

HEARINGS, MEETINGS, LICENSES

4/13/15

**Soule Homestead Education Center
2014 PROGRAM SUMMARY**

- 1 **Educational Programs:** In 2014, 2,415 children and 587 adults participated in Soule Homestead's educational programs. This includes school field trips, scout groups, birthday parties, free family fun events and outreach programs. All students' grades 1-5 at the Mary K. Goode & H. B. Burkland schools took part in one of our programs. Our education programs are hands-on, interactive and Mass. Curriculum Frameworks based. Our farm-based education programs take advantage of our unique setting to teach where food comes from and environmental stewardship.
- 2 **School Vacation Programs:** Vacation programs were held in February, April, July, and August.
- 3 **Community Gardens:** 11 families cared for Community Garden plots in 2014. At no charge to the community, Soule Homestead is happy to provide a safe, open-air learning environment for three groups from Open Roads, Roads to Responsibility and Southeast Alternative High School. These groups serve local teens and adults with a range of disabilities. These groups have already recommitted for 2015.
- 4 **Traditional Craft Workshops:** In 2014 Soule Homestead Education Center had 41 workshops with 370 people participating. Subjects such as Quilting, Needle Felting, Candle Making, Paper Making, Nature Walks, Bee Keeping, and Rug Braiding were offered.
- 5 **Electronics and Appliance Recycling:** In 2014 Soule Homestead held two recycling events at the Town Hall parking lot. 70 people participated in the April event and 60 in November.
- 6 **Earth Day / Sheep Day:** Over 300 people attended this event. Among the many activities and demonstrations, Rich Seaman of Sheepdog Junction gave a sheep herding demonstration and shearer, Andy Rice, educated and entertained as he worked.
- 7 **Summer Folk Concerts:** S.H.E.C. hosted seven Saturday evening folk concerts in July and August featuring local performers. Approximately 40 or more people attended each night. We have a well-organized music committee made up of seven area residents.
- 8 **Harvest Fair / Folk Festival:** Our major annual fundraising event on Saturday and Sunday, Sept. 20th & 21st, 2014 went very well. Over 1,000 people enjoyed the family fun, educational exhibits, vendors, hay rides and folk music. 120 people volunteer to help with the Fair, including high school civic groups, Boy Scouts, and Middleboro Youth Hockey.
- 9 **Holiday Fair & Wreath Workshop:** Over 100 people attended, buying gifts, & baked goods. We had 2 sessions of our Christmas Wreath Workshop. Music all day was provided by The Mulligan Family and friends.
- 10 **Nature Trail:** Our nature trail was used by dozens of visitors in 2014. Naturalist Martha "Mike" Schroeder led a series of spring walks and plant identification. Tricia Cassady led several plant identification workshops utilizing a variety of painting/drawing techniques.

Also The ARC of Northern Bristol County volunteers came weekly during spring, summer and fall. We held our 8th annual Valentine's Fundraising Dance at Town Hall. We participated in the Rotary Club Auction, Herring Run Festival, Crazy Days, and the Lakeville Arts Festival. Education Director Laurie Amberman had several "Free Family Fun" events. We hosted a vernal pool exploration led by Tricia Cassady.

2015 PROGRAM PLAN

The 2015 Program will feature many of the same offerings that have laid the foundation for our success. With our expansion plan coming to a close in 2015 we will also be integrating new programming to highlight new areas of the homestead like our commercial kitchen. We look forward to attracting additional users to the property this coming year.

Soule Homestead Education Center is open free to the public from 9 a.m. to 5 p.m. daily, closed Mondays and holidays. For more info call: (508) 947 6744, or visit www.soulehomestead.org.

**Soule Homestead Education Center
Selectmen's Report 2015
Volunteer Hours for 2014**

Volunteer Work # People Involved Total Hours Donated

Board of Directors	10	340
Various Sub-Committees	13	320
Animals (Kathy Heimerdinger 950)	8	1200
Office Help	4	1650
Web Site	1	24
Educational Program Assistance	9	745
Music Committee	7	70
Summer Concerts / set up & clean up	8	126
H F Planning Committee	9	108
Harvest Fair (2 day event)	120	560
Holiday Fair	8	80
Sheep Day	12	80
Valentine's Dance	10	70
Electronics & Appliance Recycling	8	32
Nature Trail	6	467
Building Maintenance	3	60
Off Site Events	9	54
Workshop Teachers	11	240
Craft Production and Sales	6	60
Yard Work & Snow Removal	80	500
TOTALS	342	6786

Additional Information for 2014		
41 Adult Workshops	11 Instructors	370 Attended
1 Community Group		7 Meetings
Jr. Volunteers age 10-15	6	39.5
Community garden plots	11 families	
Sheep Day		295 Attended
Harvest Fair (2 Days)		1,020 Attended
Holiday Fair		120 Attended
7 Summer Concerts	Average 41 / wk	290 Attended

Soule Homestead Education Center 2014

Operating Fund Financial Basics

2014 Budget Jan - Dec 2014 Budget \$111,500

Income

97.8% of Income is from 5 major areas

% of income

1	Harvest Fair, Spec. Events	\$32,500	29.1%
2	Membership & Donations	\$20,000	17.9%
3	Program Fees	\$22,000	19.7%
4	Rent	\$29,300	26.3%
5	Grants	\$5,000	4.5%
		\$108,800	

Corporate Sponsors (\$8,650)

**Bridgewater Savings
Christmas Tree Shops
Gary Darman Co
Gudmundsson Chiropractic
Hannaford Supermarkets
Peaceful Meadows
Rockland Trust**

Expenses

99% of Expenses are in 8 major areas

% of expense

1	Staff	\$64,700	58.0%
2	Harvest Fair & Special Events	\$14,400	12.9%
3	Maintenance, Repair, Cap. Imp.	\$4,000	3.6%
4	Lease/Taxes/Insurance	\$6,500	5.8%
5	Utilities/Sanitation	\$9,200	8.3%
6	Office supplies	\$8,500	7.6%
7	Feed & Vets	\$2,200	2.0%
8	Workshop/Program Expenses	\$1,000	0.9%
		\$110,500	

Soule Homestead Facilities Expansion Project Expenses & Donated Services

Revised 12/31/2014

	\$5,533.49	MCC Non Submittable
	\$195,255.66	MCC Submittable
	\$5,725.00	Paid Staff Time
	\$625.00	Volunteer Time Value
	\$8,600.00	Donated Services Value
Total Project Value 12/31/14	\$215,739.15	

Background Information:

On December 27th 2008 the Soule Homestead Education Center was awarded a grant in the amount of \$107,000 by the Massachusetts Cultural Council's Facilities Fund for use on the Facilities Expansion Project.

This is a 50% reimbursement grant and is only good for direct construction expense.

Expenses prior to the grant award, paid staff time, and donated services are not reimbursible.

Soule Homestead Education Center

2013 and 2014 Non - FEP Property Work

Winter / Spring 2013

Restore Interior of the 2nd Floor Apartment

- Including:
- Jacking up main beam, middle of house
 - Rebuilding basement supporting wall
 - Re-shaping 11 interior doors and re-working strike plates (to get them to close and latch)
 - Sanding and painting interior trim, doors and windows
 - Removing and re-glazing about half of the 2nd floor windows
 - Stripping wallpaper, patching / prepping walls and painting or wallpapering
 - Removing kitchen linoleum and plywood subfloor
 - Patching original board flooring and painting.
 - Replacing 2nd floor kitchen exterior door
(required rebuilding rotted sill, supporting exterior stairs and extensive siding work)
 - Removing old dishwasher
 - Installing 36" upper kitchen cabinet
 - Refinishing kitchen cabinets

Materials	\$313.17	Hired Labor	\$4,509	Paid Staff Time	
67.54		665		118.5 x \$25HR=	\$2,962.50
67.96		973			
114.91		667		Volunteer time	
52.05		602		60 \$12/hr valu	\$720.00
10.71		630			
313.17		630			
		342			\$313.17
		4509			\$4,509.00
					\$2,962.50
					\$720.00
2nd Floor Apt Restoration Total Value:	\$8,191.50				\$8,191.50

Spring / Summer 2013

Stream Crossing Work Total \$14,700.00

Install 250' of elevated gravel road bed across wetlands and stream with 3 / 12" culverts and rock lined overflow swale

Summer 2013

Childrens Garden Hoop House Value \$2,500

Install 12 x 20 plastic hoophouse for childrens program work

2014

Renew Paint in 2nd floor apt	\$122.00
General Maintenance	\$217.00
Plumbing Repairs	\$80.00
New Classroom Pellet Stove	\$2,898.00

Total	\$3,317.00
-------	------------



Soule Homestead Education Center
2015 Farm Plan

During the year 2015 land use at the Homestead will consist of the following:

1. The eastern most fields along Soule Street (approximately 10 acres) including portions of land in Plympton will continue to be rented by Richard Seaman of Sheepdog Junction for raising sheep, to train Border Collies and other herding breeds. Richard will give demonstrations at Soule Homestead Education Center's Earth Day/Sheep Day and Harvest Fair events.
2. Five Acres, in the back field, 1/4 mile directly north of the barn, will continue to be rented by Frank V. Albani, Jr. of Golden Rule Farm for certified organic vegetable production. Frank also has a small garden and hoop house (unheated greenhouse) close to the barn and a larger hoop house in the back field. Frank has been growing for market at Soule Homestead since 1996.
3. Dave Purpura, of Middleboro, will be growing certified organic vegetables on three acres adjacent to Frank in the back field. Dave sells at the Plymouth and Harvard Square Farmers Markets.
4. All fields not in other uses are cut for hay under contract with Rick Burnet of Plympton. Rick and his crew maintain the field perimeters and put up hay for Soule Homestead's animals.
5. Soule Homestead's sheep & goats continue to use the small east field, adjacent to the house and barn, as well as the areas directly behind the barn. The Poultry Barn is directly west of the main barn. The pens connected to the poultry barn allow our poultry to have outdoor access. Kathy Heimerdinger, our primary animal caretaker and our most generous volunteer, has been caring for the animals on a daily basis for over 23 years.
6. The community garden area offers approximately 13 plots to area organic gardeners, who are Soule Homestead members, for a nominal fee. We have additional sections of the community garden area set aside for Road to Responsibility, Open Roads to enrich the lives of citizens with disabilities. The Southeast Alternative School students also garden here during the summer.
7. The compost area next to the community garden area allows us to recycle animal bedding and manure, and we encourage local residents to drop off their bagged leaves in the fall.
8. Organic Land Management practices are followed on the entire property.

The farm buildings will be used as follows:

Main barn: Lower level East: classroom, office & storage.

Main barn: Lower level West: classroom; Upper level West: kitchen, restrooms.

1st Floor: Animal stalls and tool storage.

Loft: Hay Storage.

16x24 Outbuilding east of barn --sheep housing.

20x55 Outbuilding west of barn --poultry barn.

16x20 Outbuilding north of barn—equipment storage.



A hearing will be held by the Board of Selectmen on Monday, April 13, 2015 at 7:50 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 Michael Gaetano, LLC, d.b.a. 360 Sports Pub for a new All Alcoholic Beverages Restaurant liquor license for property located at 360 Wareham Street, Middleboro, MA, Assessors Map 72, Lot 5571, 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 C. Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

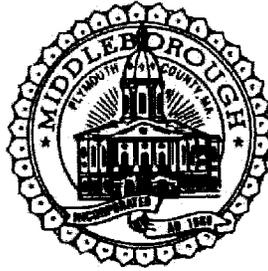
Publish: April 2, 2015

- Private party responsible for payment
- Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074

Please bill the Town of Middleboro, c/o Board of Selectmen, 10 Nickerson Ave. Advertiser #300074



**TOWN OF MIDDLEBOROUGH
HEALTH DEPARTMENT**

Robert E. Buker
Health Officer

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

MEMO

TO: Jackie Shanley

FROM: Catherine Hassett

DATE: 4-8-15

**RE: Michael Gaetano LLC, dba 360 Sports Pub
360 Wareham Street Map 72 Lot 5571X**

Please be advised that the Middleborough Health Department has not received any of the necessary applications required for a food establishment. In addition, a full inspection of this facility will be needed prior to opening. If you have any questions, feel free to contact this office.



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. Cassidy, Conservation Agent 

DATE: April 8, 2015

RE: New Liquor License Application
360 Wareham Street (Map 72, Lot 5571X)

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

- 1) There are no wetlands, Natural Heritage & Endangered Species Program mapping, or flood plain.
- 2) The property is partially in a Zone C surface water protection zone.

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
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

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

April 6, 2015

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

Subject: Application for New Liquor License at 360 Wareham Street, Assessors' Map: 072 Lot:
5571X Zoned GU/W.R.P.D. Z2.

Dear Board,

I have reviewed the application for a new Liquor License submitted by Michael Gaetano LLC dba 360 Sports Pub located at 360 Wareham Street.

I offer the following:

The Middleborough Board of Selectmen meeting minutes for April 26, 2010 referencing liquor license for Shooters Steak House and Sports Bar.*

The zoning violation notice dated May 16, 2013. *

Both letters make reference to a property buffer which was proposed in 2010, but yet to be completed in 2013.

Will this be completed to alleviate the concerns of the abutters?

What will be the status of the outdoor patio area?

I ask this as we have received several complaints in the past with regard to the patio area. *

I believe all the above items should be addressed before any license is issued.

