteration of Premises –
58 East Grove, Inc., d.b.a. Boston Tavern
58 East Grove Street, Map 58, Lot 5557**

Please be advised that the above referenced matter is scheduled before the Board of Selectmen on **3/30/15 at 7:20 PM.**

Please provide any concerns, objections, and/or requirements in approving this application by **Noon on Wednesday, March 25, 2015.**

Thank you.

Attachments

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

070000068

ABCC License Number

Middleboro

City/Town

The licensee 58 East Grove Inc. dba Boston Tavern respectfully petitions the Licensing Authorities to approve the following transactions:

- | | |
|---|--|
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock | <input type="checkbox"/> Cordial & Liqueurs |
| <input type="checkbox"/> Change of Corporate Name/DBA | <input type="checkbox"/> Change of Location |
| <input type="checkbox"/> Change of License Type (§12 ONLY, e.g. "club" to "restaurant") | |

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out financial information form)

Description of Alteration:

58 East Grove Inc. is adding an outdoors deck. The deck is approx. 34x 38 and will seat 50 people. It will be handicapped assessable.

Change of Location: (must fill out financial information form)

Last-Approved Location:

Requested New Location:

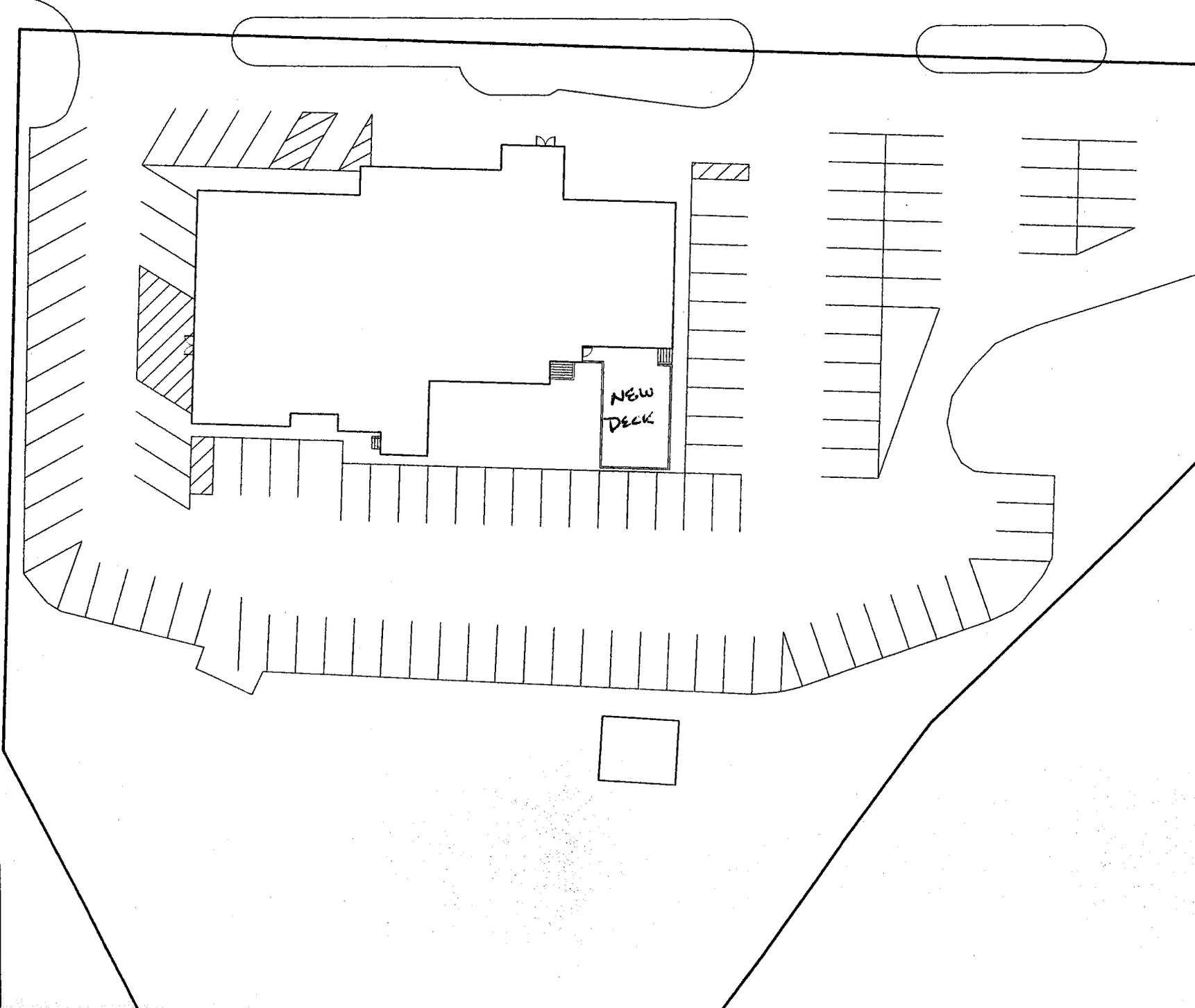
Signature of Licensee

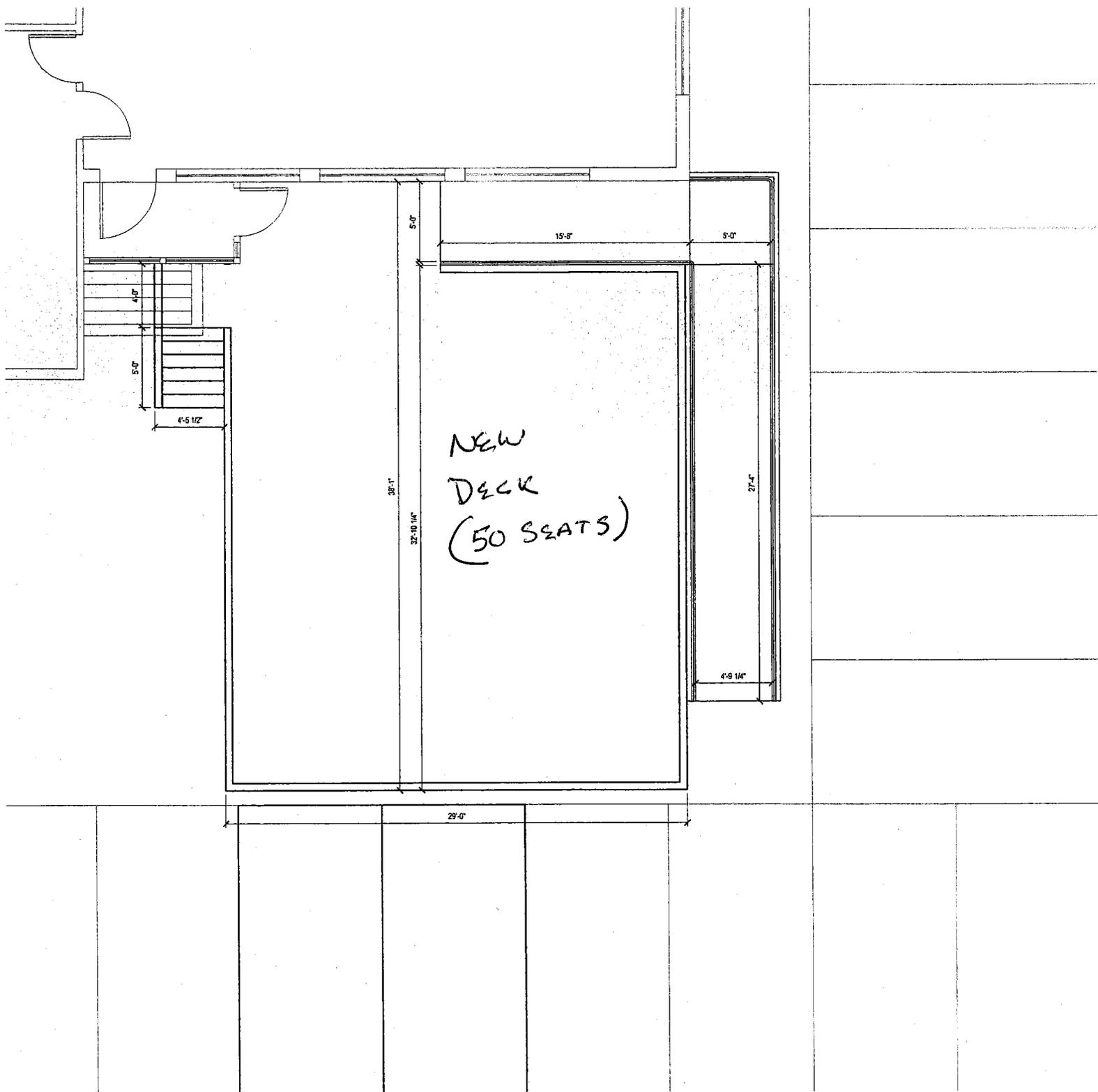
Date Signed

02/20/2015

(If a Corporation/LLC, by its authorized representative)

PARKING CALCULATION
 400 OCCUPANTS & 20 PART-TIME
 1 SPACE / 3 OCCUPANTS & 1 SPACE / 2 PART-TIME
 400 OCCUPANTS / 3 = 134 SPACES
 20 PART-TIME / 2 = 10 SPACES
 TOTAL: 144 PARKING SPACES (REQUIRED)
 PROPOSED SITE PLAN INCLUDES 117 PARKING SPACES
 SHARED PARKING OF 60 SPACES FOR EXISTING OVERS & WALK
 TOTAL OF 107 PARKING SPACES AVAILABLE







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, March 30, 2015 at 7:30 PM, for the purpose of discussing an application filed by Alpha Surveying and Engineering, Inc. on behalf of Middleborough Gas & Electric for a Special Permit under the Water Resource Protection District By-law to allow for the installation of a gas main in the existing street to connect an existing line at 40 Benson Street to an existing line at Spruce Street within 25' of a fresh water wetland. This property is shown as Assessors Map 101, Lots (various), Zoning District – Residence Rural, WRPD Districts Z3 and Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

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

Publish: March 12th and 19th, 2015

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074



March 25, 2015

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

**Re: Initial Engineering Review
WRPD Application – Benson Street Gas Line
ADE Project #2518.36**

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of site plans for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans are dated 2/5/15 and are prepared by Alpha Surveying and Engineering, Inc. for Middleborough Gas and Electric.

We have the following comments:

1. The proposed project is permissible under Sections 8.2.8.3.i.1 and Sections 8.2.9.3.d.1 only if it is defined as and approved by the Conservation Commission as a “limited project”. It appears to qualify as a “limited project” under Section 10.53 (3) (d) of the Wetlands Protection Act.
2. The narrative letter accompanying the application indicates the project is in WRPD Z4 but the majority is in Z3. Please revise.
3. The 25-foot no disturb zone needs to be shown on the plans.
4. The limit of zones Z4 and Z3 needs to be shown on the plans. Also revise Note 5 on Sheet 1 to reflect Z4 and Z3 (not Z1).
5. The plans do not indicate that surface conditions will be restored and stabilized with loam and seed, replanted, pavement repaired, etc. Provide appropriate details and notes.
6. Silt sacs or other catch basin inlet protection should be provided at all catch basins along the route, even catch basins outside the buffer zone as these eventually drain to wetlands.