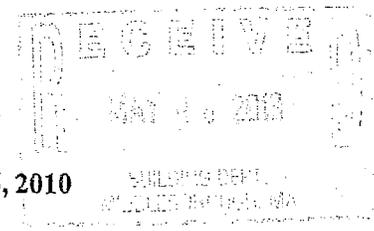
Respectfully submitted

Robert J. Whalen
Building Commissioner

RJW/d

Middleborough Board of Selectmen
Meeting Minutes

April 26, 2010



HEARINGS, MEETINGS & LICENSES

At 7:37 PM Chairwoman opened public hearing for Little John's Restaurant Group, Inc., d.b.a. Shooters Steakhouse and Sports Bar by reading aloud public hearing notice in which the applicant is requesting an All Alcoholic Beverages Liquor license, a Common Victualler license, and Entertainment and Automatic Amusement Device licenses. Attorney Craig Medeiros addressed Board on behalf of his client, the applicant. He began by informing the Board that he would like to amend the application by requesting to decrease the total occupancy to 100 people. Proposed Manager John Hoban is TIPS certified. Chairwoman read aloud memo from Building Commissioner noting that he has no objections, but that licenses cannot be released until all inspections are complete. It was also noted that the Conservation Commission Agent also has no objections. Chairwoman read aloud letters of support from local business owners. Selectwoman Duphily indicated that she recently visited the proposed restaurant and made positive reference regarding her observations. Attorney Medeiros indicated that there will not be any outdoor seating after 8 PM.

Brian Dorr, 362 Wareham Street addressed Board and offered that he would like to see the buffer zone re-applied. His property abuts theirs where the parking lot is. There should be vegetation put in at upper part of parking lot due to light and noise.

Chairwoman noted that this application is regarding a liquor license. She asked if the buffer was there before. He answered that it was before Stephanie Koupelis owned it. Chairwoman indicated that she would like applicant/attorney to address the concerns raised by this abutter. Medeiros indicated that they would be happy to work with the abutter. In terms of entertainment, it will be based on demand, one or two times per week and self contained so it shouldn't affect the abutters. Owner/proposed manager, James Hoban addressed Board and offered that he has re-insulated the entire building so that the entertainment should be well contained within the premises. Virginia Murdock who lives across the street at 365 Wareham Street addressed the Board to say that her grandchildren have been awakened in the past when the doors open for those who smoke. Mr. Hoban offered his cell phone number if she ever has a problem. She asked what kind of entertainment they will have as there are a lot of small children in the area. She noted that the entertainment has been a problem with the past two owners citing that the noise was disturbing to the children.

Building Commissioner R. Whalen addressed the Board to clarify that the capacity for the entire building is an 89 person maximum capacity because of capacity of the size of the septic system. Chairwoman asked to hear any further questions/concerns. Hearing none, Chairwoman declared hearing closed.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve all licenses.

David Cavanaugh of the Herring Fisheries Commission addressed Board to say that the Commission has tightened up some of the wording to the Commission's bylaws.

Upon motion by Selectman Rullo and seconded by Selectman Duphily, Board voted unanimously to accept revised bylaws as presented.

Good afternoon ,

I am writing today to make another complaint against Shooters Sunday Entertainment !! There is NO need to have a band playing outside every SUNDAY at the volume that it is played at !! IT is so loud that the reverberations actually starts to go through your head !!!! Listen to what was recorded yesterday , and play that at full volume on your computer or laptop for 4 HOURS strait and let us know how you feel ?? Now multiply that times 100 . And add some bass that goes through your chest !!! Now you might get an idea of the disruption that is created by allowing this to go on and on and on

In the Middleboro Town bylaws , I believe it states that any Sunday entertainment should be "in keeping with GOD " ??? (correct me if I'm wrong)

Their Sunday Entertainment license should be revoked !! or at least make them play inside with the doors closed

Also caught a guy on Saturday standing in our driveway pissing on our bushes !!! I chased after him with a 2x4 and he got away before I could get his plate number on the white ford pick up he was driving

The health dept. might want to make a surprise visit? Not sure why our driveway is the place to piss , but it seems like the go to place ? not shooters bathroom ??? This happens VERY frequently , we should NOT have to stand guard on our property 24 hours a day 7 days a week !!!!

When did shooters get a license to sell used cars in their lot ?? Or are they allowed to sell without a license?? I know the town could use the permit fee \$\$.

Thank you for your attention this matter ,

Direct abutter



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

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

May 16, 2013

Giacomo LLC
James Hoban
360 Wareham Street
Middleborough, MA. 02346

SUBJECT: 360 Wareham Street, Assessor's Map: 072 Lot: 5571, Zoning Violation

Dear Mr. Hoban,

Your property referenced above is currently in violation and has been the subject of several complaints from the neighbors. Recent clearing of the trees between your property and the neighbors has resulted in a clear view of your operation from their yards.

This issue was discussed by your Attorney Craig Medeiros with the Selectmen at the Middleborough Selectmen's meeting held back on April 26, 2010. * Attorney Medeiros indicated that you would work with the abutters to address their concerns with the property buffer. As of this date, nothing has been completed.

Middleborough Zoning By-law requires: 5.6 LANDSCAPING AND SCREENING – GU, GUX and GUA DISTRICTS

5.6.1 General. The following shall apply:

1. A landscaped buffer zone shall be provided not less than twenty (25') feet in depth along the street line and not less than fifteen (15') feet in depth along a side or rear lot line. Where commercial property abuts residential property, adequate screening will be provided in the side and rear landscaped buffer zones.
2. Earth berms, landscaping or screening shall be provided to control noise and dust, to prevent soil erosion, to provide shade, to screen from public view areas for waste disposal or outdoor storage and to protect the visual character and natural resources of the town. Earth berms where used should vary in width and height throughout their length in order to achieve topographical relief and to appear to occur naturally.
3. All land located between the street line and parking areas as required by Section 4.1.1 of this Bylaw shall be provided with attractive and durable landscaped areas consisting of natural vegetation, shrubs, mulches, evergreens and such other vegetation. Such landscaped areas shall be located in a manner which provides

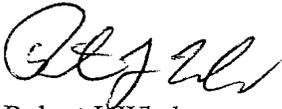
unobstructed lines of sight for vehicles entering and exiting the premises, consistent with Section 5.2 of this Bylaw.

Please contact this office within ten (10) days upon receipt of this notice to show how compliance will be met. Your cooperation will be expected and appreciated.

Please be advised that if you are aggrieved by this decision on account of a violation of any provisions of General Laws Chapter 40A or the Middleborough Zoning By-Law, you may appeal to the Middleborough Zoning Board of Appeals provided that you do so within thirty (30) days from the date of this notice.

Also please be advised if you would like to continue to sell used cars from your property you will need to obtain a Class II license from the Board of Selectmen.

Respectfully,



Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

*See attached

Certified Mail #7012 1010 0001 5391 6270



Mather

**Town of Middleborough
Massachusetts**

BOARD OF SELECTMEN

**APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)**

DATE March 6, 2015
NAME OF APPLICANT Michael Gaetano LLC
ADDRESS OF APPLICANT 360 Wareham St., Middleboro, MA 02346
ASSESSORS MAP & LOT 072-5571X
DAYTIME TELEPHONE _____

NAME OF BUSINESS 360 Sports Pub
OWNER OF PROPERTY TO BE LICENSED Giacomo LLC
ADDRESS OF PROPERTY TO BE LICENSED 360 Wareham St., Middleboro, MA 02346
ASSESSORS MAP & LOT 072-5571X

TYPE OF LICENSE REQUESTED (Check One)

- | | |
|--------------------------------------|-------------------------------------|
| 2 nd Hand Furniture _____ | 2 nd Hand Clothing _____ |
| Class I License _____ | Class II License _____ |
| Class III License _____ | Liquor License <u>X</u> |
| Common Victualler _____ | Automatic Amusement _____ |
| Entertainment _____ | Other _____ |

Anticipated Start Date for Business April 15, 2015
Hours requested: 8:00 AM - 1:00 AM Monday-Saturday and 12:00 noon-1:00 AM Sundays

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

No

Signature *Donald Santal*

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? yes

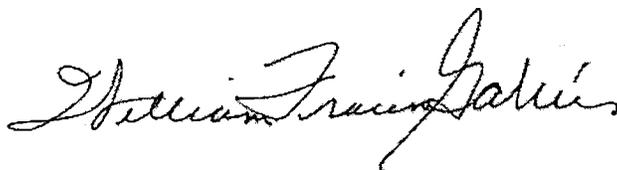
Donald Santal
TAX Title # F45015.
water lien

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

October 06, 2009 1:18 PM

A handwritten signature in cursive script that reads "William Francis Galvin".A handwritten mark or signature in the upper right quadrant of the page, possibly initials.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	KAREN M. HOBAN	3 LAKEWOOD DRIVE PLYMOUTH, MA 02360 USA
REAL PROPERTY	JILLIAN M. HOBAN	3 LAKEWOOD DRIVE PLYMOUTH, MA 02360 USA

9. Additional matters:

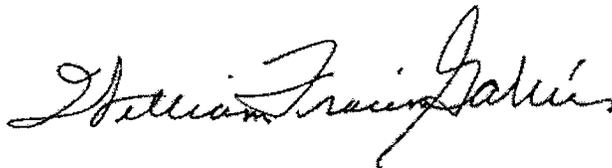
SIGNED UNDER THE PENALTIES OF PERJURY, this 6 Day of October, 2009,
KAREN M. HOBAN
(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

January 16, 2015 01:59 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in dark ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	RONALD A SAVIOLI	360 WAREHAM ST MIDDLEBORO, MA 02346 USA

9. Additional matters:

**SIGNED UNDER THE PENALTIES OF PERJURY, this 16 Day of January, 2015,
RONALD A SAVIOLI**

(The certificate must be signed by the person forming the LLC.)

© 2001 - 2015 Commonwealth of Massachusetts
All Rights Reserved

Savioli



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

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: Phone Number of Premise:

(If existing licensee)

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Michael Gaetano LLC	B. Business Name (dba)	360 Sports Pub	
C. Address	360 Wareham Street	D. ABCC License Number (If existing licensee)		
E. City/Town	Middleborough	State	MA	Zip Code 02346
F. Phone Number of Premise		G. EIN of License		

2. PERSONAL INFORMATION:

A. Individual Name	Ronald A. Savioli	B. Home Phone Number		
C. Address	80 Blue Spruce Way			
D. City/Town	Mashpee	State	MA	Zip Code 02649
E. Social Security Number		F. Date of Birth	01/08/1958	
G. Place of Employment	Town of Falmouth (Retired Police Officer)			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes No

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Sole Ownership. Cash investment is coming from existing savings account

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
 *If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Ronald A. Savioli Date March 6, 2015

Title Manager (If Corporation/LLC Representative)

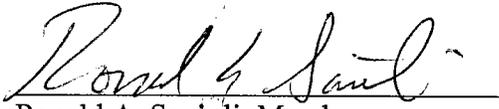
**ACTION BY WRITTEN CONSENT OF THE MEMBERS
OF
MICHAEL GAETANO LLC**

The undersigned, being all of the Members of **Michael Gaetano LLC**, a limited liability company duly organized under the laws of the Commonwealth of Massachusetts with a principal office at 360 Wareham Street, Middleborough, MA 02346, hereby consent to and adopt the following resolutions as of the date written below:

VOTED: That the undersigned, being all of the members of Michael Gaetano, LLC, designate and appoint **Ronald A. Savioli as Manager** of the premises at 360 Wareham St., Middleboro, MA 02346, to be known as "360 Sports Pub", and

VOTED: That the undersigned, being all of the members of Michael Gaetano, LLC, do hereby consent and vote that the **Manager, Ronald A. Savioli** is authorized in the name and on behalf of the corporation in his discretion to apply for an All Alcoholic Beverage Restaurant License for the premises at 360 Wareham St., Middleboro, MA 02346, to be known as "360 Sports Pub", and to prepare, execute and submit to the Town of Middleborough whatever applications, petitions, forms or other documents as may be required, and as he may deem expedient and proper in carrying out the purpose set forth herein; and

In witness whereof, the undersigned has executed this action by written consent of all of the Members effective on this 6th day of March, 2015.



Ronald A. Savioli, Member

Witness 



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

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

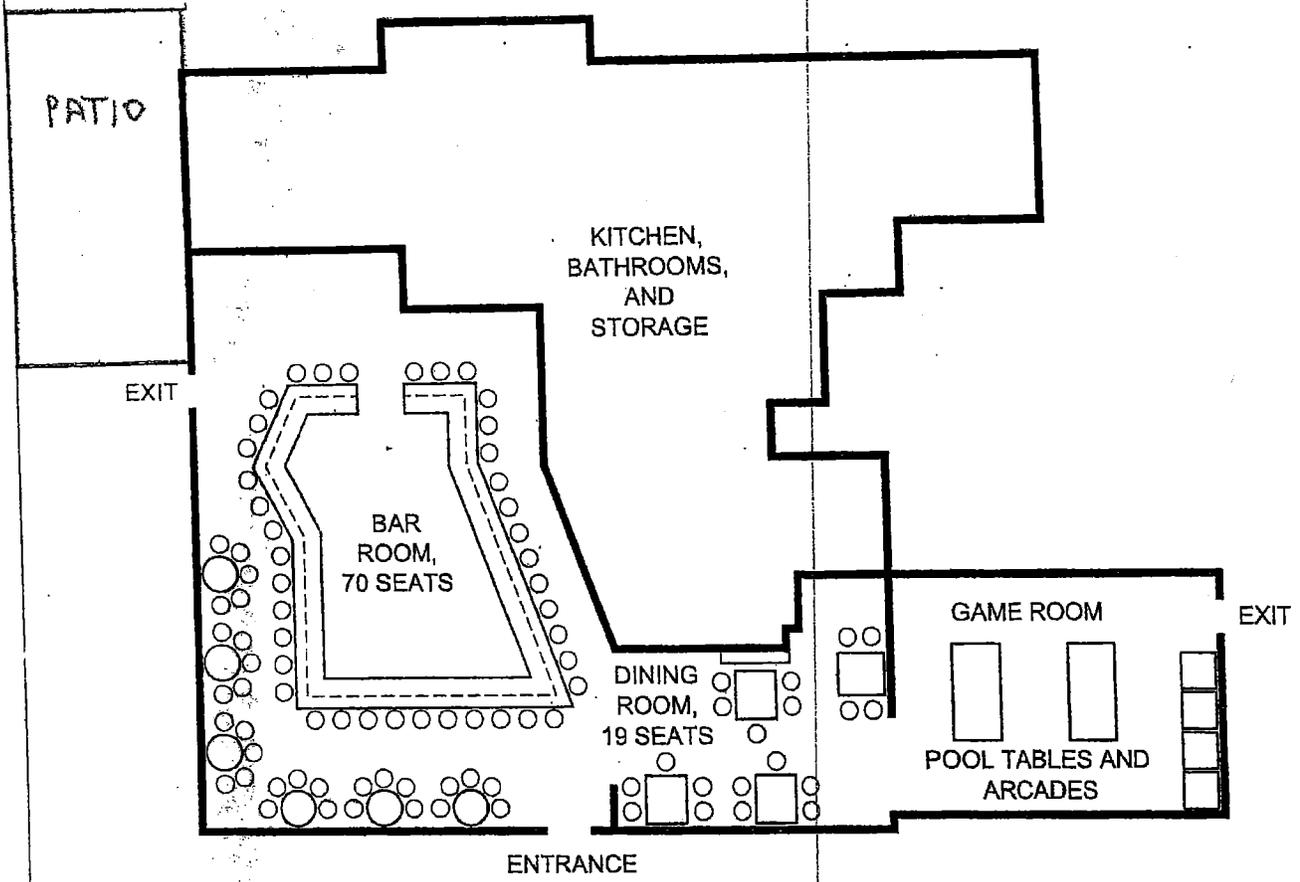
- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) §15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396**

RESTAURANT SEAT LAYOUT

BAR ROOM.....70 SEATS
DINING ROOM.....19 SEATS
TOTAL.....89 SEATS



SHOOTER'S RESTAURANT
SEAT LAYOUT

360 WAREHAM STREET
MIDDLEBORO, MA

PREPARED BY:
JC ENGINEERING, INC.
2854 CRANBERRY HIGHWAY
EAST WAREHAM, MA 02538
(508) 273-0377

SCALE: 1" = 15'

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Middleborough

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Michael Gaetano LLC

B. Business Name (if different) : 360 Sports Pub

C. Manager of Record: Ronald A . Savioli

D. ABCC License Number (for existing licenses only) :

E.Address of Licensed Premises: 360 Wareham Street

City/Town: Middleborough

State: MA

Zip: 02346

F. Business Phone:

G. Cell Phone:

H. Email:

I. Website:

J.Mailing address (if different from E.):

City/Town:

State:

Zip:

2. TRANSACTION:

- New License New Officer/Director Transfer of Stock Issuance of Stock Pledge of Stock
 Transfer of License New Stockholder Management/Operating Agreement Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual (6) Day to (7)-Day License Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- \$12 Restaurant \$12 Hotel \$12 Club \$12 Veterans Club \$12 Continuing Care Retirement Community
 \$12 General On-Premises \$12 Tavern (No Sundays) \$15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages Wine & Malt Beverages Only Wine or Malt Only
 Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual Seasonal

6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)

NAME: Robert J Mather, Esq.
ADDRESS: 1 Lakeville Business Park, Suite 1A
CITY/TOWN: Middleborough STATE: MA ZIP CODE: 02346
CONTACT PHONE NUMBER: FAX NUMBER:
EMAIL: rjmather@rjmatherlaw.com

7. DESCRIPTION OF PREMISES:

Please provide a complete description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.

Property located at and more commonly known as 360 Wareham Street, Middleborough, MA 02346 as shown on the floor plan attached hereto.

Total Square Footage: 4432 s.f. Number of Entrances: 3 Number of Exits: 3
Occupancy Number: 89 Seating Capacity: 89

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

8. OCCUPANCY OF PREMISES:

By what right does the applicant have possession and/or legal occupancy of the premises? Final Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): LLC Other:

Name: Giacomo LLC Phone:

Address: 3 Lakewood Drive City/Town: Plymouth State: MA Zip: 02360

Initial Lease Term: Beginning Date 04/15/2015 Ending Date March 14, 2018

Renewal Term: one year Options/Extensions at: one at one Years Each

Rent: \$48,000.00 Per Year Rent: \$4,000.00 Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?
Yes No

IMPORTANT ATTACHMENTS(4):

- 1. If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest with the Landlord must be disclosed in §10 and must submit a completed Personal Information Form attached to this application.
- 2. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.
- 3. If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

9. LICENSE STRUCTURE:

The Applicant is a(n):

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

State of Incorporation/Organization:

Is the Corporation publicly traded? Yes No

10. INTERESTS IN THIS LICENSE:

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

IMPORTANT ATTACHMENTS (5):

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form.

Name	All Titles and Positions	Specific # of Stock or % Owned	Other Beneficial Interest
Ronald A. Savioli	Manager	100%	

*If additional space is needed, please use last page.

11. EXISTING INTEREST IN OTHER LICENSES:

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No **If yes, list said interest below:**

Name	License Type	Licensee Name & Address
	<input type="text" value="Please Select"/>	

*If additional space is needed, please use last page.

12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
Ronald A. Savioli	Ronald A. Savioli d/b/a General's Quarters, 570 MacArthur Blvd., Pocasset, Ma 02559	11/1991 - 12-19	Not Renewed

11/20/11

13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended? Yes No If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :

A.) For Individual(s):

- 1. Are you a U.S. Citizen? Yes No
- 2. Are you a Massachusetts Residents? Yes No

B.) For Corporation(s) and LLC(s) :

- 1. Are all Directors/LLC Managers U.S. Citizens? Yes No
- 2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes No
- 3. Is the License Manager or Principal Representative a U.S. Citizen?

C.) Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:

A.) For Individual(s):

- 1. Are you a U.S. Citizen? Yes No

B.) For Corporation(s) and LLC(s) :

- 1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes No
- 2. Is the License Manager or Principal Representative a U.S. Citizen? Yes No

C.) Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:

A. Purchase Price for Real Property:	<input type="text"/>
B. Purchase Price for Business Assets:	<input type="text"/>
C. Costs of Renovations/Construction:	<input type="text" value="\$3,000.00"/>
D. Initial Start-Up Costs:	<input type="text" value="\$7,000.00"/>
E. Purchase Price for Inventory:	<input type="text" value="\$5,000.00"/>
F. Other: (Specify)	<input type="text"/>
G: TOTAL COST	<input type="text" value="\$15,000.00"/>
H. TOTAL CASH	<input type="text" value="\$15,000.00"/>
I. TOTAL AMOUNT FINANCED	<input type="text" value="\$0.00"/>

IMPORTANT ATTACHMENTS (6): Submit any and all records, documents and affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash must include a minimum of three (3) months of bank statements.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):

Funding will be through existing savings/checking account at Rockland Trust Company - Account 89681503.

*If additional space is needed, please use last page.

18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:

A.

Name	Dollar Amount	Type of Financing
N/A		

*If additional space is needed, please use last page.

B. Does any individual or entity listed in §19 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes No

If yes, please describe:

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)

A.) Is the applicant seeking approval to pledge the license? Yes No

1. If yes, to whom:

2. Amount of Loan: 3. Interest Rate: 4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock? Yes No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory? Yes No

If yes, to whom:

IMPORTANT ATTACHMENTS (7): If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

20. CONSTRUCTION OF PREMISES:

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises: Yes No

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND
ATTACHMENTS ARE NOT COMPLETE
THE APPLICATION WILL BE
RETURNED**



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

Continued to 4.13.15
@ 7:55 PM

Jacqueline Shanley

From: Patricia Cassady
Sent: Friday, April 03, 2015 10:06 AM
To: 'Rich Tabaczynski'; Jacqueline Shanley; Caroline R. LaCroix; Robert G. Nunes; 'Bernie Gosson'; 'Richard Labossiere'
Subject: RE: G&E Order of Conditions for project on Benson Street (DEP File # SE220-1232)

Hi Rich,

Yes, this was approved as a limited project with the Conservation Commission under 310 CMR 10.53(3)(d)

Let me know if you have any other questions.

Tricia

From: Rich Tabaczynski [<mailto:rtab@atlanticcompanies.com>]
Sent: Thursday, April 02, 2015 5:56 PM
To: Patricia Cassady; Jacqueline Shanley; Caroline R. LaCroix; Robert G. Nunes; 'Bernie Gosson'; 'Richard Labossiere'
Subject: RE: G&E Order of Conditions for project on Benson Street (DEP File # SE220-1232)

Tricia,

Was this approved as a "Limited Project"? If not, I'm not sure if the Selectman have a basis for approving it under the WRPD bylaw.

Richard J. Tabaczynski, P.E.

Vice President

Atlantic Design Engineers, Inc.

P.O. Box 1051

Sandwich, Massachusetts 02563

P: (508) 888 – 9282

F: (508) 888 – 5859

C: (508) 274 – 1712

www.atlanticcompanies.com

From: Patricia Cassady [<mailto:pcssdy@middleborough.com>]
Sent: Friday, March 27, 2015 3:52 PM
To: Jacqueline Shanley; Caroline R. LaCroix; Robert G. Nunes; Bernie Gosson (BGosson@mged.com); Richard Labossiere (RLabossiere@mged.com); Rich Tabaczynski (rtab@atlanticcompanies.com)
Subject: G&E Order of Conditions for project on Benson Street (DEP File # SE220-1232)

Hi All,

Attached you will find a scan of the Order of Conditions issued by the Conservation Commission for the Gas & Electric Dept. project proposed on Benson Street under DEP File # SE220-1232.

Please let me know if you have any questions.

Tricia

Patricia J. Cassady, Agent

For the Middleborough Conservation Commission

Jacqueline Shanley

From: Tony Perruzzi <TonyP@alphals.com>
Sent: Wednesday, April 08, 2015 9:03 AM
To: Patricia Cassidy; Jacqueline Shanley; 'Richard Labossiere'
Subject: Recording of Order of Conditions for MGE Spruce & Benson Street
Attachments: Recorded 2015-04-07.pdf

Attached is the receipt for recording the Conservation Commission's Order of Conditions for the installation of gas main on Spruce & Benson Streets at the registry of deeds. I will drop off the original receipt to Trish at the Con Comm office. I have included the Selectmen's office, as the review by the selectman's engineer notes that the project is permissible only if defined and approved by the Conservation Commission as a "limited project".

From:
*Robert Anthony "Tony" Perruzzi
Professional Land Surveyor (MA, RI)
Alpha Surveying and Engineering, Inc.
A Veteran Owned Small Business (CC# 5XC71)
MassDOT Prequalified Survey Firm
Qualified Vendor (FWE-Survey-08) DCR, DCAM, DFG, DEP, DAR
695 Wareham Street
Middleboro, MA 02346
508-295-5505 (P) 508-295-5535 (F) 508-821-0049 (C)*



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

To: Bernard Gosson, Middleborough Gas and Electric
Date: March 27, 2015
SE# 220-1232

Attached is the Original One Sided Permit which is required by the Plymouth County Registry of Deeds.

Please note:

**MASSACHUSETTS WETLANDS PROTECTION ACT REGULATIONS
310 CMR 10.05 (6) (g)**

Prior to the commencement of any work permitted or required by the Final Order, including a Final Order of Resource Area Delineation, or Notification of Non-significance, the Order or Notification shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. Recording of an Order of Resource Area Delineation is not required where no work is performed under 310 CMR 10.02(2)(b)2. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. Certification of recording shall be sent to the issuing authority on the form at the end of Form 5. **If work is undertaken without the applicant first recording the Order, the issuing authority may issue an Enforcement Order (form 9) or may itself record the Order of Conditions.**

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

Best regards,

A handwritten signature in black ink, appearing to read "Patricia J. Cassady", is written over the typed name.