7. In some areas, the gas line is proposed on the same side of the road as the wetlands. Can it be relocated on the opposite side to avoid the 25-foot no work zone?
8. Please address excavation material stockpiling methods to protect the wetland resources.
9. Please address de-watering methods to protect the wetland resources.

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

Cc: Alpha Surveying and Engineering, Inc.



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 19, 2015

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

RE: W.R.P.D. Application for installation of a gas main, 40 Benson Street to Spruce Street, Assessor's Map: 101 Lots: vary.

Honorable Board,

I have received the plans submitted by Robert A. Perruzzi of Alpha Surveying and Engineering on behalf of Middleborough Gas and Electric for the installation of a gas main in existing street to connect an existing line at 40 Benson Street to Spruce Street.

I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough
Massachusetts

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



Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Christopher Peck
D. P. W. Director

March 17, 2015

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

**Subject: Middleborough Gas and Electric- Benson and Spruce Street Gas Main Extension-
WRPD Special Permit Application**

Dear Board Members,

At your request I have reviewed Water Resource Protection District (WRPD) Application for the Middleborough Gas and Electric Department's Benson Street and Spruce Street gas main extension on behalf of the Middleborough Highway Department. As part of the package we received the following:

- "Petition Application for a WRPD Special Permit", Narrative and plans, prepared by Alpha Surveying and Engineering, Inc. dated February 3, 2015 prepared for Middleborough Gas and Electric.

At this time the Department of Public Works offers the following comments:

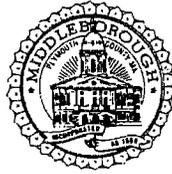
1. The applicant should apply for a road opening permit which can be obtained at the Middleborough Department of Public Works. Any work done within the town's right of way should be completed in accordance with the road opening permit.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "C Peck".

Christopher Peck
Director of Public Works

Cc: Town Manager
Planning Board



Town of Middleborough

CONSERVATION COMMISSION

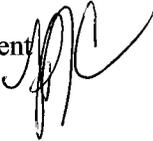
20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Board of Selectmen

CC: Ruth Geoffroy, Planning Director
Robert Buker, Health Officer
Robert Whalen, Building Commissioner
Chris Peck, DPW Director

FROM: Patricia Cassady, Conservation Agent 

DATE: March 10, 2015

RE: W.R.P.D. Application: Alpha Surveying and Engineering, Inc. on behalf of MG&E for installation of a gas main in existing street to connect an existing line at 40 Benson Street to Spruce Street, Map 101, Lots (vary)

After reviewing the application for the above-mentioned project I have a few comments regarding this:

- 1) A Notice of Intent under the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, Sec. 40) has been filed with the Commission. The first hearing is scheduled for March 19th at 7:30 PM. After this meeting I can let you know what the outcome is.
- 2) This utility project qualifies as a Limited Project under Wetlands Protection Act Regulation (310 CMR 10.53(3)(d)), which states: The construction, reconstruction, operation and maintenance of underground and overhead public utilities, such as electrical distribution or transmission lines, or communication, sewer, water and natural gas lines, may be permitted, in accordance with the following general conditions and any additional conditions deemed necessary by the issuing authority: 1) the issuing authority may require a reasonable alternative route with fewer adverse effects for a local distribution or connecting line not reviewed by the Energy Facilities Siting Council; 2) best available measures shall be used to minimize adverse effects during construction; 3) the surface vegetation and contours of the area shall be substantially restored; and 4) all sewer lines shall be constructed to minimize inflow and leakage.