Patricia J. Cassady, Agent

For the Middleborough Conservation Commission

To:

Middleborough
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

00023824

Benson Street Right-of-way
Project Location

SE220-1232
MassDEP File Number BOOK 45410 PAGE 57

Has been recorded at the Registry of Deeds of:

Recorded On:

Plymouth County Layout 1890
County

Apr 07, 2015 at 11:59A
Book Page
PLYMOUTH COUNTY REGISTRY OF DEEDS

for:

Property Owner

John R. Buckley Jr., Registrar

and has been noted in the chain of title of the affected property in:

n/a
Book

n/a
Page

In accordance with the Order of Conditions issued on:

3/27/2015
Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Jacqueline Shanley

From: Patricia Cassady
Sent: Friday, March 27, 2015 3:52 PM
To: Jacqueline Shanley; Caroline R. LaCroix; Robert G. Nunes; Bernie Gosson (BGosson@mged.com); Richard Labossiere (RLabossiere@mged.com); Rich Tabaczynski (rtab@atlanticcompanies.com)
Subject: G&E Order of Conditions for project on Benson Street (DEP File # SE220-1232)
Attachments: 20150327154722646.pdf

Hi All,

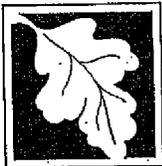
Attached you will find a scan of the Order of Conditions issued by the Conservation Commission for the Gas & Electric Dept. project proposed on Benson Street under DEP File # SE220-1232.

Please let me know if you have any questions.

Tricia

Patricia J. Cassady, Agent
For the Middleborough Conservation Commission
20 Centre Street, 2nd Floor
Middleborough, MA 02346
Ph: 508-946-2406/Fax: 508-946-2309
E-mail: pcssdy@middleborough.com

Richard R. Spanin 3-27-15



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1232
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



1. From: Middleborough
Conservation Commission

2. This issuance is for
(check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Bernard Gosson
a. First Name b. Last Name

Middleborough Gas and Electric
c. Organization

2 Vine Street
d. Mailing Address

Middleborough MA 02346
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Robert Nunes (Town Manager)
a. First Name b. Last Name

Town of Middleborough
c. Organization

10 Nickerson Avenue
d. Mailing Address

Middleborough MA 02346
e. City/Town f. State g. Zip Code

5. Project Location:
Benson Street Middleborough
a. Street Address b. City/Town

Map 101 Right-of-way
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 41d49m19Ns 70d50m08Ws
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1232
 MassDEP File #

eDEP Transaction #
 Middleborough
 City/Town

A. General Information (cont.)

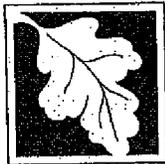
6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Plymouth County Layout 1890
 a. County n/a b. Certificate Number (if registered land) n/a
 c. Book n/a d. Page n/a
7. Dates: a. Date Notice of Intent Filed February 17, 2015 b. Date Public Hearing Closed March 19, 2015 c. Date of Issuance 3/24/2015
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Existing Conditions Plan Benson Street, Middleborough, MA 02346 (7 Sheets)
 a. Plan Title
 Alpha Surveying and Engineering, Inc. Robert Anthony Perruzzi, P.L.S.
 b. Prepared By c. Signed and Stamped by
 February 2, 2015 1"=20'
 d. Final Revision Date e. Scale
 Letter from Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program March 20, 2015
 g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1232
 MassDEP File # _____
 eDEP Transaction # _____
 Middleborough
 City/Town

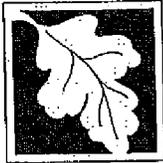
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 4-feet
 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1232
 MassDEP File #

eDEP Transaction #
 Middleborough
 City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1232
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE220-1232 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1232
MassDEP File #

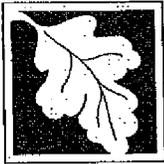
MassDEP Transaction #
Middleborough
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1232
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

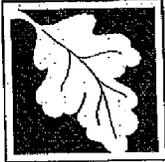
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1232
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 1) **See attached Standard Order of Conditions**
- 2) **The Conservation Department shall be notified prior to work to inspect the erosion controls.**
- 3) **The project supervisor or environmental professional shall submit to the Conservation Commission written progress reports.**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

Standard Conditions

DEP File #: SE220-1232

Applicant: Bernard Gosson, Middleborough Gas & Electric

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
 - a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
 - b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

Standard Conditions

DEP File #: SE220-1232

Applicant: Bernard Gosson, Middleborough Gas & Electric

- c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program;
 - d. Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.
7. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones (unless authorized to do so) under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
 8. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.
 9. There shall be no pumping of water from wetland resource areas.
 10. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this OOC.
 11. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.
 12. Any material placed in wetland resource areas by the applicant without express authorization under this OOC shall be removed by the applicant upon demand by the Conservation Commission or its agent.
 13. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
 14. Removal and storage of hazardous waste, if in an area subject to protection under the Wetlands Protection Act shall be as follows:
 - a. Removal and storage shall be conducted only when approved and directed by DEP, the U.S. Environmental Protection Agency (EPA) or other applicable state or federal agency under which remedial activities are

Standard Conditions

DEP File #: SE220-1232

Applicant: Bernard Gosson, Middleborough Gas & Electric

- b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - c. All hazardous materials, products and waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
 - d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
 - e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
 - f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.
15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.
16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.
17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1232
 MassDEP File #
 eDEP Transaction #
 Middleborough
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):

- Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
DEMD-1232
 MassDEP File #

eDEP Transaction #
Middleborough
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

3/27/2015
 1. Date of Issuance
Six
 2. Number of Signers

Signatures:

D. Jeffrey Erickson [Signature]

Deborah Kirsch [Signature]

Charles Kowalker _____

John Medeiros [Signature]

Janet Miller [Signature]

Diane Stewart [Signature]

Steven Ventresca [Signature]

by hand delivery on
3/27/2015
 Date

by certified mail, return receipt requested, on

 Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1232
 MassDEP File #

 eDEP Transaction #
Middleborough
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Middleborough
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Middleborough
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Benson Street Right-of-way SE220-1232
 Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth County Layout 1890 _____ _____
 County Book Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

n/a n/a
 Book Page

In accordance with the Order of Conditions issued on:

Date 3/27/2015

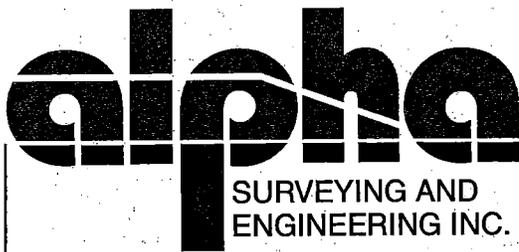
If recorded land, the instrument number identifying this transaction is:

 Instrument Number

If registered land, the document number identifying this transaction is:

 Document Number

 Signature of Applicant



February 12, 2015

REVISED 3-26-2015

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 Z3 & 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". The signature is written in a cursive style and is located below the "Respectfully," text.

Robert A. Perruzzi, P.L.S.



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



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

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

Christopher Peck
D. P. W. Director

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:

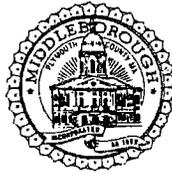
1. The applicant should apply for a road opening permit which can be obtained at the Middleborough Department of Public Works. Any work done within the town's right of way should be completed in accordance with the road opening permit.

Very Truly Yours,

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

Christopher Peck
Director of Public Works

Cc: Town Manager
Planning Board



Town of Middleborough

CONSERVATION COMMISSION

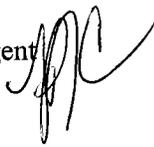
20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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 pccsdy@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)**

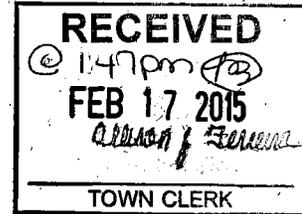
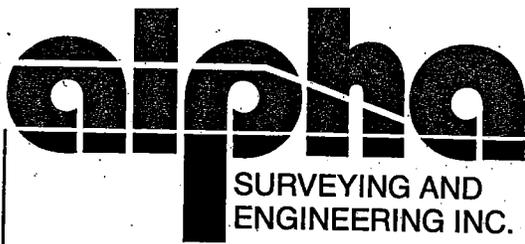
Attached is a W.R.P.D. application filed by Alpha surveying and Engineering, Inc. for a Special Permit under the Water Resource Protection District By-law.

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 that reads "Robert A. Perruzzi". The signature is written in a cursive style.

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 VARY
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 PERRUZZI
Printed full name (Individual)

Robert Perruzzi
Signature (Individual)

695 WARREN ST MIDDLEBORO, MA
Address

508 295-5505
Daytime telephone

ALPHA SURVEYING & ENGINEERING INC
Printed company name/engineering firm

Robert G Perruzzi
Signature (company/engineering rep.)

TONYP@ALPHAS.COM
Email address

CHECKLIST FOR SITE PLANS

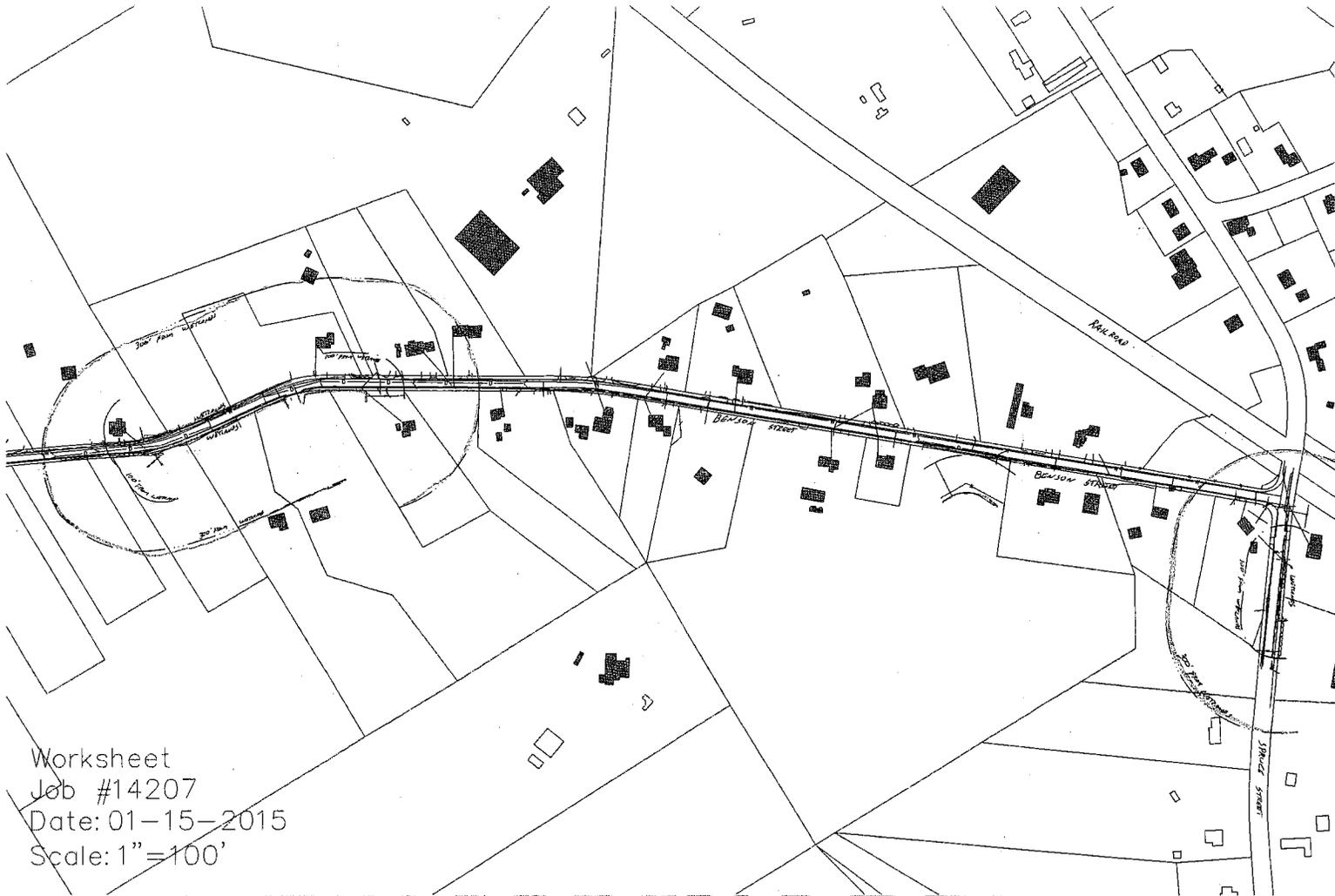
(Applicant must initial each item or the application/petition will not be accepted.)

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>	_____
1.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	_____	<u>RAP</u>

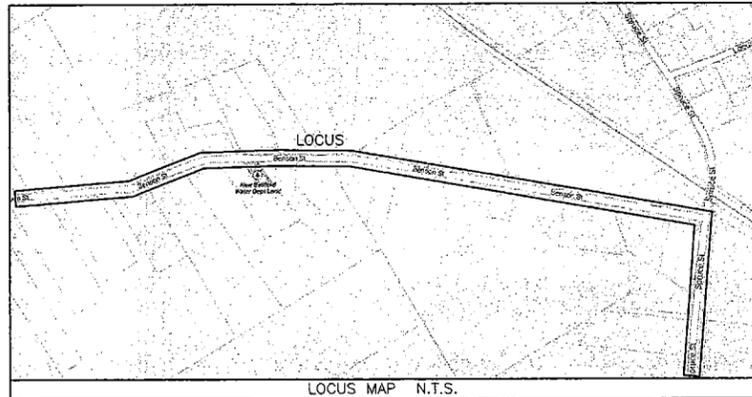
Note: If the site has no approval required other than a home lot, then a Land Surveyor stamp will be accepted.

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>	_____

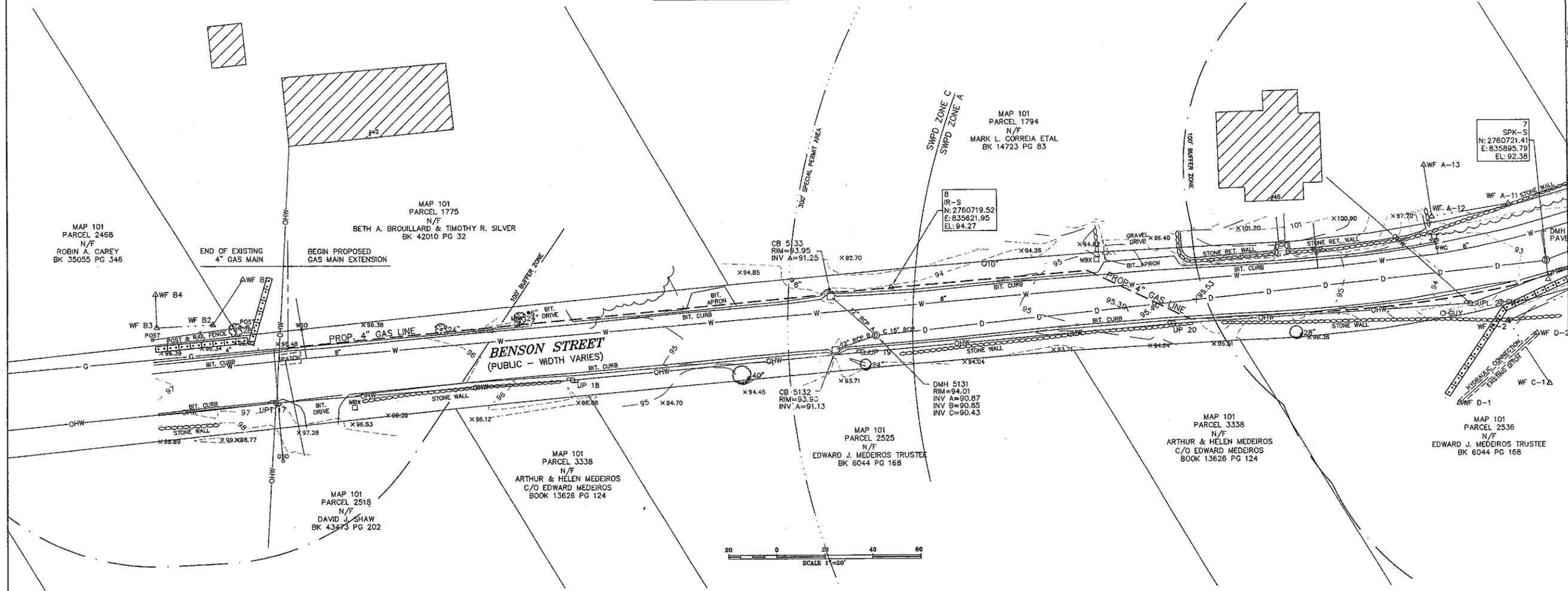


Worksheet
Job #14207
Date: 01-15-2015
Scale: 1"=100'



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:	⊗	TREE/SIZE:	⊗ 24"
WATER METER:	⊗	WETLAND LINE:	—
WATER SHUT OFF:	⊗	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 WESTERNMOST 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 8, 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 CACIONE", SCALE: 1"=60', DATED NOV. 10, 1989, PREPARED BY G.A.F. ENGINEERING, INC.
4. PLAN BOOK 48 PAGE 63 "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 1963, 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.

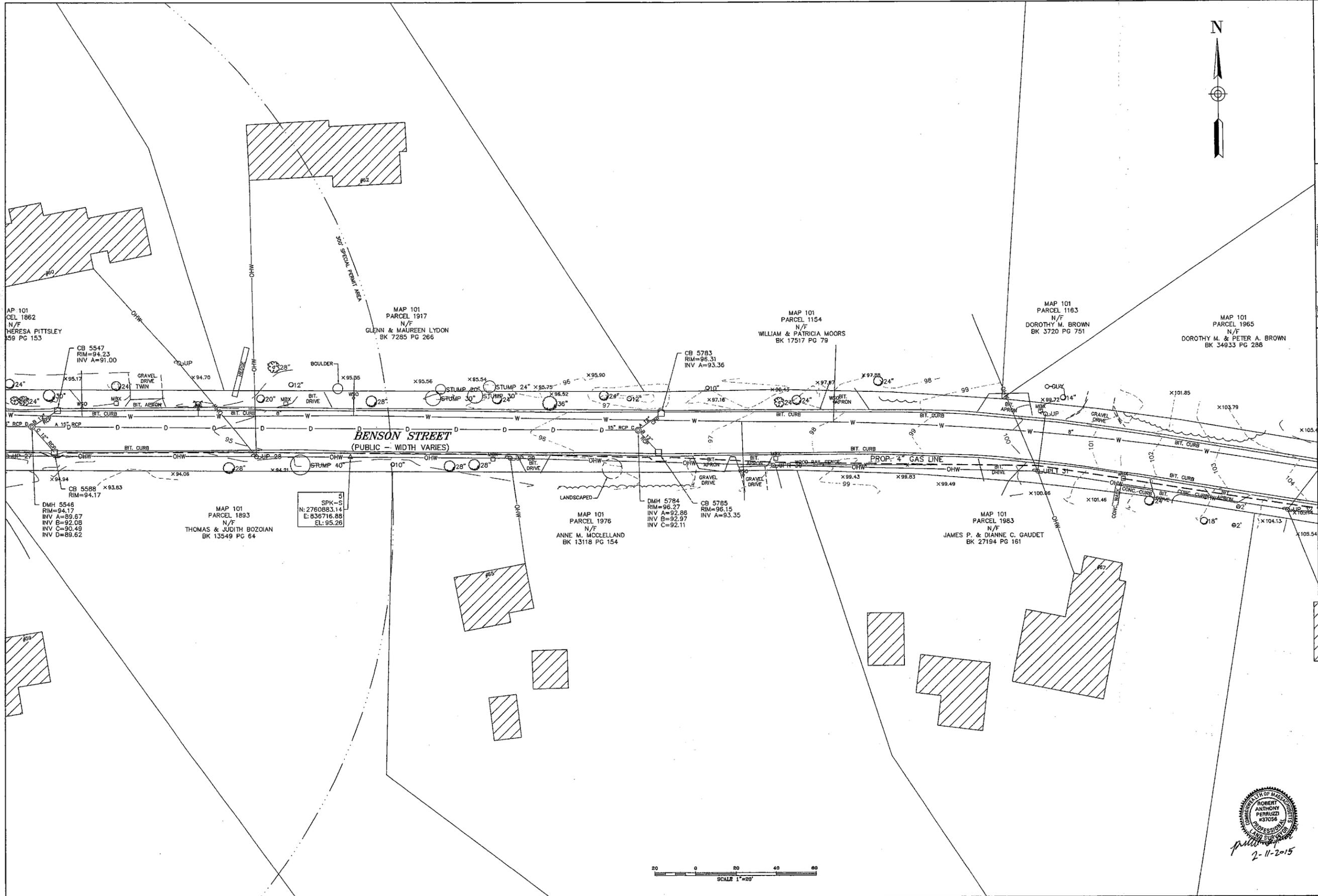
Robert A. Perruzzi 2-11-2015
 REGISTERED PROFESSIONAL LAND SURVEYOR
 FOR ALPHA SURVEYING & ENGINEERING, INC. DATE

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

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

DATE: 2/5/2015 SCALE: 1"=20'
 DRAWN: AWC/VAL FIELD: KB/CA CHECKED: RFP

JOB NO. 14207
 SHEET NO. 1 of 7
 DWG. NO. 14207

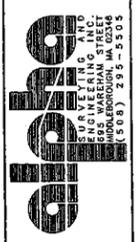
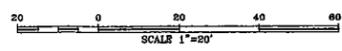


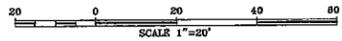
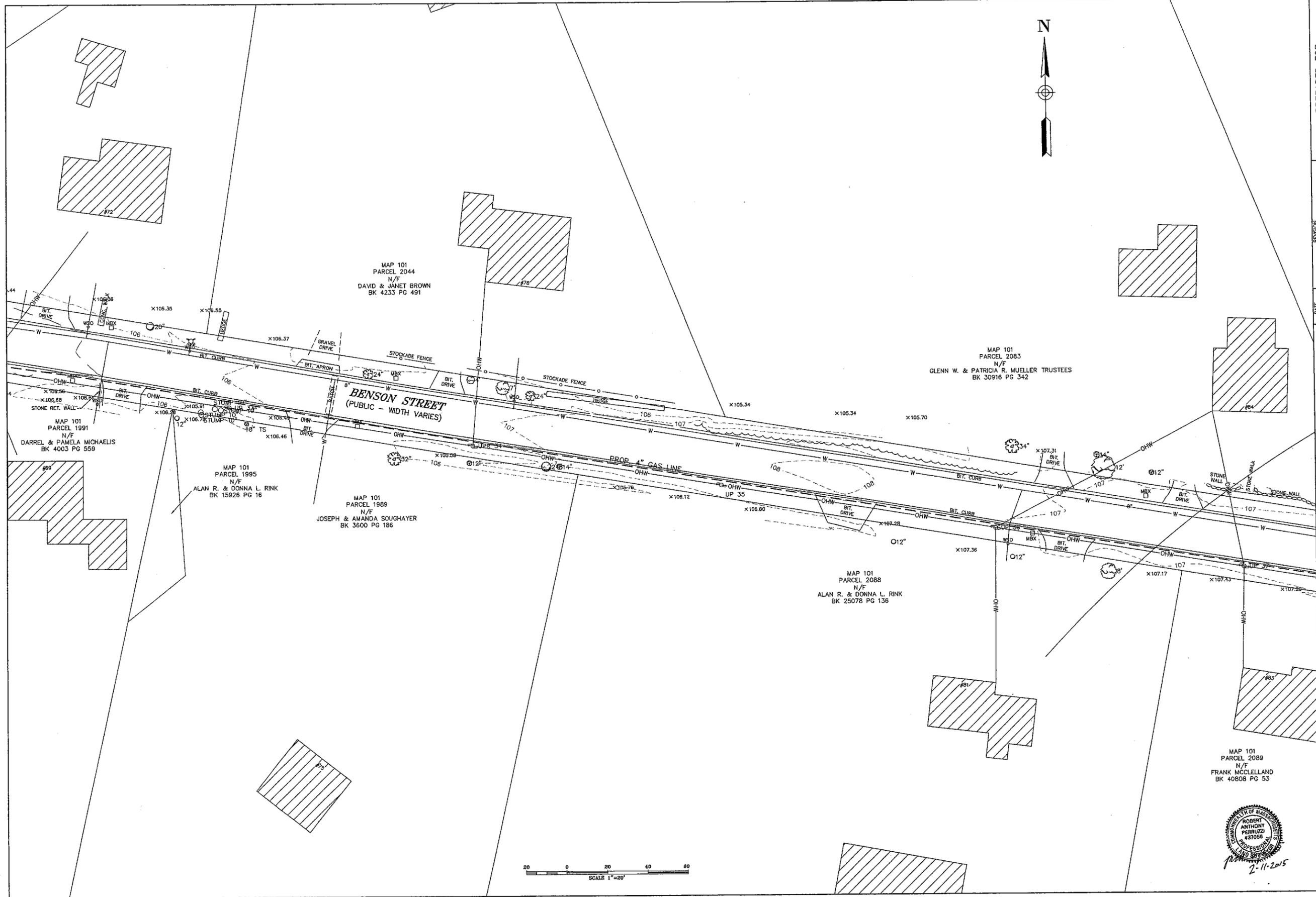
PREPARED FOR
 MIDDLEBORO GAS & ELECTRIC
 2 VINE STREET
 MIDDLEBOROUGH, MA 02346