Please let me know if you have any questions by contacting me at 508-946-2406 or pcssdy@middleborough.com

Thank you
pjc

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Ruth Geoffroy, Planning Director
Patricia Cassady, Conservation Commission Agent
Robert Whalen, Building Commissioner
Robert Buker, Health Officer
Chris Peck, DPW Director

FROM: Jackie Shanley
Executive Assistant to the Board of Selectmen

DATE: March 4, 2015

SUBJECT: **W.R.P.D. Application – Alpha Surveying and Engineering, Inc. on behalf of MG&E for installation of a gas main in existing street to connect an existing line at 40 Benson Street to Spruce Street, Map 101, Lots (vary)**

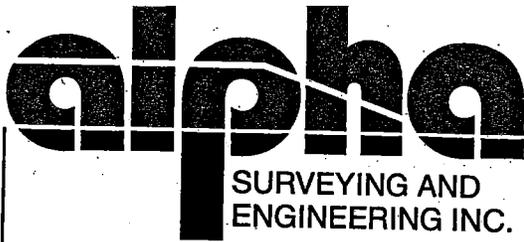
Attached is a W.R.P.D. application filed by Alpha surveying and Engineering, Inc. for a Special Permit under the Water Resource Protection District By-law.

This application will be heard by the Board of Selectmen at its meeting on **March 30, 2015 at 7:30 PM.**

Please provide **remarks or concerns** regarding the request to the Selectmen's Office **by, or before, Noon on Wednesday, March 25th.**

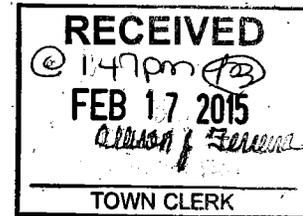
Thank you.

Attachments



February 12, 2015

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



Board Members,

The petitioners, The Middleborough Gas And Electric Department, are requesting a Special Permit for land disturbing activity within 25 feet of a fresh water wetland within Water Resource Protection District Z4 associated with a limited project as defined by 310 CMR 10.53. The land disturbing activity proposed is the installation of a gas main along 3700 linear feet of Benson Street (from Spruce Street to #40 Benson Street). A Notice of Intent is being applied for concurrent to this filing, with the Middleborough Conservation Commission.

The applicant has found no exemption defined in the bylaw for utility installation or municipal uses. The installation is to be made along the shoulder of the existing paved way. The entire pipeline is to be below grade with any required valve boxes set at grade. The proposed use is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts. The proposed use is appropriate to the natural topography, soils and other characteristics of the site and will not, during construction or thereafter, have any adverse impact on the aquifer or its recharge areas, nor adversely affect any existing or potential water supply.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert A. Perruzzi".

Robert A. Perruzzi, P.L.S.

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 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), 1st 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: BENSON STREET
Map & Lot MAP 101 LOTS MARY
Zoning District RR & GUX
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)
WRPD District Z3 + Z4
(Z1, Z2, Z3, Z4)

B. To allow for:

INSTALLATION OF GAS MAIN IN EXISTING STREET TO CONNECT
EXISTING LINE @ #40 BENSON TO EXISTING LINE AT SPRUCE ST.

(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:

ROBERT PERREZZI
Printed full name (Individual)

Robert Peruzzi
Signature (Individual)

695 WARREN ST MIDDLEBORO, MA
Address

508 295-5505
Daytime telephone

ALPHA SURVEYING & ENGINEERING INC
Printed company name/engineering firm

Robert Peruzzi
Signature (company/engineering rep.)

TONYP@ALPHALS.COM
Email address

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 jshanley@middleborough.com .	<u>RAP</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>RAP</u>	_____
a.	Show locus to reasonable scale (use corner of the site plan page).	<u>RAP</u>	_____
b.	Show existing and proposed street lines, number & name.	<u>RAP</u>	_____
c.	Show existing and/or proposed building, including accessory buildings.	<u>RAP</u>	_____
d.	Show driveway and driveway openings.	<u>RAP</u>	_____
e.	Show natural waterways (if any).	<u>RAP</u>	_____
f.	Show distance from structure to wetlands.	<u>RAP</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>RAP</u>	_____
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<u>RAP</u>	_____
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>RAP</u>	_____
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<u>RAP</u>	_____
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	_____	<u>RAP</u>

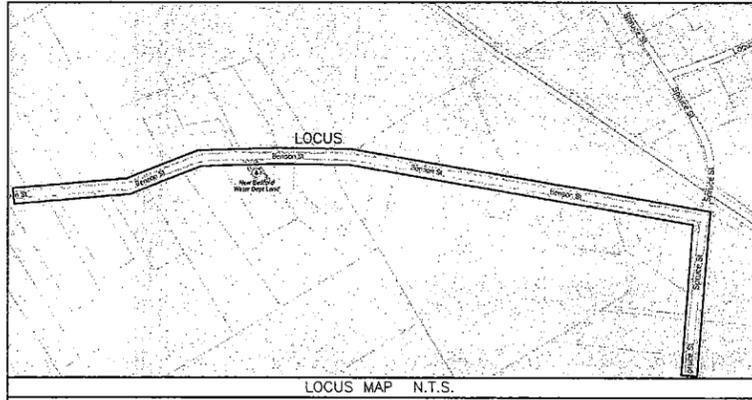
Note: If the site has no approval required other than a home lot, then a Land Surveyor stamp will be accepted.

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>RAP</u>	_____
2.	The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave.	<u>RAP</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>RAP</u>	_____
4.	The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<u>RAP</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.	<u>RAP</u>	_____
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>RAP</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>RAP</u>	_____
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	<u>RAP</u>	_____