DATE	SCALE	DESIGNED	CHECKED
2/5/2015	1"=20'	AMC/VAL	RAP

EXISTING CONDITIONS PLAN
 BENSON STREET
 MIDDLEBOROUGH, MA 02346

JOB NO. 14207
 SHEET NO. 3 of 7
 DATE 2-11-2015





EXISTING CONDITIONS PLAN
BENSON STREET
MIDDLEBOROUGH, MA 02346

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

DATE	SCALE	FIELD	CHANGED
2/25/2015	1"=20'	RD/CA	RD/CA

aloha
 ENGINEERING AND SURVEYING
 100 STATE STREET
 MIDDLEBOROUGH, MA 02346
 (508) 233-5505

REGISTERED PROFESSIONAL ENGINEER
 ROBERT ANTHONY PERRITZ
 #37058
 2-11-2015

REV.	DATE	REVISION

SHEET NO. 14207
 4 of 7
 Dwg. No. 14207

MAP 101
 PARCEL 2044
 N/F
 DAVID & JANET BROWN
 BK 4233 PG 491

MAP 101
 PARCEL 2083
 N/F
 GLENN W. & PATRICIA R. MUELLER TRUSTEES
 BK 30916 PG 342

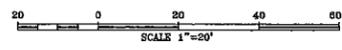
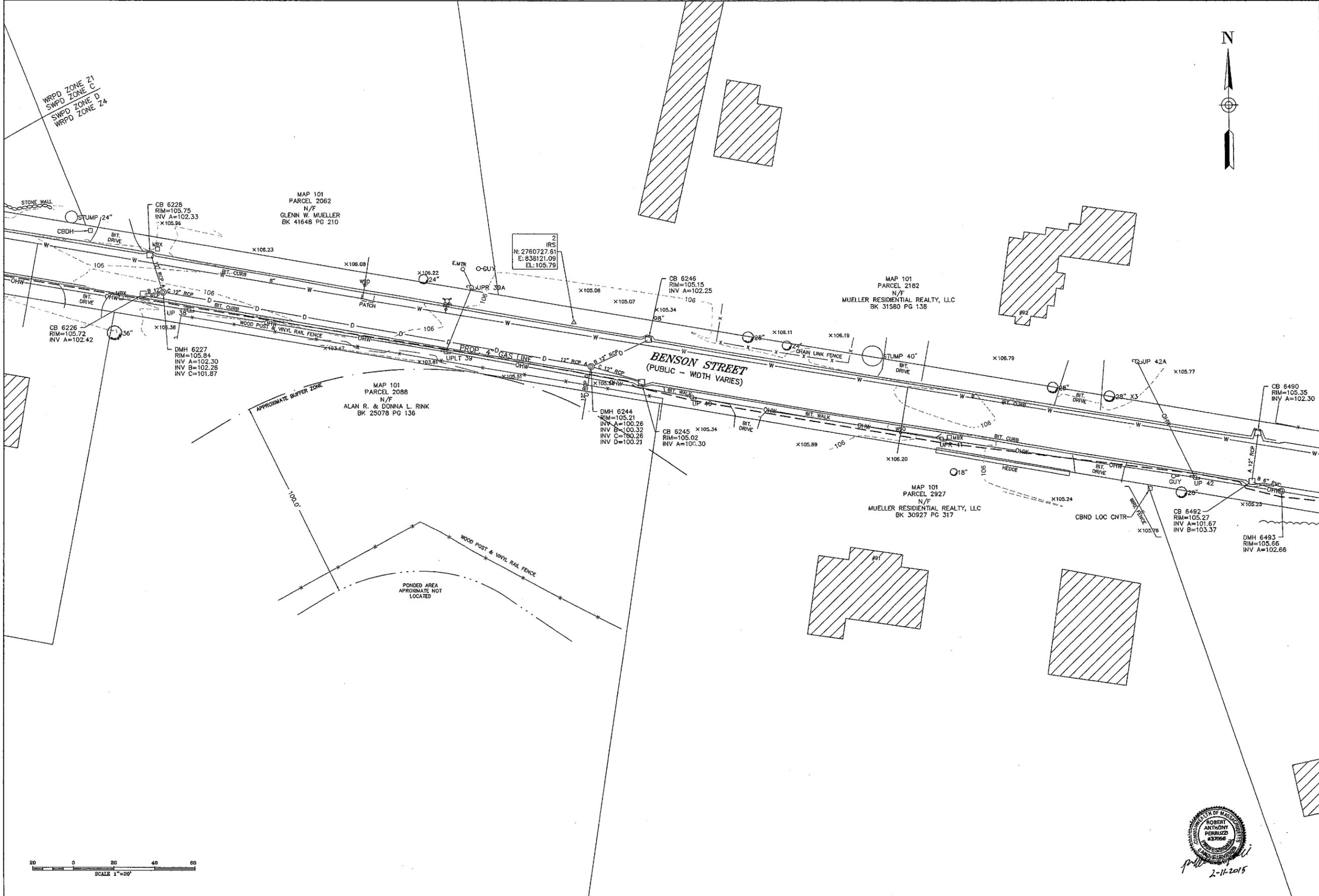
MAP 101
 PARCEL 1991
 N/F
 DARREL & PAMELA MICHAELIS
 BK 4003 PG 559

MAP 101
 PARCEL 1995
 N/F
 ALAN R. & DONNA L. RINK
 BK 15926 PG 16

MAP 101
 PARCEL 1989
 N/F
 JOSEPH & AMANDA SOUGHAYER
 BK 3500 PG 185

MAP 101
 PARCEL 2088
 N/F
 ALAN R. & DONNA L. RINK
 BK 25078 PG 136

MAP 101
 PARCEL 2089
 N/F
 FRANK MCCLELLAND
 BK 40808 PG 53



PREPARED FOR MIDDLEBORO GAS & ELECTRIC 2 VINE STREET MIDDLEBOROUGH, MA 02346		DATE 2/9/2015	SCALE 1"=20'	DRAWN BY RFP/GA	CHECKED BY RFP
EXISTING CONDITIONS PLAN BENSON STREET MIDDLEBOROUGH, MA 02346					
SHEET NO. 5 of 7					SHEET NO. 14207

539 Wareham St.
Robert Wenzel
Doo Sports Ltd.

* History
from the

Building department files.

* Additional info for 3.23.15 Mtg.



Sandra L. Bernier
Town Clerk
and Accountant

Office of the Town Clerk
Middleborough, Massachusetts 02346

December 2, 1986

To Whom It May Concern:

It is hereby certified that no notice of appeal was received by me during the twenty (20) days next, after the filing of this decision, dated November 12, 1986, for Pauline R. Grady.

Sandra L. Bernier
Town Clerk & Accountant

TOWN OF MIDDLEBOROUGH

BOARD OF SELECTMEN

The Board set the 10th
day of November, 1986
at 8:00 o'clock P.M. as the time, and the
Selectmen's Room or Conference Room, Town Hall,
Middleborough, Massachusetts, as the place of the
public hearing upon said petition/appeal.

The following notice was published in the
Middleboro Gazette in the issues of 10/30 & 11/6/86
, and a copy of said notice was sent by mail to
each of the interested parties and the owners
of all property affected thereby, as they appear
upon the most recent tax list:



The Middleborough Board of Selectmen
will hold a public hearing on Monday,
November 10, 1986 at 8:00 P.M. in the
Selectmen's Room, Town Hall, to hear the
petition of Frances J. Grady, 357 Linwood
Street, Brockton, MA 02401 and Pauline R.
Grady, 357 Linwood Street, Brockton, MA
02401 relative to their request to allow
construction of a 20' x 12' building for the
purpose of selling used vehicles in ac-
cordance with a Class II Dealers License for
premises located at 539 Wareham Street as
shown on Middleborough Assessor's Map
R71, Lot 10-1. This is Water Resource
Protection District B.

Anyone desiring to be heard on this matter
should appear at the time and place
designated.

Signed
Board of Selectmen
Joseph E. Walker
Moushah C. Krikorian
Dr. Stephen D. Morris
John H. Nay
Dennis R. Smith
Oct. 30, Nov. 6, 1986

A hearing of said petition/appeal was held at the time and place specified.

There were five (5) members of the Board present, they being:
Joseph E. Walker, Chairman, Moushah C. Krikorian, Dr. Stephen D. Morris,
John H. Nay and Dennis R. Smith

There were four (4) members of the Board present.

It was explained to the appellant that he had the right to ask for a continuance until five (5)
members of the Board could meet at everyone's convenience, or he could proceed with the four
(4) members present, which would require a unanimous vote in his favor for the request to
be granted. The appellant decided to continue/postpone his petition until the next meeting.

Members present:

Received @ 3:40pm.

November 12, 1986

Eileen J. Gato

Assistant

The following persons appeared in support of the petition/appeal.

The hearing was declared open. Eugene and Pauline Grady, petitioners, were present. Selectman Morris noted that the Board issued a Class-II Dealers license to the petitioners several months ago, and that there was a delay in building and that they then found out that they were under the Water Resource Protection District By-Law. Chairman Walker read a letter from the Conservation Commission (see attached). Town Manager stated that the Board has reviewed the plans, and asked the applicants to review the plans with the Board, specifically, the floor drains and the gas traps. Discussion ensued on the floor drains (2), gas traps, bails of hay near the wetlands and the stipulation of 10 cars on the Class II License. Town Manager noted that the site is near the Tispaquin Well and is adjacent to Spruce Street. He stated that it will be closer to the Spruce Street Well, once the well is developed. He stated that it is not in the recharge area of the well, its in the B District, which is outside the influenced area of the well. Chairman Walker asked if anyone would like to speak for or against the issuance of a Special Permit. No one spoke. The hearing was declared closed.

The following persons appeared in opposition thereto.

No one spoke in opposition.

The members of the Board voted thereon as follows:

On a motion made by Selectman Morris and seconded by Selectman Krikorian

Voted: to approve the petition of Eugene J. Grady, 357 Linwood Street, Brockton, MA. 02401 and Pauline R. Grady, 357 Linwood Street, Brockton, MA. 02401 relative to their request to allow construction of 30'x40'x12' building for the purpose of selling used vehicles in accordance with a Class II Dealers License for premises located at 539 Wareham Street as shown on Middleborough Assessors' Map R71, Lot 10-1.

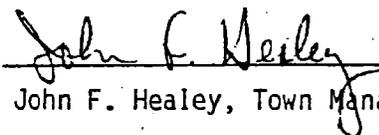
The vote was 5-0 in favor of the petitioners.

Walker, Krikorian, Morris, Nay and Smith all in favor.

The Board assigns the following as reasons for the foregoing finding, ruling, and decision:

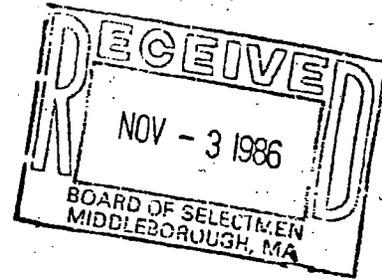
- (a) is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- (b) is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- (c) will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge areas, and
- (d) will not adversely affect any existing or potential water supply.

Respectfully submitted:


John F. Healey, Town Manager



Town of Middleborough
CONSERVATION COMMISSION



November 3, 1986

Board of Selectmen
Town Hall
Middleborough, MA 02346

RE: WRPD Petition
Eugene Grady

To the Honorable Board:

The Conservation Commission issued an Order of Conditions for this project Oct. 9, 1986. The filing adequately addressed the concerns this Board had for this type of operation in such close proximity to a wetland.

Very truly yours,
Ronald D. Burgess
Ronald D. Burgess
Chairman

RDB:rc

BOARD OF SELECTMEN

MIDDLEBOROUGH, MASS.

PETITION
FOR PUBLIC HEARING

This Petition when completed and signed must be filed with the Town Clerk,
Town Hall, Middleborough, Mass.

Middleborough, Mass., 10-14.....1986

To the Board of Selectmen
Middleborough, Massachusetts

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 Resources Protection District By-law.

A. (Give location of property in question.) 539 WAAREHAM ST.
To allow MAP LOCATION R-71 Lot 10B

CONSTRUCTION OF 30'x40'x12' Building FOR THE PURPOSE
OF SELLING USED VEHICLES IN ACCORDANCE WITH A
CLASS II Dealer's license.

as shown on the attached plan.

B. State full Names and Addresses of last known abutting property owners, and the owners of land
within 300 feet of the land which is the subject of this petition. Also state the owners of the
land immediately across the street.

Respectfully submitted,

C. Signature: Eugene J. Grady
Pauline R. Grady

Printed Name: EUGENE J. GRADY
PAULINE R. GRADY

Address: 357 LINWOOD ST.
BRACKTON, MASS. 02401

586-8957

REC. <u>Oct 15 1986</u>
TIME <u>1:02 PM</u>
OFFICER <u>RAW</u>
<u>Eugene J. Grady</u> <u>Pauline R. Grady</u> Town Clerk Office

**SELECTMEN'S MEETING
January 30, 1989**

Chairman Morris called the meeting to order at 7:07 P.M. Selectmen Morris, Nay, Walker and Smith were present. Selectman Krikorian was not in attendance at this meeting.

APPROVAL OF MINUTES

Upon motion made by Selectman Nay and seconded by Selectman Walker, the Board

VOTED: To approve the Selectmen's Minutes of January 23, 1989, as written. Unanimous Vote.

UNIQUE AUTO SALES CLASS II LICENSE

This is a hearing held on the request of William T. Perkins of Unique Auto Sales, Inc., located at 539 Wareham Street, Middleboro, MA., to increase the number of used cars allowed on the lot. Chairman Morris declared the hearing open. William Perkins and Richard A. Serino were present. Mr. Perkins informed the Board that they presently have are allowed 16 cars on their lot, and they would like that number increased to 40 cars. There are other lots in the area, and this increase would increase their potential. Chairman Morris read William Gedraitis, Building Inspector's letter into the record: "The site is in the General Use zoning district and also it is WRPD "B". It was the subject of a WRPD zoning hearing with your board on or about October of 1986, for which a special permit was granted. This is a new building. The occupancy was issued June 9, 1988. At the time of the inspection there were 19 unregistered vehicles stored outside. The premises was very neat both inside and out. I feel the premises would be in compliance with the Middleborough Class II License Regulations, but I would not be in favor of such a substantial increase to 40 cars. The usable portion of the lot for parking is limited. Only a small area of this is paved with a system of catch basins and oil separator to help protect the environment. I would support a maximum of only 20 cars at this time. I would further suggest that any proposal for extending the formal parking area beyond the site plans on file and approved would require a new site design prepared by registered engineer to show compliance with Conservation regulations, WRPD regulations and the new General Use zoning site requirements." Mr. Perkins informed the Board that Mr. Grady still owns the property. There is a 10 ft. section behind the building that is paved in order to make it easier for the dumpster to be moved. Selectman Nay told Mr. Perkins to take care of the Board of Health problems as referred to in Doris Balonis' letter. Mr. Serino informed the Board that they use Tough Stuff to wash the cars, which is non-toxic. Mr. Perkins informed the Board that the covers of the septic tank and the floor drain tank have been graded over, due to insurance reasons. Upon motion made by Selectman Nay

Jan. 30, 1989

Page 2

UNIQUE AUTO SALES CLASS II LICENSE (Cont.)

and seconded by Selectman Walker, the Board

VOTED: To continue this hearing to a indefinite date, until the Board of Health, Building Inspector and the Conservation Commission are satisfied.
Unanimous Vote.