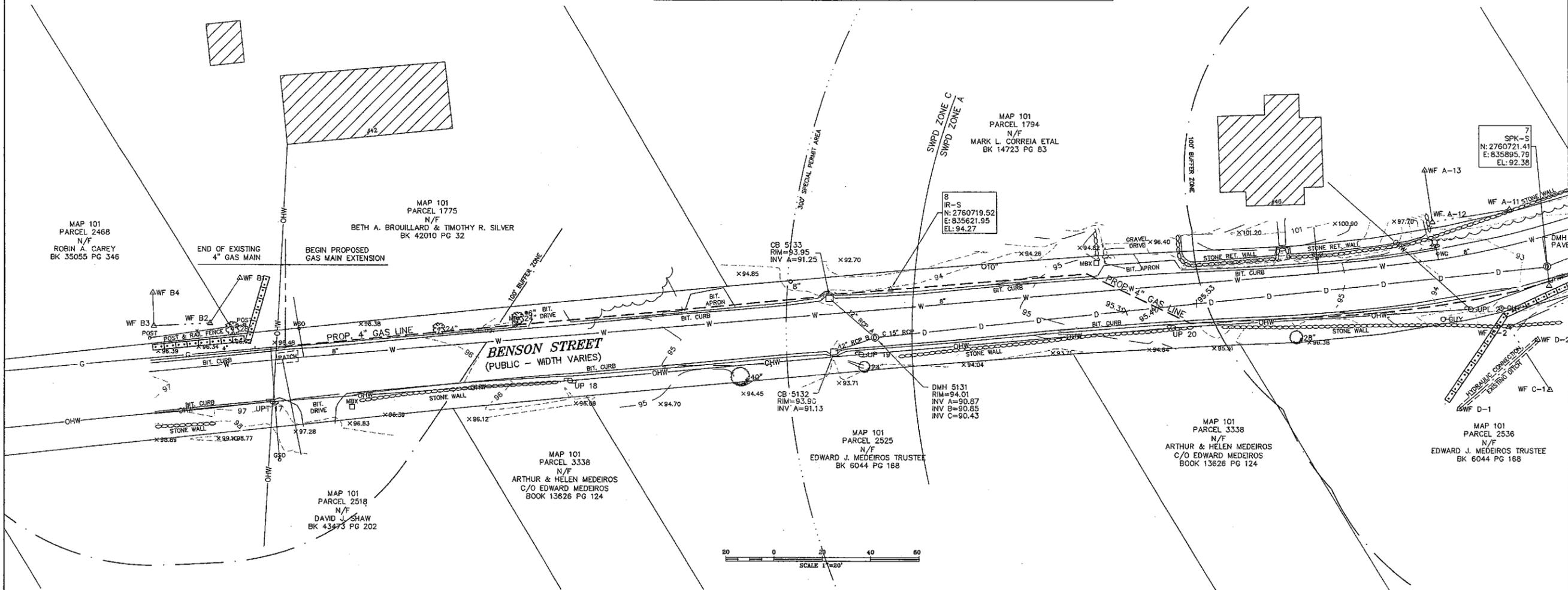


Worksheet
Job #14207
Date: 01-15-2015
Scale: 1"=100'



LEGEND

SIGN:	↑	GAS LINE:	— G —
HYDRANT:	⊕	OVERHEAD WIRE:	— OHW —
GAS GATE:	⊕	STORM DRAIN LINE:	— D —
GAS SHUT OFF:	⊕	WATER LINE:	— W —
MAIL BOX:	MBX □	TREE LINE:	~ ~ ~ ~ ~
WATER GATE:	WG ⊕	TREE/SIZE:	⊕ 24"
WATER METER:	⊕	WETLAND LINE:	— W —
WATER SHUT OFF:	WSO ⊕	BITUMINOUS:	BIT.
DRAIN MANHOLE:	⊕	CONCRETE:	CONC.
CATCH BASIN:	⊕	RETAINING:	RET.
FLARED END SECTION:	FES △	PROPOSED 4" GAS LINE:	— — — — —
UTILITY POLE:	⊕	PROPOSED SILTATION BARRIER:	⊕ — — — — — ⊕
WETLAND FLAG:	WF △		



- NOTES:**
1. THE BEARINGS AND DISTANCES AND THE COORDINATES THEY ARE BASED ON SHOWN ON THIS PLAN ARE IN U.S. SURVEY FEET IN THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, CORS ADJUSTMENT (NAD83/CORS) AS DETERMINED BY GPS OBSERVATIONS MADE NOV. 5, 2014 USING THE KEYNET GPS VIRTUAL REFERENCE SYSTEM (VRS)
 2. ELEVATIONS, IN U.S. SURVEY FEET, ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED ON GPS OBSERVATIONS.
 3. AN 1890 COUNTY LAYOUT (HANDWRITTEN DEED, NO PLAN) WAS FOUND WHICH APPEARS TO DESCRIBE THE WESTERMOST END OF BENSON STREET. INSUFFICIENT INFORMATION WAS FOUND TO RECREATE THIS LAYOUT. THE NINE PLANS CITED BELOW ALSO COVER THE SUBJECT AREA OF THIS SURVEY, HOWEVER FEW RECORD MONUMENTS WERE FOUND ALONG THE ROADWAY. PROPERTY LINES DEPICTED ARE TAKEN FROM TAX ASSESSORS RECORDS AND ARE APPROXIMATE ONLY.
 4. WETLANDS DELINEATED BY BYRON HOLMES, P.E. & DAVID DURANLEAU BETWEEN THE DATES OF NOV. 1 AND NOV. 22, 2014.
 5. PORTIONS OF THE SITE MAPPED FALL WITHIN NHESP PRIORITY HABITAT AND ESTIMATED HABITAT FOR RARE AND ENDANGERED SPECIES, AS SHOWN. PORTIONS OF THE SITE MAPPED FALL WITHIN SWPD ZONE A & WRPD Z1. AS SHOWN. NO PROTECTED OPEN SPACE, SPECIAL FLOOD HAZARD ZONES, CERTIFIED VERNAL POOLS, OR CONSERVATION RESTRICTIONS WERE FOUND WITHIN THE SUBJECT AREA.

- PLAN REFERENCES:**
1. "DECREE NO. 802 PLAN OF PART OF SPRUCE STREET IN THE TOWN OF MIDDLEBOROUGH" SCALE 1"=40' DATED DECEMBER 17, 1929 PREPARED BY LEWIS W. PERKINS C.E., SHEET 1 THROUGH 6 OF 6, PLAN BOOK 16 PAGES 1251, 1253, 1257, 1259, 1261, AND 1263
 2. PLAN BOOK 436 PAGE 524 "PLAN OF LAND IN MIDDLEBOROUGH, MA FOR ALAN & DONNA RINK", SCALE: 1"=80', DATED APRIL 24, 2000, REVISED JUNE 1, 2000 PREPARED BY SENNA FITZGERALD GILBERT ASSOCIATES.
 3. PLAN BOOK 32 PAGE 1189 "DIVISION OF LAND FOR JOSEPH CICONI", SCALE: 1"=60', DATED NOV. 10, 1989, PREPARED BY G.A.F. ENGINEERING, INC.
 4. PLAN BOOK 48 PAGE 83 "PLAN OF LAND IN MIDDLEBOROUGH, MA (PLYMOUTH COUNTY)", SCALE: 1"=50', DATED APRIL 23, 2004, PREPARED BY E.T. ENGINEERING ENTERPRISES, INC.
 5. PLAN BOOK 30 PAGE 641 "PLAN OF LOTS ON BENSON STREET IN MIDDLEBOROUGH, MA", SCALE: 1"=40', DATED MARCH 21, 1988, PREPARED BY RIBELIN LAND SURVEYING, INC.
 6. PLAN BOOK 48 PAGE 84 "PLAN OF LAND IN MIDDLEBOROUGH, MA (PLYMOUTH COUNTY)", SCALE: 1"=50', DATED APRIL 23, 2004, PREPARED BY E.T. ENGINEERING ENTERPRISES, INC.
 7. PLAN BOOK 55 PAGE 563 "EASEMENT PLAN OF LAND ON BENSON STREET IN MIDDLEBOROUGH, MASSACHUSETTS", SCALE: 1"=40', DATED DECEMBER 3, 2009, PREPARED BY OUTBACK ENGINEERING, INC.
 8. PLAN BOOK 47 PAGE 677 "PLAN OF LAND BENSON STREET MIDDLEBOROUGH, MASSACHUSETTS", SCALE: 1"=50', DATED NOVEMBER 12, 2003, PREPARED BY CULLINAN ENGINEERING.
 9. PLAN BOOK 27 PAGE 724 "PLAN OF LAND BENSON STREET MIDDLEBOROUGH, MASSACHUSETTS", SCALE: 1"=40', DATED APRIL 25, 1986, PREPARED BY WILLIAM L. PHINNEY.

UTILITY NOTE:

ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE ONLY AND WERE COMPILED ACCORDING TO AVAILABLE RECORD PLANS FROM THE VARIOUS UTILITY COMPANIES AND PUBLIC AGENCIES. ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD. BEFORE DESIGNING, EXCAVATING, BLASTING, INSTALLING, BACK FILLING, GRADING, PAVEMENT RESTORATION OR REPAIRING, ALL UTILITY COMPANIES, PUBLIC & PRIVATE, MUST BE NOTIFIED INCLUDING THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THIS PLAN. SEE CHAPTER 370, ACTS OF 1983, MASSACHUSETTS. ALPHA SURVEYING AND ENGINEERING, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE FUTURE CONNECTIONS, THE APPROPRIATE UTILITY ENGINEERING DEPARTMENTS MUST BE CONSULTED. CALL "DIG SAFE" AT 1-888-DIG SAFE.



I CERTIFY THE LOCATIONS ON THIS PLAN RESULT FROM AN ACTUAL SURVEY MADE ON THE GROUND BETWEEN THE DATES OF OCT. 28 & NOV. 7, 2014.

Robert A. Perruzzi
 REGISTERED PROFESSIONAL LAND SURVEYOR
 FOR ALPHA SURVEYING & ENGINEERING, INC.

DATE: 2-11-2015

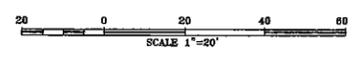
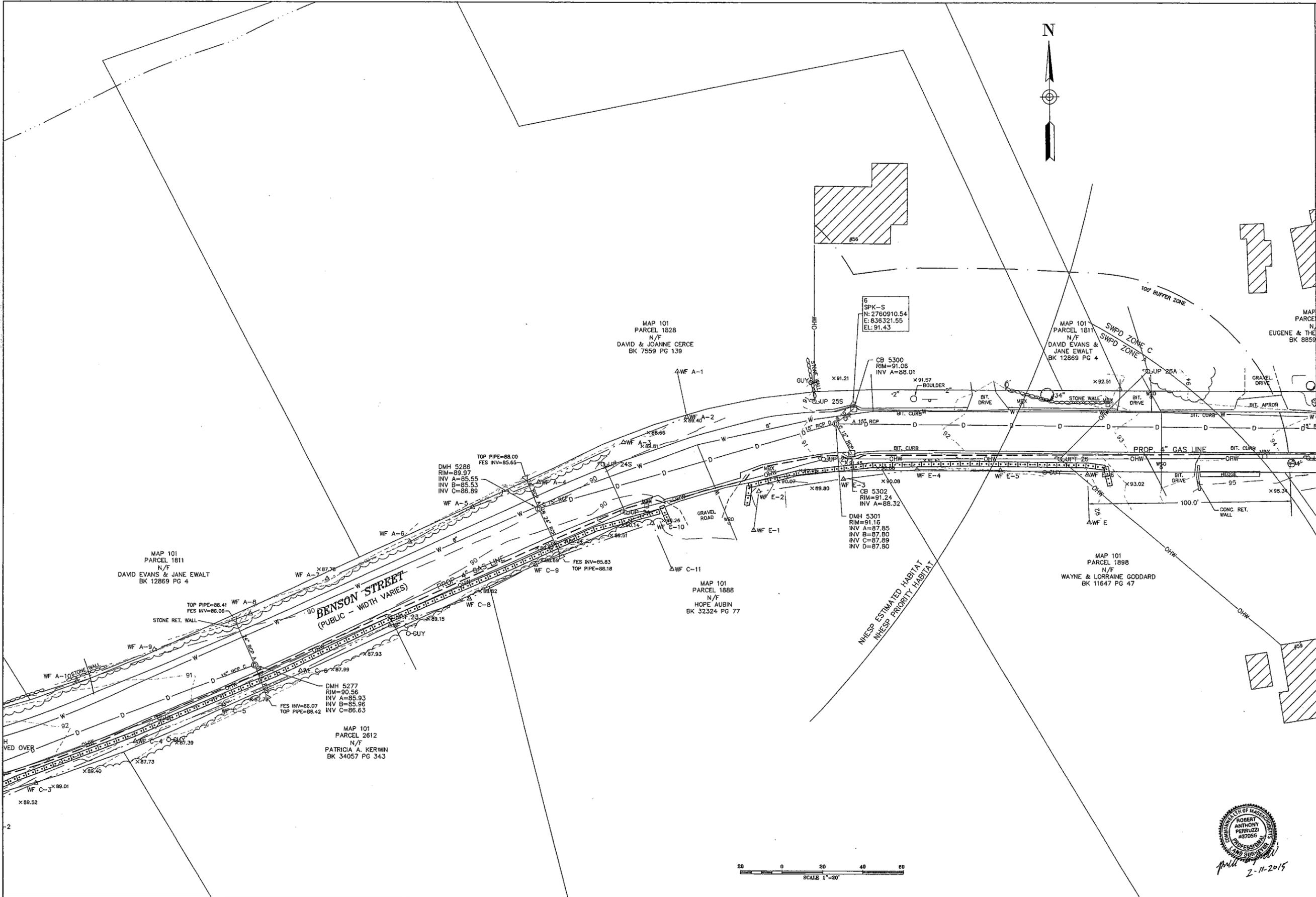
**EXISTING CONDITIONS PLAN
BENSON STREET
MIDDLEBOROUGH, MA 02346**