VOTE TO SIGN RESOLUTION

At last week's meeting the Board voted to dedicate the upcoming Town Report to the late Emilio N. Niro. The resolution reads as follows: "WHEREAS, the Board of Selectmen have received with deep sorrow the report of the passing of Wire Inspector Emilio N. Niro of Middleborough; WHEREAS, the Board of Selectmen endeavor to memorialize those Town Officials who have given generously of their time, wisdom, and loyal efforts; and WHEREAS, said Emilio N. Niro was a dedicated Wire Inspector of the Town of Middleborough from March 1, 1940 until his death on October 23, 1988 and was sincerely loved by all who knew the kindness and tranquility of his nature, his genuine efforts in defense of truth and fairness, and his devotion to all that meant a finer and more wonderful Middleborough; BE IT RESOLVED, therefore, that this report be spread on the records of the Town of Middleborough." Upon motion made by Selectman Nay and seconded by Selectman Walker, the Board

VOTED: To sign the Resolution.
Unanimous Vote.

SIGN TAUNTON WATER AGREEMENT

The Town Manager informed the Board that there were changes in the Taunton Water Agreement since the Board voted to sign it last week. Some of the language has been negotiated with Taunton City Council. The Consumption to date and the future needs were taken into consideration. The Town Manager read the changes to the Board. The Board of Selectmen should ratify the changes. Upon motion made by Selectman Walker and seconded by Selectman Nay, the Board

VOTED: To sign the Taunton Water Agreement as modified, and redate the Agreement January 30, 1989.
Unanimous Vote.

REQUEST FOR VIDEO GAMES

The Board received a request from Jack Shui-Ching Wong, Assistant Manager of China Wok, located at 64 E. Grove St. for a Sunday (yearly) license for two video games. The Board received a letter from Captain Arnold C. Salley of the Police Department, regarding this request. Captain Salley

Incorporated 1669
326 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

JOHN F. HEALEY
Town Manager

(508) 947-0928

January 28, 1997

Sports Limited
539 Wareham Street
Middleborough, MA.02346

Attention: Robert Weaver

Dear Mr. Weaver:

As you know, your Class II license was not renewed on January 1, 1997 because of the failure on your part to abide by the conditions of your license (see attached letters dated January 9, 1997 and January 10, 1997 from the Building Inspector and Conservation Agent).

The Board does not intend to renew your license. If you address the issues raised by the attached letters by removing the salvage vehicles from the site, reducing the number of used vehicles ready for sale to 25 or less, cleaning up the site and complying with the Conservation Commission's Order, the Board will entertain a new application.

If you have any questions, you may reach me at Town Hall.

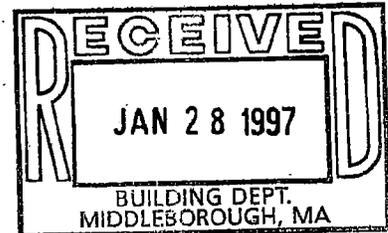
Very truly yours,

John F. Healey
Town Manager

JFH:p
enc.

cc: Board of Selectmen
William Gedraitis, Building Inspector
Doris Balonis, C.H.O., Health Officer
Rosemarie Correia, Conservation Agent
Attorney Daniel F. Murray

Certified Mail: P256 392 868





Town of Middleborough

Massachusetts

William J. Gedraitis
Inspector of Buildings
946-2426

January 9, 1997

Mr. John F. Healey
Town Manager
10 Nickerson Avenue
Middleborough, MA 02346

Subject: Renewal of Class II License for "Sports Limited" located at 539 Wareham Street, Map R-71, Lot 10-1.

This is to confirm our previous discussions regarding the status of the Class II business referenced above. I offer the following:

My records indicate in 1986 a building permit was issued to Pauline Grady for a 30' x 40' building for used car sales.

The original class II license restricted the number of cars to limit of sixteen (16). In 1991 the business was sold to Lucien Sullivan Motor, Inc. and then in 1993 it was sold again to Sports Limited, with a twenty-five (25) car limit. This business is apparently run by Robert Weaver. As you know, on numerous occasions, during or after inspections, I informed Mr. Weaver that he should not exceed the twenty-five (25) car limit and he should not be parking and working on vehicles out front of the site, on the highway layout.

Also, most of the cars on the site look like junk or salvage vehicles from accident scenes. First impressions were that the place looks more like a motor vehicle junk yard which would require a Class III license.

Other issues of concern for this site include the floor drain/storage tank status, filing/record keeping for DEP waste handling and wetland issues, etc..

On my last inspection on January 3, 1997, there were at least sixty-seven (67) vehicles counted, most of which were salvage type. On a previous inspection in November, Mr. Weaver indicated to me that he was in the process of moving the business to a motor vehicle junk yard within two weeks.

January 9, 1997
Mr. John F. Healey
Page 2

In conclusion I recommend that the Class II license not be automatically renewed for the 1997 year until these issues are properly addressed.

Sincerely,



William J. Gedraitis
Inspector of Buildings

cc: Robert Weaver, Treasurer of Sports Limited
Johanna Wilson, President of Sports Limited
RoseMarie Corriea, Conservation Agent
Doris Balonis, R.N., Health Officer

WJG/c



Town of Middleborough

CONSERVATION COMMISSION

January 10, 1997

Board of Selectmen
Town Hall
Middleborough, MA 02346

RE: "Sports Limited" 539 Wareham St.
Class II License Renewal

Honorable Board:

It was recently brought to our attention that the license to operate this business has expired.

This property was subject to careful review by the Commission in 1986 and a well thought out Order was issued to protect the adjacent wetland resource area. In the intervening years some problems arose but Mrs. Grady made an effort to correct them. In 1992 a Certificate of Compliance was issued that set forth conditions in the Final Order to continue (see attached).

There has been continuous storage of materials, vehicles and equipment in the stipulated areas. A few years ago our Agent visited the site with the Health Officer and Inspector of Buildings. It was noted that two parties were sharing the site and both had used the restricted areas in violation of the final order. For a short time the material was moved.

Today, the entire site has vehicles stored on it. This is, again, a violation of the final order and potential hazard to the environment. Until this problem is rectified the Commission would not recommend issuance of the Class II License.

Very truly yours,

D. Jeffrey Erickson
D. Jeffrey Erickson, Chairman
For the Commission

DJE:RC:rc

cc: Inspector of Buildings
Health Officer

310 CMR 10.99

Form 8



Commonwealth
of Massachusetts

DEP File No SE220-192
(To be provided by DEP)
City/Town Middleborough
Applicant Eugene Grady

Certificate of Compliance
Massachusetts Wetlands Protection Act, G.L. c. 131, §40

From Middleborough Conservation Commission Issuing Authority

To Eugene Grady/Pauline Grady 357 Linwood St. Brockton, MA 02401
(Name) (Address)

Date of Issuance 2/13/92

This Certificate is issued for work regulated by an Order of Conditions issued to Eugene & Pauline Grady dated 10/9/86 and issued by the Commission

1. It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
2. It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed: (If the Certificate of Compliance does not include the entire project, specify what portions are included.)
3. It is hereby certified that the work regulated by the above-referenced Order of Conditions was never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Act may be commenced without filing a new Notice of Intent and receiving a new Order of Conditions.

(Leave Space Blank)

4. This certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on 10/24/86 (date) at the Registry of Plymouth Book _____ Page _____

5. The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.)

1. No fill is to be placed within 20 feet of the Bordering Vegetated Wetland.
2. There shall be no storage of materials, equipment or vehicles in the area consisting of the northern portion of the parking lot beyond the line continuing from the rear line of the building to the eastern property line. This also applies to the land to the west of the proposed paved parking area up the western property line.

Middleborough Conservation Commission

Issued by _____

Signature(s) Ronald D. Burgess Sr.

Ken Churchill

[Signature]

When issued by the Conservation Commission this Certificate must be signed by a majority of its members..

On this 13th day of February, 19 92, before me personally appeared Ronald D. Burgess, Sr. to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Palmeria Comeia

Notary Public

2/28/92

My commission expires

Detach on dotted line and submit to the _____

To Middleborough Conservation Commission Issuing Authority

Please be advised that the Certificate of Compliance for the project at 539 Wareham St.

File Number SE220-192 has been recorded at the Registry of Plymouth

and has been noted in the chain of title of the affected property on _____ 19 _____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

CRANBERRY CAPITAL
OF THE WORLD



Phone: (508) 946-2405
FAX: (508) 946-0058

Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

Marsha L. Brunelle
Wayne C. Perkins
Ellen O. Grant
Stephen D. Morris
James Wiksten

December 21, 1999

Sport's Ltd.
Attn: Robert Weaver
539 Wareham Street
Middleborough, MA 02346

Dear Mr. Weaver,

The Board of Selectmen voted to renew your Class Two License for the new year and to add one new condition on your license.

Employee vehicles may not be parked on the street.

Previous conditions included no parking of car carriers and wreckers on the street. On Saturday, December 18, 1999, the Town Manager observed a car carrier on the street.

You are also reminded that all vehicles are to be parked behind the property line. At the time of the inspection several vehicles were parked with their 'noses' beyond the pole line.

In addition, you are advised to restore the men's room to full operation to avoid sewer gas entering the building and to remove the junk above the office ceiling to avoid collapse. Waste oil should be properly stored and disposed of in a legal manner. All junk cars and parts should also be removed from the site and disposed of properly.

Very truly yours,

Stephen D. Morris
Chairman
Board of Selectmen

cc: John F. Healey, Town Manager
William Gedraitis, Building Inspector
Sandra L. Bernier, Town Clerk

Location

CRANBERRY CAPITAL
OF THE WORLD

RJK



Phone: (508) 946-2405
FAX: (508) 946-0058

Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

- Emil A. Maksy, Sr.
- Pamela M. Desrosiers
- Keith Barnicoat
- Neil D. Rosenthal
- Steven P. Spataro

October 29, 1997

Mr. Robert Weaver
539 Wareham Street
Middleborough, MA 02346

Re: Class II License

Dear Mr. Weaver:

At a continued hearing held with the Board of Selectmen on Monday, October 27, 1997, the Board discussed whether to revoke the Class II License issued to Sports, Ltd., of 539 Wareham Street, Middleborough, MA. The purpose of discussing revocation was to hear evidence regarding the alleged violations of the twenty-five car limit stipulation attached to the Class II License.

The Board voted to allow you to keep your Class II License. If there is a further violation of the stipulations attached to this License, another revocation hearing will be held.