PREPARED FOR
MIDDLEBORO GAS & ELECTRIC
2 VINE STREET
MIDDLEBOROUGH, MA 02346

REVISION	DATE	DESCRIPTION

DATE: 2/11/2015
 SCALE: 1"=20'
 DRAWN: JAC/VAL
 CHECKED: KB/CA
 DESIGNED: RHP

MAP NO. 14207
 SHEET NO. 1 of 7
 DATE: 2-11-2015



Robert Anthony Perillozzi

 No. 837056

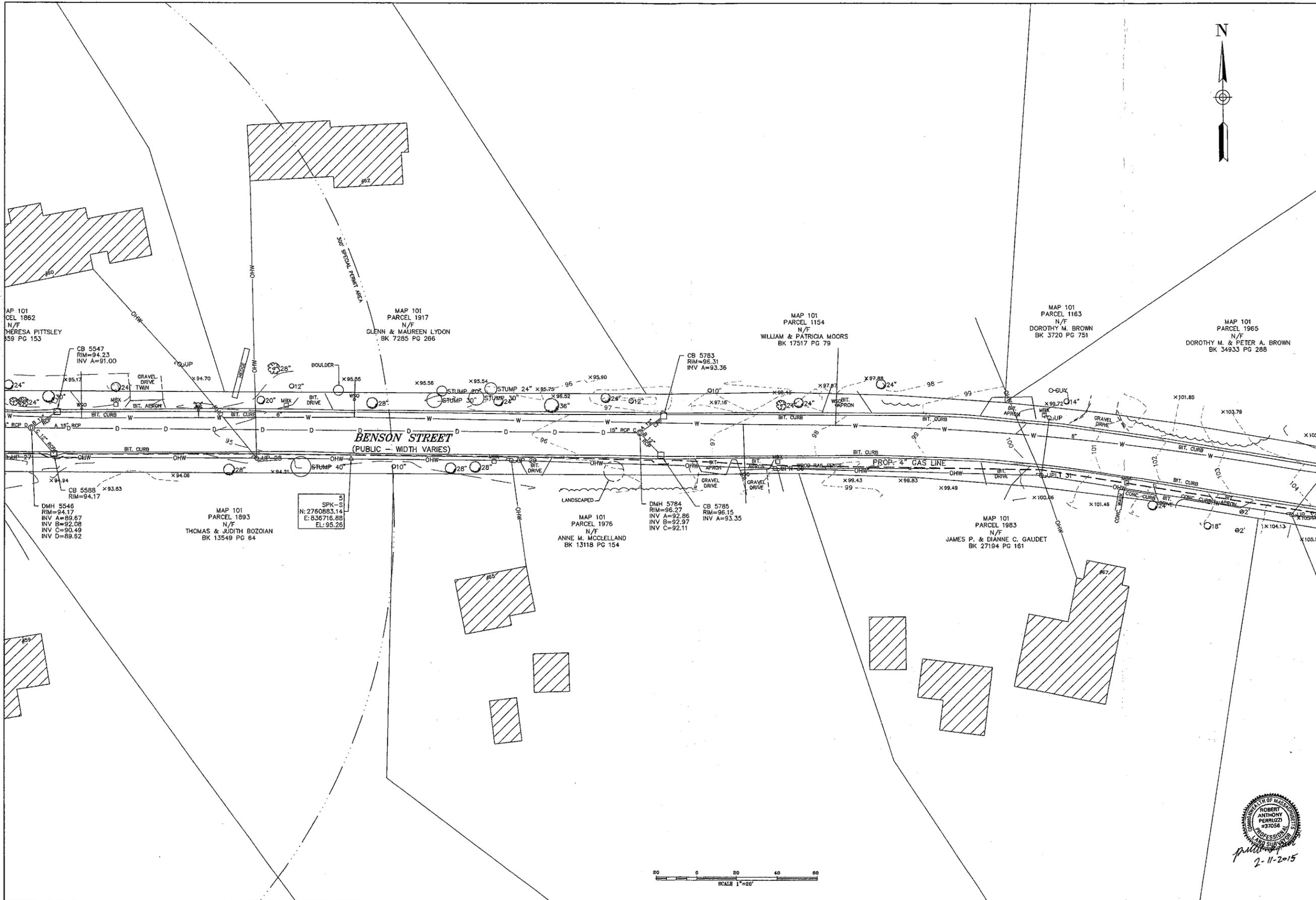
 State of Massachusetts

 Professional Engineer

 and Subcontractor

 April 2-11-2015

PREPARED FOR MIDDLEBORO GAS & ELECTRIC 2 VINE STREET MIDDLEBOROUGH, MA 02346		DATE 2/2/2015	SCALE 1"=20'	DRAWN JAC/VAL	FIELD KB/CA	CHECKED RJP	
EXISTING CONDITIONS PLAN BENSON STREET MIDDLEBOROUGH, MA 02346							
JOB NO. 14207	SHEET NO. 2 of 7						DWG. NO. 14207



PREPARED FOR
 MIDDLEBORO GAS & ELECTRIC
 2 VINE STREET
 MIDDLEBOROUGH, MA 02346

DATE	SCALE	FIELD	CHECKED
2/5/2015	1"=20'		
		AMC/VNL	KB/CA
			RMP

REVISION	DATE

EXISTING CONDITIONS PLAN
 BENSON STREET
 MIDDLEBOROUGH, MA 02346

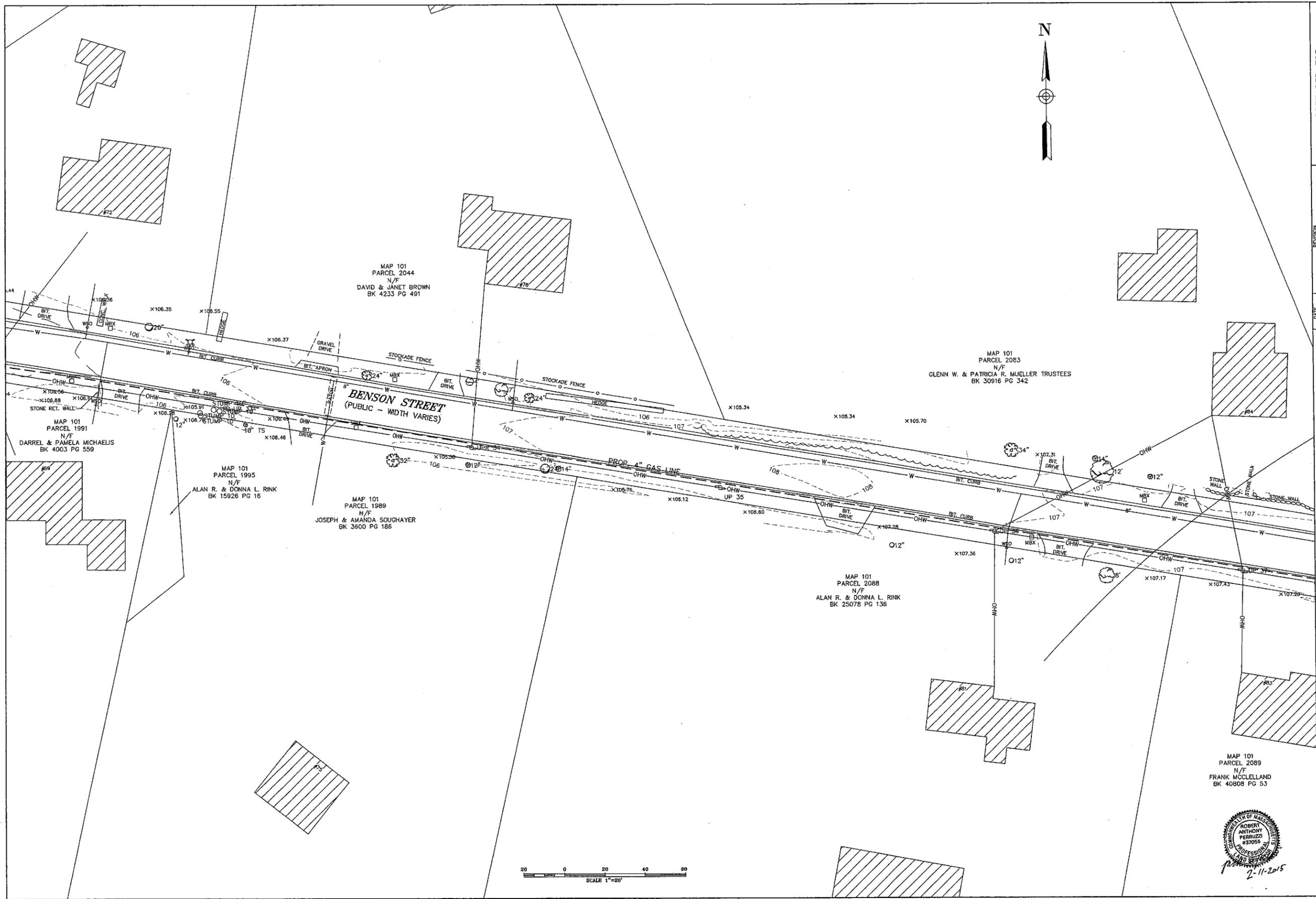
DATE: 2/5/2015
 SCALE: 1"=20'
 FIELD: AMC/VNL
 CHECKED: KB/CA
 RMP

alpa
 SURVEYING AND
 LAND SURVEYING
 690 WASHINGTON STREET
 MIDDLEBOROUGH, MA 02346
 (508) 285-3399

ROBERT ANTHONY PERRUZZI #37058
 PROFESSIONAL LAND SURVEYOR

2-11-2015

JOB NO. 14207
 SHEET NO. 3 of 7
 DWG. NO. 14207



EXISTING CONDITIONS PLAN
BENSON STREET
MIDDLEBOROUGH, MA 02346

DATE	REVISION	DRAWN	CHECKED	SCALE	PROJECT
				1"=20'	MIDDLEBORO GAS & ELECTRIC 2 VINE STREET MIDDLEBOROUGH, MA 02346

PREPARED FOR
 MIDDLEBORO GAS & ELECTRIC
 2 VINE STREET
 MIDDLEBOROUGH, MA 02346

2-11-2015

ALPHA
ENGINEERING AND
SURVEYING
925 WAREHAM STREET
MIDDLEBOROUGH, MA 02346
TEL: 508-553-5505

JOB NO.	SHEET NO.	DWG. NO.
14207	4 of 7	14207

Annual Town Meeting Articles

ARTICLE 1. To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2015, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of \$650,000.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2016, or act anything thereon.

ARTICLE 4. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2016 as set forth below, or act anything thereon.

PROGRAM	EXPENDING AUTHORITY	SOURCE	AMOUNT TO BE EXPENDED
Municipal Fire Alarm System	Fire Chief	Fees	Not to exceed \$15,000
Hazardous Materials Incident Training & Materials	Fire Chief	Fees	Not to exceed \$50,000
Recycling Program	Public Works Sup.	Fees	Not to exceed \$5,000
Composting Bin Program	Public Works Sup.	Fees	Not to exceed \$2,500
Herring Fishery Program	Herring Fishery Com	Fees	Not to exceed \$10,000
Recreation and Sports Program	Park Commission	Fees	Not to exceed \$100,000
Zoning Map, Bylaws and Subdivision Rules & Regulations	Town Clerk	Fees	Not to exceed \$2,500

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$141,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase new police cruisers for the Police Department and asbestos removal at the Police Station, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$123,660 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new support/tow vehicle and public safety communications system for the Fire Department, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$350,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase new bleachers at Battis Field, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$58,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available

source, or by borrowing to purchase a used cab and 10 wheel chassis for the Highway Department and a replacement vehicle for the Town Manager, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$64,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for computer LCD monitors, workstations, network hardware upgrades and printers for the Information Technology Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$145,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for a library mobile cart with tablets and computer labs for the School Department and upgrade switches at the Early Childhood Center, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a \$60,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a Special Education Mini Van for the School Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$195,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the replacement of exterior doors at the High School, Nichols Middle School, Henry Burkland and Mary Goode Elementary Schools, replacement of hot water heating system at the High School, replacement of hot water tank and heater at the Henry Burkland School, replacement of pool boiler and hot water tank at Henry Burkland School and the installation of access control at all exterior doors at The Early Childhood Center, Henry Burkland And Mary Goode Schools, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$85,000 from Water Department Retained Earnings for the purchase of a street roller and utility truck with a plow for the Water Department and \$30,000 from Wastewater Department Retained Earnings for the purchase of a new forklift for the Wastewater Treatment Plant, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$187,500 from Water Department Retained Earnings and \$187,500 from Wastewater Department Retained Earnings for the purchase of a International 7300 Cab with Chassis Jet and Vacuum Body Truck to maintain the town's sewer and water systems as required by the Environmental Protection Agency, or act anything thereon.

ARTICLE 15. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2016, with each item to be considered a separate appropriation:

Appropriations:

From FY 2016 estimated revenues for Committee Administrative expenses \$13,000

Reserves:

From FY 2016 estimated revenues for Historic Resources Reserve \$27,800

From FY 2016 estimated revenues for Community Housing Reserve \$27,800

From FY 2016 estimated revenues for Open Space Reserve \$27,800

From FY 2015 estimated revenues for Budgeted Reserve \$194,600

Or take any action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 16. To see if the Town will vote to appropriate \$25,000 from the Community Housing Resources Reserve of the Community Preservation Fund to fund a portion of the Middleborough Housing Authority's Nemasket Apartments Window Project (7 Frank Street and 8 Hale Avenue) for the purpose of improving housing conditions for twelve elderly housing units in two buildings; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 17. To see if the Town will vote to appropriate \$24,500 from the Open Space Resources Reserve of the Community Preservation Fund for the purpose of conducting a Recreation Complex Feasibility Study; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 18. To see if the Town will vote to appropriate \$331,000 in land purchase expense and incidental legal, due diligence, and closing costs to enable the Town of Middleborough to acquire for conservation and historic preservation purposes under M.G.L. Chapter 44B, the Community Preservation Act, and to authorize the Board of Selectmen to purchase land on Plymouth Street in Middleborough, Massachusetts, known as the Oliver Estate and shown as Lot 2867 and Lot 2098 on Middleborough Assessors Map 041; the portion of the land determined by the Board of Selectmen to be park, forest, open space and/or conservation land to be managed by the Conservation Commission with the remainder including buildings to be managed by the Board of Selectmen; and that to meet this appropriation to authorize the Treasurer with the approval of the Board of Selectmen, to borrow \$331,000 under General Laws Chapter 44 and Chapter 44B, or the sum of \$30,500 be transferred from the Undesignated Community Preservation Fund, Open Space Reserve, and/or Historic Reserve balance, and \$300,500 transferred from the Budgeted Reserve fund as appropriate and available, and to authorize the Board of Selectmen to submit on behalf of the Town any and all applications deemed necessary for gifts, grants, and/or reimbursements from the Commonwealth of Massachusetts, or the United States, and/or any other state or federal programs including those in aid of conservation land acquisition and historic preservation acquisitions; and/or any others in any way connected with the scope of this Article; said gifts, grants, and/or reimbursements to be deposited in the Undesignated Community Preservation Fund, Open Space Reserve, and Historic Reserve balance, as appropriate; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction on the park, forest, open space and/or conservation land, to be determined by the Board of Selectmen, and grant a perpetual preservation restriction on the remaining historic portion of the land, to be determined by the Board of Selectmen, both of which shall meet the requirements of M.G.L. Chapter 44B, § 12 and M.G.L. Chapter 184, §§ 31-33, and to enter into all agreements and execute any and all instruments as may be necessary to affect said purchase or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 19. To see if the Town will vote: (1) to rescind the Town Litter by-law adopted under Article 8 of the warrant for the Town Meeting held on March 7, 1927, as amended under Article 23 of the warrant for the October 6, 2014 Special Town Meeting; and (2) to adopt the following by-law:

Section 1: No person shall place, throw, deposit, or discharge trash, bottles or cans, refuse, rubbish, garbage, scrap, waste, or other material of any kind, in or on the public streets, public places, or any place that is controlled or cared

for by the town or its agents or any private property, except property which is owned or leased as a lessee by the person.

Section 2: Section 1 of this by-law shall not apply to placing or depositing trash, refuse or litter on property or in a receptacle which has been designated, assigned or provide by the Town for dumping, placing or depositing trash or refuse.

Section 3: Whoever violates Section 1 of this by-law shall be punished by a fine of Two Hundred Dollars (\$200.00) for each violation. or act anything thereon.

ARTICLE 20. To see if the Town will vote to earmark fines, penalties or assessments collected by the Town pursuant to Chapter 148A of the General Laws for enforcement, training and education of fire prevention officers, building inspectors and the stipend for municipal hearing officers, or act anything thereon.

ARTICLE 21. To see if the Town will vote to authorize the By-law Study Committee appointed by the Board of Selectmen to update, organize and codify the Town's general by-laws, zoning by-laws, Town Charter, acceptances of state laws and special acts of the state legislature applicable to the Town, not including any substantive changes thereto, or act anything thereon.

ARTICLE 22. To see if the Town will vote to adopt the following by-law: Section 1. The Town Clerk or an agent designated by the Town Clerk shall be authorized to assign appropriate numbers to sections, subsections, paragraphs and subparagraphs of Town general by-laws and zoning by-laws, where none is approved by Town Meeting. Section 2. Where Town Meeting has approved numbering of sections, subsections, paragraphs and subparagraphs of Town general by-laws and zoning by-laws, the Town Clerk or an agent designated by the Town Clerk, after consultation with the Town Manager, shall be authorized to make non-substantive editorial revisions to the numbering to ensure consistent and appropriate sequencing, organization and numbering of the by-laws. , or act anything thereon.

Article 23. To see if the Town will authorize and approve extension of the sewer service area of the municipal sewer system to serve property on Cordial Road shown as Lot 3692 on Assessors Map 38, or act anything thereon.

Article 24. To see if the Town will vote to accept Fernway and Look Out Circle as Town ways as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain or by gift the fee in the ways as shown on the road layout plan on file with the Town Clerk entitled "As-Built Acceptance Plan, "Fernway and Lookout Circle", prepared by Outback Engineering, Inc., which plan is dated August 22, 2014, and any related easements, or act anything thereon.

Fernway Acceptance

Article 25. To see if the Town will vote to adopt the following by-law:

**TOWN OF MIDDLEBOROUGH
WETLAND ACT – FEE/CHARGE BY-LAW**

Section 1 - Purpose

The purpose of this by-law is to set fees for license, permits or certificates issued and charges for services or work performed by the Conservation Commission pursuant to or under the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and related state regulations (310 CMR 10.00) for which no fee or charge is provided.

Section 2 – Filing Fee / Charge Schedule

Any person filing or requesting any action of the Conservation Commission which is identified in the Filing Fee/Charge Schedule below shall pay to the Town of Middleborough the fee/charge set forth in said Schedule which pertains to such action at the time such action is requested.

Filing Fee / Charge Schedule

Request for Determination of Applicability (RDA):	\$75.00
Certificate of Compliance (COC) - Residential:	\$25.00
Certificate of Compliance (COC) – Commercial/Subdivisions:	\$75.00
Bank Letter for Closings:	\$50.00
Request for an Amended Order of Conditions – Residential:	\$25.00
Request for an Amended Order of Conditions – Commercial/Subdivision:	\$200.00
Request to Extend an Order of Conditions:	\$50.00
Duplicate Original Order of Conditions:	\$50.00
Building Permit Application Review:	\$10.00
After the Fact Filing:	\$50.00
Site Inspections (first one free) Residential:	\$25.00
Site Inspections (first one free) – Commercial/Subdivisions:	\$75.00 each visit

The Conservation Commission may, upon proof of financial hardship, waive all or a portion of the above filing fees/charges. The burden of establishing the basis for such waiver falls upon the petitioner to establish by a clear preponderance such financial hardship. Such waiver request does not exempt the petitioner from submitting the filing fees required under 310 CMR 10.00.

Section 3 - Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Article 26. To see if the Town will vote to authorize the Board of Selectmen to submit a petition to the General Court to request special legislation to amend Section Fifteen of the Middleborough Town Charter (Chapter 592 of the Acts of 1920, as amended) by striking out Section 15 and inserting in place thereof the following section:

SECTION FIFTEEN: The Selectmen may from time to time appoint, for terms not exceeding three years, as many constables as they deem necessary, or act anything thereon.

Article 27. To see if the Town will vote to amend Section 8.1 Flood Plain District of the Zoning By-laws by deleting Section 8.1.2 Applicability in its entirety and substituting the following new section therefore:

8.1.2 Applicability. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Middleborough designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Middleborough are panel numbers 25023C0314J, 25023C0317J, 25023C0328J, 25023C0329J, 25023C0336J, 25023C0337J, 25023C0338J, 25023C0339J, 25023C0343J, 25023C0442J, 25023C0451J, 25023C0452J, 25023C0453J, 25023C0454J, 25023C0456J, 25023C0458J, 25023C0459J, 25023C0461J, 25023C0462J, 25023C0466J, and 25023C0467J dated July 17, 2012; and panel numbers 25023C0303K, 25023C0304K, 25023C0308K, 25023C0309K, 25023C0311K, 25023C0312K, 25023C0313K, 25023C0316K, 25023C0318K, 25023C0319K, 25023C0431K, 25023C0432K, 25023C0433K, 25023C0434K dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning Board.

Article 28. To see if the Town will vote to extend M.G.L. Chapter 59, Section 5, Clause 56 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year in which they are serving in a foreign country, or act anything thereon.

Article 29. To see if the Town will vote to authorize the Board of Selectmen to accept for the Town a gift of a parcel of real estate located on Route 44 and off West Grove Street containing about eight (8) acres, being shown as Lot 431 on Assessors Map O48, and believed to be owned by Patricia Fournier and Jan Jones, or act anything thereon.