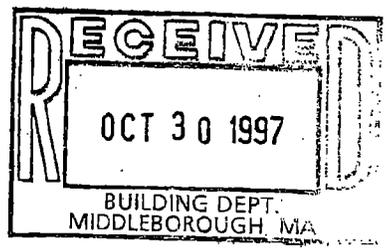
Sincerely,

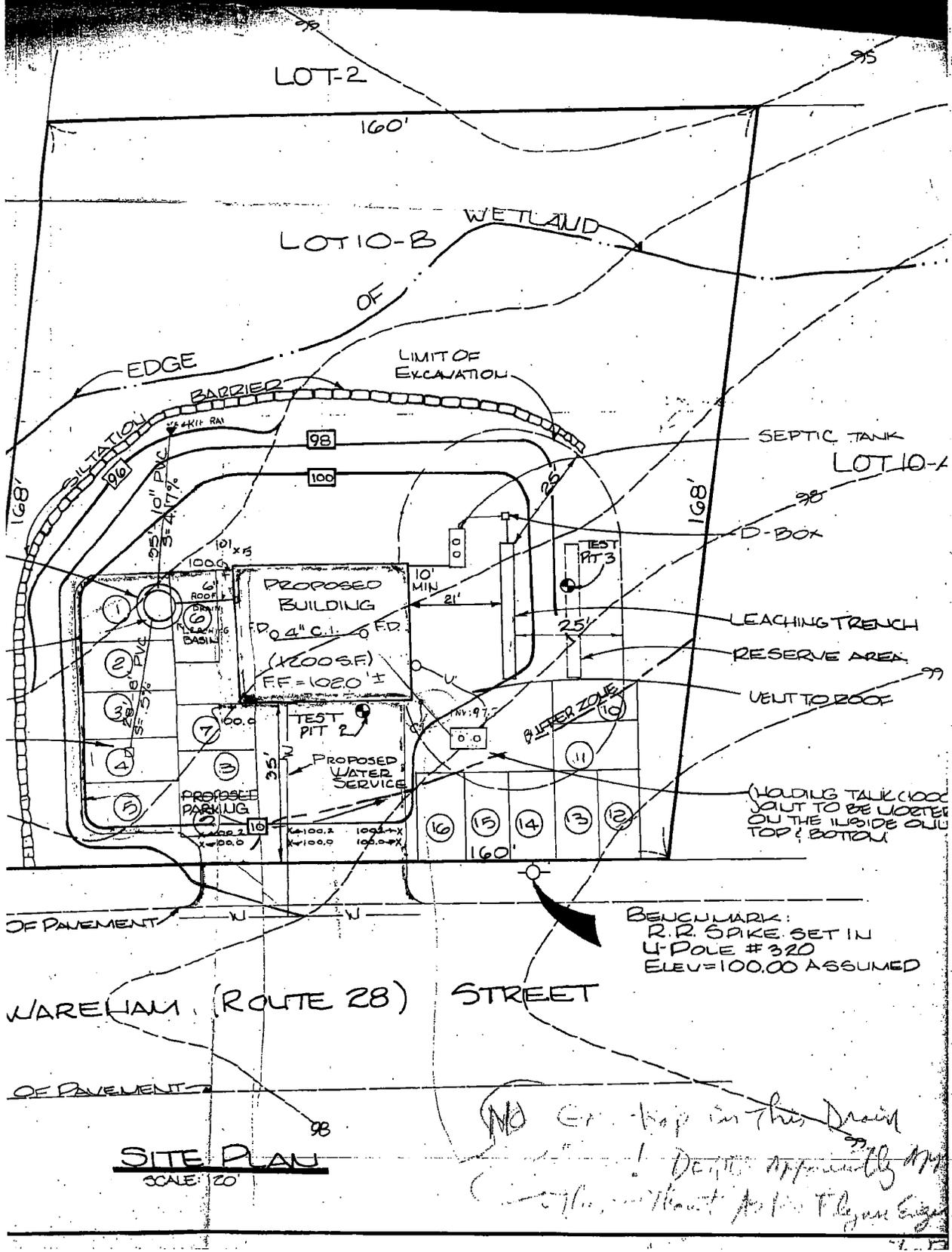
Pamela M. Desrosiers

Pamela M. Desrosiers, Chairman
BOARD OF SELECTMEN

PMD:d

- cc: Board of Selectmen
- John F. Healey, Town Manager
- William Gedraitis, Bldg. Insp.





539 WAREHAM ST.
ROBERT WEAVER
DODD SPORTS LTD.

* ORIGINAL MATERIAL FROM
WEAVING ON 2-12-15

STUDLEY LAW OFFICES
47 EAST GROVE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346
(508) 946-0070 FAX (508) 946-4558
www.studleylaw.com

John E. Studley, Jr.
jstudley@studleylaw.com

February 6, 2015

VIA EMAIL

Allin Frawley, Chairman
Leilani Dalpe, Vice Chairman
John M. Knowlton, Selectman
Diane Stewart, Selectman
Stephen J. McKinnon, Selectman
Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, Massachusetts 02346

RE: Sport, LTD.

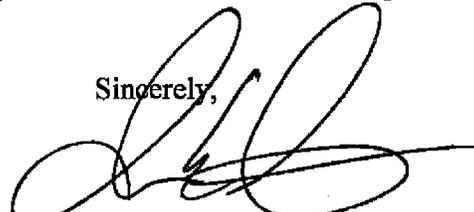
Dear Honorable Members of the Board:

Please be advised that Mr. Robert Weaver of Sport, LTD has asked me to represent him in the matter before the Board concerning the number of vehicles on his property. I understand this matter is on your agenda for this Monday, February 9, 2015. Having just been engaged this day, I will request that this matter be continued so that I may have reasonable time to properly prepare for this matter.

I therefore ask that the matter be continued to **Monday, March 9, 2015** or some other date convenient to the Board. I note that I will be out of the state on March 2, 2015.

Thank you for your attention to this matter. If any questions and/or concerns arise, please feel free to contact my office.

Sincerely,



John E. Studley, Jr.

JES/cat
cc: Robert Weaver

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

February 2, 2015

Robert Weaver
Robert Weaver d/b/a Sports, Ltd.
539 Wareham Street
Middleborough, MA 02346

Via: Certified Return-Receipt Requested Mail
7013 1710 0000 6697 6035 & U.S. Mail

Dear Mr. Weaver:

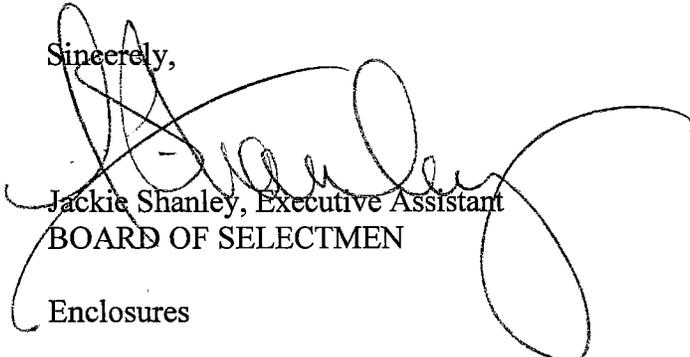
The Board of Selectmen hereby notifies you to appear at a hearing before the Board on **Monday, February 9, 2015**, during which time the Board will consider revocation of your Class II Automobile Dealership license for violation of a vehicle limit condition.

The hearing is scheduled for **8:15 PM**, Town Hall, 10 Nickerson Avenue, 1st floor hearing room.

If you have any questions, please contact the Selectmen's office.

Thank you.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Enclosures

xc: Board of Selectmen
Town Manager

January 13, 2015

To: Chief Joseph Perkins, all concerned parties

From: Sgt. Todd K. Bazarewsky

Re: Inspection dba Sports Ltd., 539 Wareham St.

1/13/15 at approx. 0930 hrs., Chief Joseph Perkins directed me to conduct an inspection of a used car dealer, dba Sports Ltd. At 539 Wareham st. I arrived at that address at approx.. 0945 and did perform a visual inspection. An employee from that location had arrived just ahead of me and I advised him that I would be taking a "car count."

My findings:

Left side of bldg.: 13 vehicles(1 with dealer plate)

Front bldg...: 1 vehicle(dealer plate)

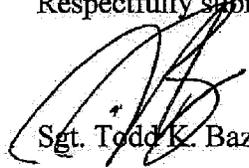
Right side bldg.: 18 vehicles(including flatbed ramp truck)

Adjacent property: 2 vehicles(no plates, appear unreg. @residence 541 Wareham st. ?) Employee stated that those vehs. belonged to Sports Ltd.

Inside garage: : 2 vehicles

Total vehicles : 36 vehicles

Respectfully submitted,

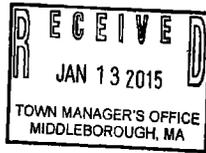


Sgt. Todd K. Bazarewsky, Middleborough Police

TOWN MANAGER

Town of Middleborough, MA

JAN 13th 2015



Today JAN 13th I had six vehicles on my lot over the 25 car limit due to the fact of four cars in for warranty work a tow truck and 2 mechanics cars. We have since called the owners of the cars that were there for warranty and all vehicles have been picked up. The tow truck and vehicle on it have also been removed so as of 12 noon today there are 24 cars on the lot. I have also e-mailed photos of the lot and how neat we keep it. We have been keeping the 25 car limit in compliance with a few times warranty work comes in unexpectedly. I will stay on top on this situation and watch more carefully the 25 car limit.

ROBERT WEAVER

SPORTS LTD 508-736-5305
MIDDLEBOROUGH, MA

E-MAIL PHOTOS TO
CLADONIX @ MIDDLEBOROUGH.COM



The Commonwealth of Massachusetts
TOWN OF MIDDLEBOROUGH

This is to Certify that a LICENSE is hereby granted to

2015

License #: 58
Issued to: Robert Weaver d/b/a Sports Ltd.
License issued: Class II Dealer License
Location: 539 Wareham Street, Middleborough, MA
Conditions: Chapter 140, Section 59
*25 vehicle limit
*No unregistered vehicles parked or repaired on the street or
outside of the property lines;
*No car carriers or wreckers, under your control, parked along
the street
*Employee vehicles may not be parked on the street
Hours of operation: Monday - Friday (8 a.m. - 8 p.m.)
Saturday (8 a.m. - 6 p.m.)

****This license is granted in conformity with the Statutes and Ordinances relating
thereto, and expires December 31, 2015 unless sooner suspended or revoked.****

Dated: Jan. 2, 2015

FOR THE BOARD OF SELECTMEN:

Allison J. Ferreira

By: Allison J. Ferreira, Town Clerk
Licensing Authorities

MEMORANDUM

TO: Board of Selectmen
FROM: Jackie Shanley, Executive Assistant
> DATE: 8/8/14
RE: **Robert Weaver dba Sports Ltd. Auto Sales - Update**

As an update to the discussion had at the Board's 7/28/14 meeting, please find attached correspondence mailed to Mr. Weaver by the Selectmen's office on 7/31/14. This correspondence was mailed by Certified, Return Receipt Requested mail and by U.S. mail. The Selectmen's office has received the Certified receipt/verification that this letter was signed for by someone at Sport's Ltd.

Please note that it was requested of Mr. Weaver that he reply, in writing, to the Board, by 8/6/14. There has been no response received as of 8/8/14.

The Board had received a complaint from Maurice Herring as a customer of Sport's Ltd., against Sport's Ltd. Mr. Herring has since submitted the attached email update to keep the Board informed.

> On 7/29/14, the Selectmen's office was notified by the Building Commissioner that Mr. Weaver had a total of forty (40) vehicles parked on the Sport's Ltd. dealership site. Mr. Weaver has a twenty-five (25) vehicle limit as a condition of his Class II Automobile Dealer's license. Mr. Weaver was therefore advised to remove the excess vehicles immediately. As of today, I have not been able to verify if he has complied with the order to remove the excess vehicles. I hope to have an update for the Board at its 8/11/14 meeting.

The Selectmen's office will be sending further correspondence, to Mr. Weaver, requiring him to appear before the Board at its meeting scheduled for 8/25/14 to discuss Mr. Herring's claim and the recent violation of his license conditions.

Attachments (2)

July 31, 2014

Robert Weaver
Robert Weaver d/b/a Sports, Ltd.
539 Wareham Street
Middleborough, MA 02346

Via: Certified Return-Receipt Requested Mail
7013 1710 0000 6697 5939 & U.S. Mail

Dear Mr. Weaver:

Enclosed please find an email dated 7/10/14 from Maurice Herring. Subsequent emails dated 7/21/14 and 7/25/14, updating the Board of Selectmen, are also enclosed.

These emails have been submitted to the Board of Selectmen's office concerning a 2006 V.W. Jetta allegedly purchased by Mr. Herring from you, Robert Weaver, d/b/a Sports, Ltd., 539 Wareham Street, on 6/13/14.

Please review the enclosed correspondence and provide the Board of Selectmen with a written response to Mr. Herring's claims **by August 6, 2014**.

In addition, please be advised that the Board of Selectmen received a report from the Town's Building Commissioner that you have forty (40) vehicles parked on site as of Monday 7/28/14. As you are well aware, you have a twenty five (25) vehicle limit as a condition of your Class II Automobile Dealer's license. The excess vehicles are to be removed immediately.

The Board does not look favorably upon repeated violations of a license or a history of complaints alleging poor business practices. The Board would like you to be aware that it takes these matters seriously when considering licenses for renewal.

If you have any questions, please contact the Selectmen's office.

Thank you.

Sincerely,

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Enclosures

xc: Board of Selectmen
Town Manager
M. Herring

September 3, 2014

Robert Weaver
Robert Weaver d/b/a Sports, Ltd.
539 Wareham Street
Middleborough, MA 02346

Via: Certified Return-Receipt Requested Mail
7013 1710 0000 6697 5960 & U.S. Mail

Dear Mr. Weaver:

In response to your request, the Board of Selectmen agreed to reschedule your appointment to appear before the Board, originally scheduled for 8/25/14.

You are now scheduled to appear before the Board at its **9/15/14** meeting at **8:30 PM**.

If you have any questions, please contact the Selectmen's office.

Thank you.

Sincerely,

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Enclosures

xc: Board of Selectmen
Town Manager
M. Herring

**Middleborough Board of Selectmen
Meeting Minutes**

September 15, 2014

Robert Weaver dba Sport's Ltd. Auto Sales re Class II Automobile Dealer's license-Violations

Mr. Weaver appeared before the Board to answer to repeated violations of having more than the 25 car limit that he is licensed to have on his site. Board made it clear to Mr. Weaver that it will hold a hearing and consider revocation of his license if he violates the conditions of his license again. Mr. Weaver replied that he may have more vehicles on site than the licensed amount some are there for repair work. Board reiterated that it will not tolerate any further violations.

Board reviewed STM Warrant Article #12 – Water Pollution Control Facility.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to support this article.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted by Roll Call to go into Executive Session at 9:08 PM to discuss strategy relative to Contract Negotiations (non-union personnel-Police Chief) and not to return into Open Session. Roll Call: S. McKinnon, Yes; L. Dalpe, Yes; A. Frawley, Yes; D. Stewart, Yes; J. Knowlton, Yes. Ended at 9:40 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN