

HEARINGS, MEETINGS, LICENSES

5-12-14



ANNUAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Tuesday, May 27, 2014, at 7:30 P.M.**, to act on the following articles:

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

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2014, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2015, or act anything thereon.

ARTICLE 4. To see if the Town will vote pursuant to Section 53E 1/2 of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2015 as set forth below, or act anything thereon.

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

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$400,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C, or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and /or transfer \$80,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs, or act anything thereon.

ARTICLE 8. To see if the Town will vote to: (1) rename the Police Station Building Study Committee to the Police Station Building Committee; (2) empower and authorize said committee to do everything necessary and desirable to rehabilitate and construct additions to the Police Station, including, but not limited to, the employment of professionals and equipping and furnishing said building; (3) appropriate \$12,130,000 to pay costs of rehabilitating and constructing additions to the Police Station, including, but not limited to, the employment of professionals and equipping and furnishing said building and all other costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$500,000 of said sum under General Laws Chapter 44B (the Community Preservation Act) and the balance of said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen shall determine; provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of principal and interest on the borrowing authorized hereunder from the limitations on taxes imposed by M.G.L. Ch.59, section 21C (Proposition 2 ½), or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$73,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase new police cruisers and new portable radios for the Police Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$155,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new command vehicle and personnel protective equipment for the Fire Department, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$173,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new pick-up truck and used cabs and chassis for the Public Works Department, and a new mower for the Park Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$196,495 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to improve the parking lot and replace the roof at the Council on Aging building, to replace voting booths for the Elections Department, to replace carpeting at the Public Library and replace a vehicle for the Animal Control Department, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$165,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for bathroom renovations and to replace the intercom system at the Elementary Schools Complex, and for elevator repairs at the Memorial Early Childhood Center, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$137,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for new boilers and hot water heaters at Nichols Middle School, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$120,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for bathroom renovations, new lighting and ceiling tiles at Middleborough High School, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer a \$175,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase staff/classroom computers, printers, and file servers, LCD projectors and instructional technology, computer network infrastructure, servers and related hardware and software for the School Department, or act anything thereon.

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer \$4,250,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department, or act anything thereon.

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer \$1,750,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a well, well pumping station and associated improvements at the Mizaras Well Site for the Water Department, or act anything thereon.

ARTICLE 19. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2015, with each item to be considered a separate appropriation:

Appropriations:

From FY 2015 estimated revenues for Committee Administrative expenses	\$13,000
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Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve	\$26,600
From FY 2015 estimated revenues for Community Housing Reserve	\$26,600
From FY 2015 estimated revenues for Open Space Reserve	\$26,600
From FY 2015 estimated revenues for Budgeted Reserve	\$174,200

Sponsored by the Community Preservation Committee

ARTICLE 20. To see if the Town will vote to appropriate \$12,000 from the Community Housing Resources Reserve of the Community Preservation Fund and \$8,000 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to fund a portion of the Middleborough Housing Authority's Nemasket Apartments Window Project (Sproat Street) for the purpose of improving housing conditions for ten elderly housing units in two buildings; said funds to be expended under the direction of the Community Preservation Committee: or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 21. To see if the Town will vote to appropriate \$25,539 from the Historic Resources Reserve of the Community Preservation Fund and \$23,361 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to stabilize the building envelope of the Barn, Woodshed and Farmhouse of the Soule Homestead property; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 22. To see if the Town will vote to appropriate \$77,184 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to stabilize the building envelope of the Green School located at 251 East Main Street; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 23. To see if the Town will vote to amend the existing Zoning Map by deleting the existing Zoning Map in its entirety and replacing it with a new Zoning Map amended through Town Meeting Action of May 27, 2014 on file with the Town Clerk, which new Zoning Map causes the following substantive changes:

1. Remove the designated potential well site off of Tinkham Lane/Taunton Street located on Assessor's Map 56 Lots 1699/1515 and its 1000' radius Interim Wellhead Protection Area;
2. Remove the 1000' radius Interim Wellhead Protection Area around the "Mizaras" Well off of Plymouth Street in North Middleborough and replace it with WRPD Z1, Z2 and Z3 Zones as shown;
3. Add the Cross Street 2 Well and its WRPD Z1, Z2 and Z3 Zones as shown;

or act anything thereon.

ARTICLE 24. To see if the Town will vote to amend its Zoning By-Law as follows:

Amend Section 8.2.9 (3) **WRPD Z4 – Special Permit Uses** - by adding a new Subsection "a":

- a. Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District are prohibited, but may be allowed by Special Permit provided the enlargement or alteration does not increase the existing non-conformity or create a new non-conformity with the exception of single and two-family uses and structures. Enlargement of existing structures shall not be permitted by Special Permit if a variance from Title 5 of the State of Sanitary Code is necessary;

and designating the existing subsections, formerly "a" through "j", as "b" through "k".

or act anything thereon.

ARTICLE 25. To see if the Town will vote to transfer the care, custody, management and control of the Green School property located on the southerly side of East Main Street shown as Lot 4814 on Assessors Map 042 and a parcel of land on East Main Street abutting the westerly line of the Green School property, containing 9,700 square feet more or less, being a part of Lot 4844 on Assessors Map 042 and bounded and described as follows:

Beginning at a point in the southerly sideline of East Main Street at the northwesterly corner of the Green School property; thence southerly 93.00 feet more or less in the westerly line of the Green School property to the

southwesterly corner of the Green School property; thence turning at a right angle westerly 104.22 feet more or less to a westerly line of lot 4844; thence northerly in said westerly line of Lot 4844 a distance of 93.00 feet more or less to the southerly sideline of East Main Street; thence easterly on the southerly side line of East Main Street 104.22 feet more or less to the point of beginning, to the Board of Selectmen for general municipal uses and purposes, or act anything thereon.

ARTICLE 26. To see if the Town will vote to approve the establishment of a Stabilization Fund according to Massachusetts General Law c.71, Sec. 16 G1/2 for the Bristol-Plymouth Regional Technical School District, or act anything thereon.

ARTICLE 27. To see if the Town will vote to extend the term of the intermunicipal agreement for regional cooperation in the provision of solid waste and recycling services for the South Shore Recycling Cooperative for an additional term through June 30, 2018 and, further, to see if the Town will vote to authorize the Board of Selectmen to execute and deliver an amended intermunicipal agreement, a copy of which is on file in the office of the Town Clerk, to effect the extension of the term and other changes set forth therein; or act anything thereon.

ARTICLE 28. To see if the Town will adopt the following non-zoning wetlands bylaw:

Wetlands Administration Bylaw

Section 1. Purpose

The purpose of this bylaw is to maintain the quality of surface water, the quality and level of the groundwater table and water recharge areas for existing, or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation; to protect the community against the costs which may be incurred when unsuitable development occurs in wetland resource areas; and to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of Middleborough.

Accordingly, this bylaw protects the wetlands, related water resources, and certain adjoining land areas in the Town by providing for prior review and control of activities deemed to have a significant or cumulative adverse effect upon wetlands values. Collectively, the wetlands values protected by this bylaw, include but are not limited to the following: protection of public and private water supply; protection of groundwater supply; flood control; erosion and sedimentation control; storm damage prevention; avoidance of water and soil pollution; protection of fisheries, wildlife habitat, rare species habitat including rare plant species; protection of agriculture and aquaculture; and recreation values, deemed important to the community. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures to augment those of the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00.

Section 2. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of preexisting drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Drainage, or lowering of water level or water table;

- (d) Dumping, discharging, or filing with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation
- (f) Driving of piles, erection, or expansion of buildings or structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- (j) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water;
- (k) Incremental activities that have or may have a cumulative adverse impact on the resource areas protected by this bylaw.

The term “bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term “existing” as used in this bylaw shall mean existing as of May 27, 2014.

“Intermittent stream”: a stream shall be considered intermittent if it is observed not flowing for four consecutive days in a 12-month period and the absence of flow is not due to a period of extended drought, withdrawals, impoundments, or other man-made flow reductions or diversions.

The term “isolated land subject to flooding” shall include an area, depression, or basin that holds at minimum one-quarter acre-foot of water and at least six inches of standing water once a year. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. The buffer zone for isolated land subject to flooding shall be 25 feet.

The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term “pond” shall include any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet. Ponds shall contain standing water except for periods of extended drought. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons.

The term “rare species” shall include, without limitation, all vertebrate and invertebrate animals and plant species listed as endangered, threatened or of special concern by the Massachusetts Division of Fisheries and Wildlife regardless of whether the site in which they occur has been previously identified by the Division.

The term “200-foot riverfront area” shall mean that area of land situated between a river or perennial stream’s mean annual high-water line and a parallel line located two-hundred feet away, measured horizontally from the river’s mean annual high-water line.

The term “river” or “perennial stream” shall mean a naturally flowing body of water that empties to any ocean, lake, or other river and which flows throughout the year. The Conservation Commission may by regulations set criteria for determining whether a particular stream or section of stream flows throughout the year.

The term "stream" shall mean any body of running water which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert or beneath a bridge. Streams may be perennial (see river) or intermittent (see intermittent stream).

The term "vernal pool" shall be defined under the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations thereunder, 310 CMR 10.00.

Except as otherwise provided in this bylaw or in regulations of the Conservation Commission the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00.

Section 3. Jurisdiction

In accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas:

Vegetated wetlands (including marshes, wet meadows, bogs, and swamps); vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under water bodies; lands subject to flooding; and lands within 100 feet of any of the aforesaid resource areas;

Isolated lands subject to flooding and lands within 25 feet of isolated lands subject to flooding; or

Riverfront areas without a permit from the Conservation Commission or as is provided by this bylaw. No permit application shall be required for the maintenance of legally existing structures or landscapes within the jurisdiction defined above.

Section 4. Conditional Exceptions

The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Conservation Commission.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Conservation Commission prior to commencement of work or within 24 hours after commencement; provided that the Conservation Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place approved by the Conservation Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Conservation Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Conservation Commission, the Conservation Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

As an Agriculture Community, the Middleborough Conservation Commission accepts the Agriculture Exemptions as set forth in the Wetlands Protection Act and Regulations.

Exceptions provided in the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00, shall apply under this bylaw, unless specifically excluded by any new or revised Regulations promulgated as outlined under Section 9.

Section 5. Applications for Permits and Requests for Determination

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas and buffer zones protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Conservation Commission as specified in the bylaw regulations to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

Where this bylaw and the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00 have concurrent jurisdiction the Conservation Commission shall accept the Notice of Intent and plans filed under the Wetlands Protection Act as the permit application and plans under this bylaw for those parts of the project where precise overlap exists, provided all pertinent areas and activities subject to the jurisdiction of this bylaw and all information required by bylaw regulations are addressed.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Conservation Commission.

This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Conservation Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Conservation Commission.

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Conservation Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law. The Conservation Commission adopted the G.L. Ch. 44 Section 53G for project review by outside consultants, adopted April 18, 2013.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment except when there is a pending appeal shall be cause for the Conservation Commission to declare the application administratively incomplete and deny the permit without prejudice. The Conservation Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

Section 6. Notice and Hearings

Any person filing a permit application with the Commission shall within seven (7) days after such person is informed of the date and time of the hearing thereon, give written notice by certified mail (return receipt requested), certificate of mailing or hand delivered, to all abutters, of the project locus, at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite the property on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the application, the notice of the hearing, and the determination itself shall be sent by the person requesting a determination to the owner and will be sent registered mail (return receipt requested).

The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, not less than five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.

The Commission shall issue its Determination of Applicability in writing within 7 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00 in instances of concurrent jurisdiction.

With the consent of the applicant the Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in §7. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

Section 7. Coordination with Other Boards

As appropriate, the Conservation Commission may choose to solicit the advice and opinions of other Town boards and officials in the course of its deliberations. Town boards and officials shall be entitled to file written comments and recommendations with the Commission at or before the public hearing. The Conservation Commission shall take any such comments and recommendations into account but shall not be bound by them. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

Section 8. Permits and Conditions

The Commission, after a public hearing, shall issue or deny a permit for the activities requested within 21 days of the close of the hearing. If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect wetland values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values.

Lands within 100 feet of wetlands resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resource areas have a high likelihood of adverse impact upon the wetland or other resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction

and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover in part or all of the 100-foot area and set other conditions on this area, unless the applicant provides evidence deemed sufficient by the Commission that the area or part of it may be disturbed without harm to the values protected by the law.

A permit shall expire three years from the date of issuance. Any permit shall be renewed for additional one year periods if a request for renewal is received in writing by the Commission at least thirty (30) days prior to expiration of the permit, and providing the Commission finds that (1) good cause has been shown for such extension and (2) such extension will not have significant adverse effects, immediate or cumulative, upon any of the wetland values protected by this bylaw. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

The Commission shall, after receiving a written request for a Certificate of Compliance, inspect the resource area and buffer zone where any activity governed by a permit issued under this bylaw was carried out. If such activity has been completed in accordance with said permit, the Commission shall within twenty-one (21) days after such a request issue a Certificate of Compliance evidencing such determination, which may in an appropriate case be combined with a Certificate of Compliance issued under the Wetlands Protection Act. A Certificate of Compliance may specify conditions in the permit, which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land.

Violations of this bylaw, submission of false or erroneous information, or new information that substantially alters the likely impact of the project on wetlands resources or values may cause the Commission to revoke or modify a permit or determination issued under this bylaw after notice to the public, abutters, and town boards, pursuant to §5 and §6, and a public hearing.

The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds, or, if the land affected is registered land (in the registry section of the land court for the district wherein the land lies) and until the holder of the permit certifies in writing to the Commission that the permit has been recorded. Such certification shall include the book and page or instrument number and date.

Section 9. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw, and procedures governing the amount and filing of fees.

Section 10. Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the

opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

Section 11. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas and buffer zones protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

Where the Commission deems it necessary to carry out its duties under this bylaw by entering privately owned land it shall do so with the authority of the property owner and shall be subject to the limitations imposed by the applicable federal and state laws. With the authority of the property owner or his/her designee the Commission may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary. Any person who violates a provision of this by-law shall be subject to a fine/penalty of Three Hundred Dollars (\$300.00) for each violation.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Section 12. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of credible evidence that the work proposed in the permit application will not have significant or cumulative negative effect upon the resource areas protected by this bylaw. Failure to provide evidence that in the judgment of the Commission is adequate to support this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section 13. Appeals

A decision of the Conservation Commission made under or pursuant to this by-law, shall be reviewable in the Superior Court in accordance with G.L. Ch. 249, §4.

Section 14. Relation to the Wetlands Protection Act

This bylaw is adopted under G.L. CH. 43B Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00, thereunder.

Section 15. Severability

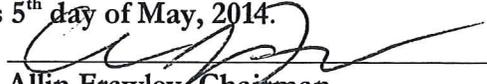
The invalidity of any section or provision or phase of this bylaw shall not invalidate any other section or provision or phrase thereof, nor shall it invalidate any permit or determination which previously has been issued.

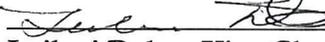
ARTICLE 29. To see if the Town will vote pursuant to Paragraph 3 of the Town of Middleborough Wastewater Policy and Plan of Sewer Service Area as adopted by the Middleborough Board of Selectmen, acting as the Water & Sewer Commissioners, by vote on March 8, 2004 to approve an extension of the sewer service area and/or a connection of a private sewer located outside of the sewer service area as requested by Cumberland Farms, Inc. which said connection is not considered a public health emergency by the Board of Selectmen. The land to be

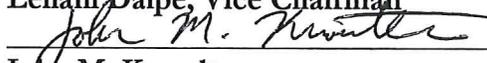
included in and serviced by the extended sewer service area is that land shown on the Town of Middleborough Assessor Map 58J, Lot 4371 and Map 58I, Lot 4265 as more particularly described in a deed recorded with the Plymouth County Registry of Deeds in Book 4831 at Page 163 and a deed recorded with said Registry in Book 26704 at Page 016. The connection to be approved is for that private sewer more particularly described in an Easement Agreement dated January 15, 1990 recorded with the Registry in Book 10127, Page 076 and shown on a plan entitled "Easements of Land in Middleboro, Mass." Dated February 22, 1988 by Storch Engineers and recorded with the Registry in Book 10127, Page 083.

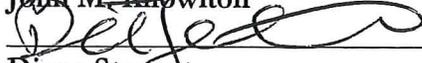
By Petition

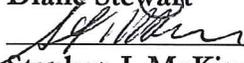
Given, under our hands at Middleborough, this 5th day of May, 2014.


Allin Frawley, Chairman


Leilani Dalpe, Vice Chairman


John M. Knowlton


Diane Stewart


Stephen J. McKinnon

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the 8th day of May, 2014, that date being more than seven days before the time specified for said meeting.


BRUCE GATES
Police Chief

Board of Selectmen,

Please vote this subject to:

- The current licensee voluntarily surrendering the present license
- Receipt of the required bond
- An acceptable CORI report being received by the office

Thank you.

Jackie



The Middleborough Board of Selectmen will hold a public hearing on Monday, May 12, 2014 at 8:15 PM in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Robert J. Cloutier d.b.a. Frank's A42ble Used Cars, for a Class II Automobile Dealer's License for the premises located at 451 Wareham Street, Middleboro, MA, Assessors Map 87, L2313. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: May 1, 2014

Payment will be forwarded to S. Coast Media, 25 Elm St., New Bedford, MA 02740. Advertiser #300074

Mr. Robert J Cloutier
1020 Somerset Avenue
Unit #11
Dighton, MA 02764

April 14, 2014

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

To whom it may concern:

I am applying for a 15 car Class II Used Automobile Sales license. The location of this business will be 451 Wareham Street, Middleborough, MA 02346. There is an active license currently issued at this location to Cheryl A. Salemme d/b/a Frank's A42BLE Used Cars. The ownership of this dealership is transferring from Cheryl A. Salemme to me. I will be conducting business under the sole proprietorship name of Robert J. Cloutier d/b/a Frank's A42BLE Used Cars.

The license currently held by Cheryl A. Salemme will be surrendered in conjunction with the approval of this license request.

My hours of operation will be Monday – Friday 9:00am to 5:00pm and Saturday 9:00am to 4:00pm. The dealership will be closed on Sundays.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. J. Cloutier', written over a white background.

Robert J. Cloutier

CRANBERRY CAPITAL OF THE WORLD



Phone: 508-946-2406 Fax: 508-946-0088

Town of Middleborough Massachusetts Board of Selectmen

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 04.14.2014 NAME OF APPLICANT ROBERT J. CLOUTIER ADDRESS OF APPLICANT 1026 Somerset Ave #11 N. Dighton, MA 02764 ASSESSORS MAP & LOT 287-2313 DAYTIME TELEPHONE 508-947-1613

NAME OF BUSINESS Robert J. Cloutier d/b/a FRANK'S AFFABLE Used Cars OWNER OF PROPERTY TO BE LICENSED BEATRICE EILEEN COOK ADDRESS OF PROPERTY TO BE LICENSED 45 Middleborough St Middleborough, MA ASSESSORS MAP & LOT 287-2313 453 02346

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand ___ WRPD ___ Class I License ___ Earth Removal Permit ___ Class III License ___ Liquor License ___ Class II License [checked] ___ Junk Dealer ___ Entertainment ___ Other ___

Anticipated Start Date for Business: Days & Hours of Operation: M-F 9am-5pm Sat 9am-4pm Closed Sunday

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain: NO

Signature [Handwritten Signature]

DATE OF HEARING: APPROVED/DENIED

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

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

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

[Large Handwritten Signature]

THE COMMONWEALTH OF MASSACHUSETTS

Town of Middleborough

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

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

1. What is the name of the concern? Robert J. Cloutier d/b/a Frank's AFFABLE Used CARS

Business address of concern. No. 451 Wareham Middleborough City - Town.

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

3. If an individual, state full name and residential address.

Robert J. Cloutier 1020 Somerset Ave Unit # 11 N. Dighton, MA 02764

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

N/A

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

President N/A

Secretary

Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

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

COMMERCIAL, 1 Story, Wood Shingled Store Shop
MDL-94 with garage, 2 Bathrooms, building is
681 Square feet. The lot is paved asphalt and
7500 Square feet.

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

If so, state name of manufacturer

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

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

If so, in what city — town

Did you receive a license? (Yes or No) For what year?

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

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

Residence. 1020 Spenser Ave. Unit #11
N. Dighton, MA 02764

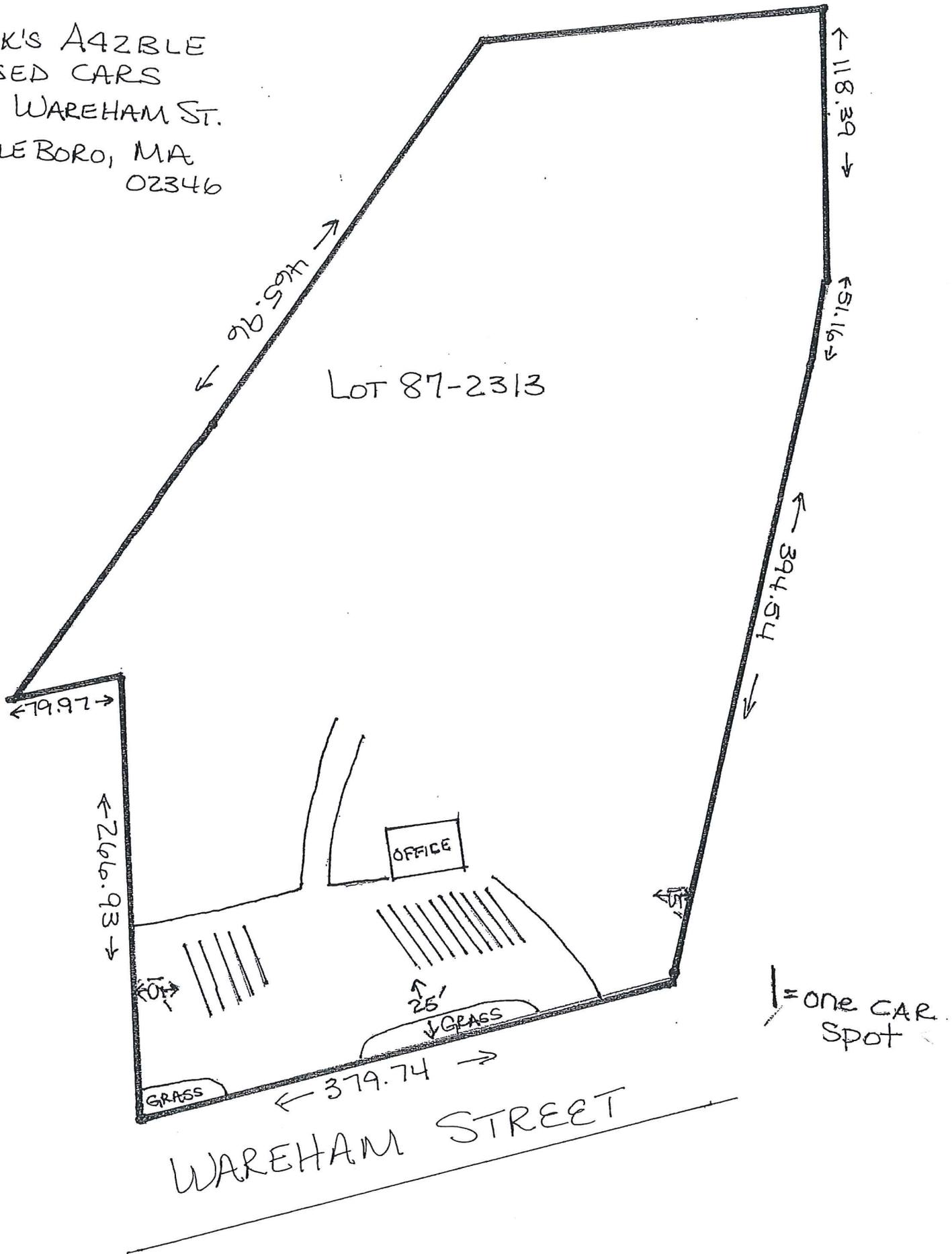
IMPORTANT

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

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

SITE PLAN

FRANK'S AAZBLE
USED CARS
451 WAREHAM ST.
MIDDLE BORO, MA
02346



Jacqueline Shanley

From: Jacqueline Shanley
Sent: Tuesday, May 06, 2014 2:10 PM
To: Robert Whalen; Ruth Geoffroy; Patricia Cassady; Jeanne Spalding
Subject: Class II Auto-Change of Ownership-Frank's A42able Used Cars
Attachments: Frank's A42able Cars-Change of Ownership.pdf

Good Afternoon,

Please excuse the tardiness in getting this distributed to you. Again, STM/ATM preparations has taken precedent. Also, this is simply a change of ownership. They had to re-apply because the license previously approved, and issued, was to an individual other than this applicant.

I would sincerely appreciate receiving your feedback by Noon this Thursday, May 8th as this is scheduled for Monday, May 12th at 8:15 PM.

Thanks again.

Jackie

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



Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Planning Board
Conservation Commission
Robert Whalen, Building Commissioner
J. Spalding, Health Officer

FROM: Jackie Shanley
Executive Assistant to the Board of Selectmen

DATE: May 6, 2014

SUBJECT: **Class II Automobile Dealer's License Application – Robert J. Cloutier, d.b.a. Frank's A42able Used Cars
451 Wareham Street – Request for Change of Ownership**

Attached is a request to change ownership of a Class II Automobile Dealer license.

This application will be heard by the Board of Selectmen at its meeting on **May 12, 2014 at 8:15 PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Thursday, May 8th by 12 Noon.**

Thank you.

Attachments

Jacqueline Shanley

From: Jeanne Spalding
Sent: Tuesday, May 06, 2014 2:12 PM
To: Jacqueline Shanley
Subject: RE: Class II Auto-Change of Ownership-Frank's A42able Used Cars

No comment.

From: Jacqueline Shanley
Sent: Tuesday, May 06, 2014 2:10 PM
To: Robert Whalen; Ruth Geoffroy; Patricia Cassady; Jeanne Spalding
Subject: Class II Auto-Change of Ownership-Frank's A42able Used Cars

Good Afternoon,

Please excuse the tardiness in getting this distributed to you. Again, STM/ATM preparations has taken precedent. Also, this is simply a change of ownership. They had to re-apply because the license previously approved, and issued, was to an individual other than this applicant.

I would sincerely appreciate receiving your feedback by Noon this Thursday, May 8th as this is scheduled for Monday, May 12th at 8:15 PM.

Thanks again.

Jackie

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

Jacqueline Shanley

From: Patricia Cassady
Sent: Tuesday, May 06, 2014 2:35 PM
To: Jacqueline Shanley; Robert Whalen; Ruth Geoffroy; Jeanne Spalding
Subject: RE: Class II Auto-Change of Ownership-Frank's A42able Used Cars

There are no wetland issues here. I believe this area is in a zone 2 though under the WRPD.

Thanks,
Tricia

From: Jacqueline Shanley
Sent: Tuesday, May 06, 2014 2:10 PM
To: Robert Whalen; Ruth Geoffroy; Patricia Cassady; Jeanne Spalding
Subject: Class II Auto-Change of Ownership-Frank's A42able Used Cars

Good Afternoon,

Please excuse the tardiness in getting this distributed to you. Again, STM/ATM preparations has taken precedent. Also, this is simply a change of ownership. They had to re-apply because the license previously approved, and issued, was to an individual other than this applicant.

I would sincerely appreciate receiving your feedback by Noon this Thursday, May 8th as this is scheduled for Monday, May 12th at 8:15 PM.

Thanks again.

Jackie

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



A hearing will be held by the Board of Selectmen on Monday, May 12, 2014 at 8:20 PM in the Selectmen's Meeting Room at the Town Hall located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by Cassis & Cayer on behalf of Peace Mirror, Inc. for a Transfer of an All Alcoholic Beverages Common Victualler liquor license from The Cabin, Inc., d.b.a. The Cabin. to Peace Mirror, Inc., dba The Cabin, and approval of a Change in Manager from Todd Reimels to Jonathan D. Pell, property located at 114 East Grove Street, Middleboro, MA Assessors Map 65, Lot 2925, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: May 1, 2014

Payment forthcoming – Advertiser #300074

CASSIS & CAYER
ATTORNEYS AT LAW
18 RUSSELL PARK
QUINCY, MASSACHUSETTS 02169

LOUIS A. CASSIS
CYNTHIA M. CAYER
JON D. AIETA

TELEPHONE: AREA CODE 617
773-7000
TELECOPIER: 472-9028

April 23, 2014

Selectmen's Office
TOWN OF MIDDLEBOROUGH
10 Nickerson Avenue
Middleborough, MA 02346

**RE: TRANSFER OF CV/ALL ALCOHOLIC BEVERAGES LICENSE
FROM THE CABIN, INC. D/B/A THE CABIN
TO PEACE MIRROR, INC. D/B/A THE CABIN
114 EAST GROVE STREET, MIDDLEBOROUGH, MASSACHUSETTS**

Dear Ms. Shanley:

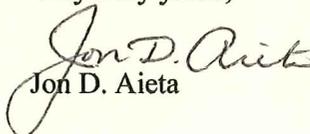
Enclosed please find the following documents in connection with Peace Mirror, Inc.'s application for a transfer of the CV/All Alcoholic Beverages License from The Cabin, Inc. d/b/a The Cabin to Peace Mirror, Inc. d/b/a The Cabin, located at 114 East Grove Street. Middleborough, Massachusetts:

1. Monetary Transmittal Form;
2. Seller's Certificate of Good Standing from Mass. DOR;
3. Petition for Transfer of Ownership;
4. Application for Retail Alcoholic Beverage License with Applicant's Statement;
5. Floor Plan;
6. Articles of Organization;
7. Commercial Lease;
8. Personal Information Forms;
9. Manager Application;
10. CORI Request Forms;
11. Proof of Citizenship - U.S. Passports;
12. Purchase and Sale Agreement and Asset Purchase Agreement;
13. Source of funds - Rockland Trust Loan Outline, and Bank Statements;
14. Middleborough Criminal Record Information Forms;
15. Copies of Mass. Driver's Licenses;
16. Middleborough Application for License;
17. Vote of the Corporation;
18. \$150.00 filing fee payable to Town of Middleborough (including advertising fee); and
19. \$200.00 filing fee payable to the ABCC.

Kindly assign this matter for hearing at the May 12, 2014 meeting. Please place the legal notice in the May 1, 2014 publication of the Gazette.

Thank you for your attention and courtesy in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Jon D. Aieta

JDA:mbh
Enclosures

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

DATE _____
NAME OF APPLICANT Peace Mirror, Inc.
ADDRESS OF APPLICANT 50 Black Cat Road, Plymouth, MA 02360
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE (508) 947-8590

NAME OF BUSINESS The Cabin
OWNER OF PROPERTY TO BE LICENSED Peace Mirror, Inc. c/o Jonathan Pell, Pres.
ADDRESS OF PROPERTY TO BE LICENSED 114 East Grove Street, Middleborough, MA
ASSESSORS MAP & LOT 065-2925

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____ WRPD _____
Class I Automobile Dealer License _____ Earth Removal Permit _____
Class II Automobile Dealer License _____ Liquor License X
Class III Automobile Dealer License _____ Junk Dealer _____
Entertainment _____ Other X
(Common Victualler)

Anticipated Start Date for Business: Upon approval of licenses
Days & Hours of Operation: Mon. - Sat. 8AM - 1AM; Sunday 12 noon - 1 AM

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:
Pelbro Corp. d/b/a Five Seasons Restaurant, Jamaica Plain, MA 1984-1991

Signature 

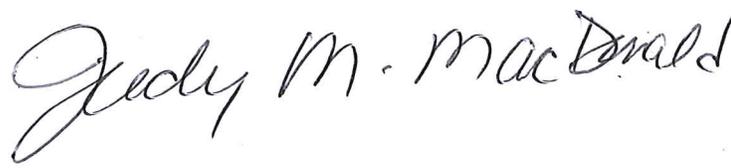
DATE OF HEARING: _____

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

Dear Treasurer/Collector:

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

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

Jacqueline Shanley

From: Jeanne Spalding
Sent: Tuesday, May 06, 2014 2:12 PM
To: Jacqueline Shanley
Cc: Catherine Hassett
Subject: RE: Liquor license transfer-The Cabin

Although we have no objection to this application, we have yet to receive any paperwork or license applications for a change of ownership. We routinely conduct a food facility inspection at time of transfer but have not been contacted. We have started the process for a septic repair.

*Jeanne C. Spalding, Health Officer
Middleborough Health Dept.
20 Centre St.
Middleborough, MA 02346
508-946-2408*

→ As of 5/8 MR. Peil spoke w/ Health Dept. ?
started paperwork.
* Conservation has no issues
it is just a transfer of
ownership.

From: Jacqueline Shanley
Sent: Tuesday, May 06, 2014 2:05 PM
To: Robert Whalen; Jeanne Spalding; Patricia Cassidy
Subject: Liquor license transfer-The Cabin

Good Afternoon,

Please see attached. I apologize for the late arrival of this request, however, priorities have been given to STM/ATM preparation. Also, this is simply a transfer of ownership. I do not anticipate that you should have any issues. However, if you would kindly let me know by Noon on Thursday, I would sincerely appreciate it.

Lastly, please excuse the duplicate department head memo. The scanner jammed and it copied twice.

Thank you.

Jackie
Jackie Shanley
Executive Assistant to Board of Selectmen
Town of Middleborough
10 Nickerson Ave.
Middleborough, MA 02346
508 946-2405 Tel.
508 946-0058 Fax

Jacqueline Shanley

From: Jacqueline Shanley
Sent: Tuesday, May 06, 2014 2:05 PM
To: Robert Whalen; Jeanne Spalding; Patricia Cassady
Subject: Liquor license transfer-The Cabin
Attachments: The Cabin-Transfer of Liquor License.pdf

Good Afternoon,

Please see attached. I apologize for the late arrival of this request, however, priorities have been given to STM/ATM preparation. Also, this is simply a transfer of ownership. I do not anticipate that you should have any issues. However, if you would kindly let me know by Noon on Thursday, I would sincerely appreciate it.

Lastly, please excuse the duplicate department head memo. The scanner jammed and it copied twice.

Thank you.

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



Town of Middleborough

Massachusetts

Board of Selectmen

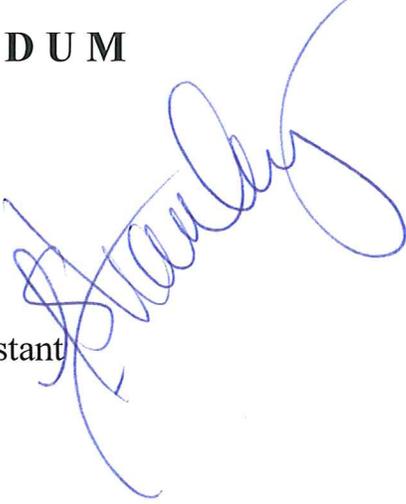
MEMORANDUM

TO: Building Commissioner
Health Officer
Conservation Commission

FROM: Jackie Shanley, Executive Assistant
to Board of Selectmen

DATE: 5/6/14

RE: **License Transfer – All Alcoholic Beverages Restaurant
liquor license.
The Cabin, Inc., d.b.a. The Cabin to Peace Mirror, Inc.,
d.b.a. The Cabin, 114 East Grove Street
Map 65, Lot 2925**

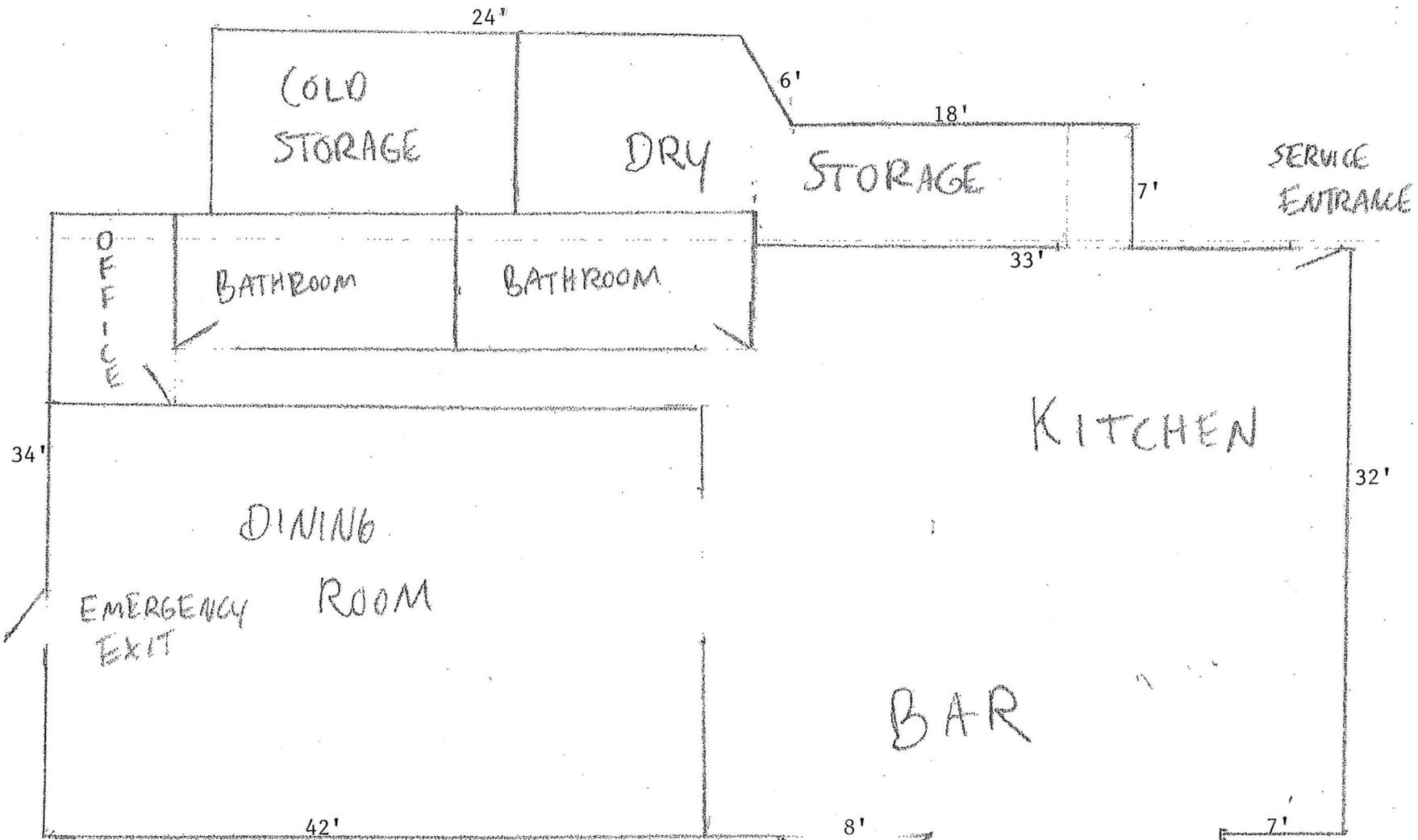


Please be advised that the above referenced matter is scheduled before the Board of Selectmen on **5/12/14 at 8:20 PM.**

Please provide this office with any concerns, objections, and/or requirements in approving this application **by Noon on Thursday, May 8, 2014.**

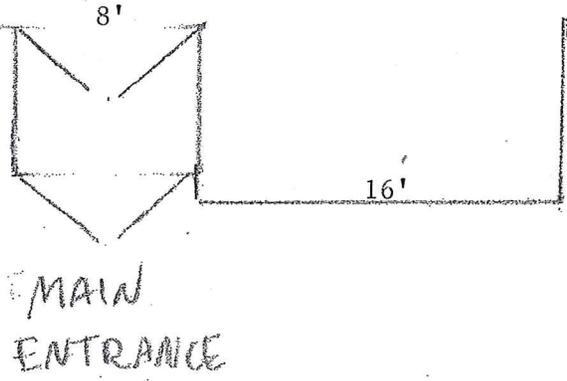
Thank you.

Attachments



FLOOR PLAN

PEACE MIRROR, INC. d/b/a
THE CABIN
 114 E. Grove Street, Middleborough, MA
 APPROX. SCALE: 1/8" = 1 FOOT





A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 12, 2014 at 8:30 PM, for the purpose of discussing an application filed by Marcus, Errico, Emmer & Brooks, P.C. on behalf of Cumberland Farms, Inc., for an Amended Underground Fuel Storage Tank license with a total quantity of 32,000 gallons of all flammable liquids to be stored and a total quantity of 8,000 gallons of all combustible liquids to be stored for property located at 150 S. Main Street, Assessors Map 581, Lot 4265 Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: May 1, 2014

Payment forthcoming – Advertiser #300074



FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts

City/Town of Middleborough

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 150 South Main Street Map 581, Lot 4265
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cumberland Farms, Inc.

Address of Land Owner: 100 Crossing Boulevard, Framingham, MA 01702

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments
12/8/2003

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline*</u>	<u>IB</u>	<u>20,000</u>	<u>gal.</u>	<u>UST</u>
<u>Gasoline**</u>	<u>IB</u>	<u>12,000</u>	<u>gal.</u>	<u>UST</u>
<u>Diesel</u>	<u>II</u>	<u>8,000</u>	<u>gal.</u>	<u>UST</u>

*compartment tank

**20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of _____ fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Land Planning Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Cumberland Farms, Inc.

Signature By: Kathleen A. Sousa Date 3/21/2014 Name Kathleen A. Sousa, Sr. Pipeline Manager
Kathleen A. Sousa

Fire Department Use Only

I, Lance Benjamin, Head of the Middleborough Fire Department endorse this application with my

Approval Disapproval

Signature of Head of the Fire Department: Lance Benjamin

Date: 3/28/14

Recommendations: _____



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, May 12, 2014 at 8:40 PM, for the purpose of discussing an application filed by Marcus, Errico, Emmer & Brooks, P.C. on behalf of Cumberland Farms, Inc., for a Special Permit under the Water Resource Protection District By-law to allow for the raze and rebuild of a convenience store and gasoline station at 150 S. Main Street, Assessors Map 581, Lot 4265, Zoning District – General Use, WRPD District Z2. 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: May 1st & May 8th, 2014

Payment forthcoming – Advertiser #300074

**MARCUS, ERRICO,
EMMER & BROOKS, P.C.**

Attorneys At Law

MEEB

Douglas A. Troyer
781.843.5000 ext. 140
dtroyer@meeb.com
admitted in: MA & ME

March 21, 2014

Town Clerk's Office
Town of Middleborough
20 Centre Street
Middleborough, MA 02346

Re: Application for Water Resource Protection District – Z2 Special Permit submitted by Applicant Cumberland Farms, Inc. Relating to Property Located at 150 South Main Street, Map 58I, Lot 4265 - General Use District

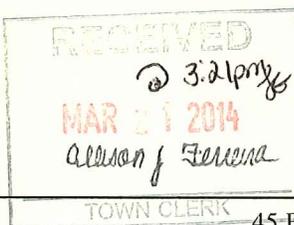
Dear: Sir/Madam:

Please be advised that this firm represents Cumberland Farms, Inc. in connection with the above-referenced matter. Enclosed for filing in connection with the above-referenced matter please find five (5) paper copies of the following:

1. Petition Application for a WRPD Z2 Special Permit;
2. Memorandum in Support of Cumberland Farm's, Inc.'s Application for WRPD Z2 Special Permit;
3. Certified Abutter's List;
4. Storm Water Management Report;
5. Proposed Site Re-Development Plans;

Also enclosed please find the following:

6. CD containing an electronic version of the Proposed Site Re-Development Plans; and
7. Check in the amount of \$50.00 constituting the required filing fee.



45 Braintree Hill Office Park, Suite 107, Braintree, MA 02184-8733
781.843.5000 ■ Fax 781.843.1529 ■ www.meeb.com

Office Hours: Monday – Friday ■ 9:00 AM – 5:00 PM
New Hampshire 603.891.2006 ■ Rhode Island 401.351.2221
Attorneys Admitted in: Massachusetts ■ New Hampshire ■ Rhode Island ■ Maine ■ Connecticut ■ New York ■ Florida

March 21, 2014

Page 2

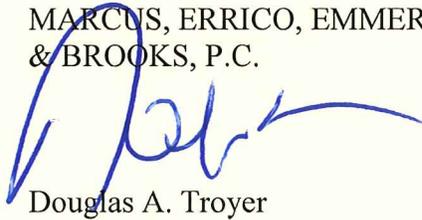
Please contact me, once known, of the cost for the legal publication of the public hearing and I will forward a check to cover the publication costs.

Should you have any questions or require any additional information, please do not hesitate to contact me directly.

Thank you for your attention to this matter.

Sincerely,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.

A handwritten signature in blue ink, appearing to read 'Douglas A. Troyer', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas A. Troyer

cc: Cumberland Farms, Inc. (via email only and w/o Nos. 4-7 above).

PETITION APPLICATION FOR A WRPD SPECIAL PERMIT

Five (5) 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: 150 South Main Street

Map & Lot 58I-4265

Zoning District 60

(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)

WRPD District Z2

(Z1, Z2, Z3, Z4)

B. To allow for:

The raze and rebuild of a convenience store and gasoline station at the above-referenced property. The Applicant further directs the Board's attention to the Memorandum in Support of the Applicant's Application for WRPD Z2 Special Permit, Plans and other materials submitted in support herewith.

(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:

Kathleen Sousa

Printed full name (Individual)

Kathleen A. Sousa

Signature (Individual)

100 Crossing Boulevard

Address

508-270-1466

Daytime telephone

Cumberland Farms, Inc.

Printed company name/Engineering firm

Kathleen A. Sousa

Signature (Company/Engineering firm)

ksousa@cumberlandgulf.com

Email address

Senior Pipeline
Manager

RECEIVED

MAR 21 2014

Alicia J. Ferrel

TOWN CLERK

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

CHECKLIST FOR SITE PLANS

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

No.	Description	Initial	N/A
1.	One (1) electronic version of the site plans must be filed with the Board of Selectmen's office via email at jshanley@middleborough.com .	<u>DT</u>	<u> </u>
2.	Five (5) paper copies of the site plan must be filed with the Town Clerk's office, along with five (5) paper sets of the petition application (see top of "Petition Application" form).	<u>DT</u>	<u> </u>
	a. Show locus to reasonable scale (use corner of the site plan page).	<u>DT</u>	<u> </u>
	b. Show existing and proposed street lines, number & name.	<u>DT</u>	<u> </u>
	c. Show existing and/or proposed building, including accessory buildings.	<u>DT</u>	<u> </u>
	d. Show driveway and driveway openings.	<u>DT</u>	<u> </u>
	e. Show natural waterways (if any).	<u> </u>	<u>DT</u>
	f. Show distance from structure to wetlands.	<u> </u>	<u>DT</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.	<u> </u>	<u>DT</u>
	h. Show setback dimensions or distances from street and abutters.	<u>DT</u>	<u> </u>
	i. Show the footage for all lines of the property and the total area (either in square footage or acreage).	<u>DT</u>	<u> </u>
	j. Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>DT</u>	<u> </u>
	k. Show details for work done or proposed for any component outlined in No. 1(j) (above).	<u>DT</u>	<u> </u>
	l. The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<u>DT</u>	<u> </u>

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



Town of Middleborough
Massachusetts

2009

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

DATE March 21, 2014
NAME OF APPLICANT Kathleen Sousa, Cumberland Farms, Inc.
ADDRESS OF APPLICANT 100 Crossing Boulevard, Framingham, MA 01702
ASSESSORS MAP & LOT 58I-4265
DAYTIME TELEPHONE 508-270-1466

NAME OF BUSINESS Cumberland Farms, Inc.
OWNER OF PROPERTY TO BE LICENSED Cumberland Farms, Inc.
ADDRESS OF PROPERTY TO BE LICENSED 150 South Main Street
ASSESSORS MAP & LOT 58I-4265

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand WRPD Z2
Class I Automobile Dealer License Earth Removal Permit
Class II Automobile Dealer License Liquor License
Class III Automobile Dealer License Junk Dealer
Entertainment Other

Anticipated Start Date for Business: Spring 2014
Days & Hours of Operation: Seven days a week - 6:00 a.m. -11:00 p.m.

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain: Applicant recently obtained WRPD Z4 Permit for property located at 90 & 92 East Grove and 147 Wood Street
Cumberland Farms, Inc.

Signature Kathleen A. Sousa Senior Pipeline Manager
DATE OF HEARING: TBD

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

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

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

**MEMORANDUM IN SUPPORT OF CUMBERLAND FARMS, INC.'S
APPLICATION FOR WRPD-Z2 SPECIAL PERMIT**

TO: Town of Middleborough Board of Selectmen

FROM: Douglas A. Troyer

DATE : March 21, 2014

RE: Application for Water Resource Protection District – Z2 Special Permit
submitted by Applicant Cumberland Farms, Inc. Relating to 150 South Main
Street, Map 58I, Lot 4265 General Use District

This Memorandum is submitted to the Town of Middleborough Board of Selectmen (hereinafter the “Board”) on behalf of our client, Cumberland Farms, Inc. (“Applicant” or “CFI”) in support of its application for a Water Resource Protective District (“WRPD”) Z2 Special Permit relating its property located at 150 South Main Street, Middleborough, MA - Map 58I, Lot 4265 (the “Subject Property” or the “Site”). The Applicant seeks to raze the existing building and construct a new 4,513 sq. ft. convenience store with self-service gasoline sales.

The Property is located in a General Use (“GU”) District to which Retail Use and Motor Vehicle Light Service are permitted as of right pursuant to Section 3.1(D)(10) & (12) of the Town of Middleborough Zoning Bylaws (“Bylaw”) respectively. The Site is also located within the WRPD Z2. Therefore, the Applicant specifically seeks a Special Permit pursuant to Section 8.2.7(3)(a) of the Bylaw.

I. FACTUAL BACKGROUND

As provided above, the Property is located in a GU zoning district and is within Zone 2 of the WRPD. The Site was most recently being used as a Gulf Express convenience store and gasoline service station. The existing building on the Property is 1,230 sq. ft., and is located on a 56,615 sq. ft. lot with frontage on South Main Street and Clarke Street (East). (See Existing Conditions Plan submitted in support herewith a copy of which is appended hereto as **Attachment "A"**).

The existing gasoline service station was constructed in 1989 by Exxon Mobile Corporation ("Exxon") pursuant to a Special Permit (Case No. 88-26) granted by the ZBA for the re-establishment of a pre-existing nonconforming use, which Special Permit was amended by the ZBA in 1996 (Case No. 96-21) allowing for the modification of the gas pump island dispensers at the Site.

In or around March of 2000, the Bank of New York Trust Company of Florida, N.A. took over ownership of the Site from Exxon. (Deed dated March 20, 2000 recorded with the Registry in Book 18364, Page 193).

On or about October 1, 2003, CFI purchased the Site from the Bank of New York Trust Company of Florida, N.A. (Deed dated October 1, 2003 recorded with the Registry in Book 26704, Page 16).

Since October of 2003, CFI has leased the Site to a tenant to operate a Gulf Express convenience store with gasoline service station. In or around January of this year, CFI terminated its lease with its tenant and took over operations at the Site.

On or about October 10, 2011 the Site was subject to a taking by the Massachusetts Department of Transportation by Order of Taking recorded with the Plymouth County Registry of Deeds ("Registry") in Book 40400, Page 300. Prior to the October 10, 2011 Order of Taking, the lot area of the Site consisted of 61,688 sq. ft or 1.40 acres. (Deed dated October 1, 2003 recorded with the Registry in Book 26704, Page 16).

On February 28, 2014, CFI filed, pursuant to M.G.L. c. 39, § 10, a Petition for Extension and/or Connection to the Private Sewer Outside the Town of Middleborough Existing Sewer Service Area, which has to be placed on the 2014 Town Warrant.

II. SPECIFIC DETAILS OF CFI'S PROJECT

1. Design

The Applicant seeks to raze the existing building and gasoline operations and rebuild a new (4,513 sq. ft.) colonial-style convenience store and construct four (4) self-service gasoline islands with a protective canopy (generally referred to herein as the "Project").¹ (See Site Plan submitted in support herewith as Sheet No. 4, a copy of which is appended hereto as **Attachment "B"**). The proposed colonial-style design will be consistent with the character of the buildings of the neighborhood and the Town.

In addition to raising the existing building and rebuilding a new colonial-style building, and making parking, traffic flow and other site improvements, the Applicant will construct four (4) gasoline islands with eight (8) self-service gasoline dispensers on the north westerly side of the lot; construct a protective canopy with downward-reflecting lighting over the gasoline islands; and install state-of-the-art underground storage tanks that meet all applicable EPA regulations. The Exterior Building Lighting Plan enhances safety on the Site and has been designed to keep lighting and glare within the Property lines. (See Exterior Lighting Plan submitted in support herewith). Also, the proposed drainage system, as discussed more fully below, will provide improved storm water management on the Site. Thus, the Project will have no negative impact on the natural environment.

The Applicant proposes having 24 hours – 7 days a week operating hours of the convenience store and gas use at the Site. During operating hours, the Applicant will have at least four (4) employees on Site at all times.

The landscaping is proposed to be enhanced throughout the site, and the design has avoided, where feasible, major topographic changes, and impact on natural environmental conditions, all as shown on the Landscaping Plan. (See Landscaping Plan submitted in support herewith and a colored version of the Landscape plan appended hereto as **Attachment "C"**). Furthermore, in order to maintain the landscaping improvements it is the intention of the Applicant to perform regular maintenance of the landscaping on the site in order to maintain its aesthetic function. Further, the dumpster area will be screened and will improve the aesthetics of the Property. The Project maintains current landscaping and landscaped buffers along the side lot lines and Clark Street (East) lot line, enhances the landscape buffer along the South Main Street lot line, preserves views, light and air to surrounding properties, and enhances the character of the neighborhood.

The colonial design mansard will be consistent with the character of the buildings of the neighborhood and the Town. The new building will be utilized and will be consistent with the scale of the buildings of the neighborhood and the Town. The proposed colonial-style design will distinguish the store fascia providing visual interest and

¹ Pursuant to Art. 25 ("Structure Demolition By-Law") of the Town of Middleborough Bylaws, and as CFI will be seeking a demolition permit in connection with this Project, CFI has sought preliminary informal review by the Historical Commission of the Subject Property, which review is still pending.

the customer service area, loading area, and dumpsters will be screened. All electric power, telephone, cable TV and other utilities will be installed underground.

In addition, and in connection with the proposed gasoline sales use, the Applicant proposes to upgrade and install underground storage tanks and piping with new, state-of-the-art double wall fiberglass tanks and piping. The proposed double-wall fiberglass underground storage tanks and piping with associated monitoring devices enhance the environmental quality of the site by providing systems that meet and exceed those mandated by State and Federal regulations. The Applicant will install two (2) new underground storage tanks, 20,000 gallons each. The tanks have two (2) compartments. One (1) compartment will contain 12,000 gallons of regular gasoline and the other will contain 8,000 gallons of premium gasoline. The second tank will contain 12,000 gallons of regular gasoline and 8,000 gallons of diesel fuel. Both tanks are double-wall fiberglass, rustproof underground storage tanks, with secondary containment, continuous leak detection, monitoring wells in the pad surrounding the tanks, and a built-in precision test capability. The Applicant will install a Veeder-Root TLS-350 interstitial monitoring system with an audio-visual alarm system. This state-of-the-art tank monitoring system manufactured by Veeder-Root provides continuous monitoring of the interstitial space of the double-wall tanks and leak detection that meets all applicable EPA regulations. The tank inventory monitor is connected to the Applicant's central computer system for dispatching trucks. Tank overfills are prevented because the Applicant's dispatcher will schedule deliveries only when tanks are empty and require filling. The added feature to this system is that, if any other system monitors are activated, the dispatcher is automatically notified. The system also notifies store employees immediately when the sensor is activated. When the tank is being filled, the inventory monitor acts as a high level gauge activating an audible and visual alarm when the volume in the tank reaches 90% of the tank volume. The driver is required to be at the tanker truck manifold and therefore has sufficient time to stop flow into the tank.

Further, spill containment manholes, where the tanker hose connects to the fill pipe, are required to contain 5 gallons of potential spill. Fuel dispensing hoses are equipped with "break away connections" which prevent spills should a customer forget to return the nozzle to the dispenser. These design and institutional features, such as the double-wall tanks and sophisticated monitoring system, provide adequate site and environmental protection and a technologically superior facility equipped to address any potential environmental concerns.

The Applicant further states that it has retained Environmental Compliance Services, Inc. which will provide monitoring efforts of the gasoline service station at the site.

The existing Site is serviced by a on-site septic system. On February 28, 2014 CFI filed, pursuant to M.G.L. c. 39, § 10, a Petition for Extension and/or Connection to the Private Sewer Outside the Town of Middleborough Existing Sewer Service Area, which has been placed on the 2014 Town Warrant. Thus, in connection with the Project, the Applicant is seeking approval for an onsite septic system (see Plan 7.1 Septic Details &

Flow Profile Plan submitted in support herewith), and in the alternative and contingent upon obtaining the necessary votes for approval of its petition on the 2014 Town Warrant, the approval to proceed with connection to the existing sewer system as described in more detail on Plan 7.2 Site Utility Plan - Sewer Details submitted in support herewith.

Finally, the Project seeks to install two (2) free standing signs, one (1) wall sign on the front of the building, one (1) wall sign on the side of the building, two (2) wall signs on the sides of canopy, three (3) “WELCOME” signs, and three (3) “SEE YOU SOON” signs at the ingress and egress locations of the Site. (See Sign plans submitted in support herewith).

It is the Applicant’s position that based on the above, the Site is still an appropriate location for the proposed convenience store and continued gasoline service station uses, and that such uses are not detrimental to the established or future character of the neighborhood or town.

2. Intensity Regulations

CFI’s project conforms with all intensity regulations provided for in a GU District, except for the pre-existing nonconforming landscape buffer along the South Main Street lot line which, as proposed, will become less nonconforming. As provided for in CFI’s Site Plan, the following information concerns CFI’s compliance with the dimensional requirements for the Project:

**ZONING DISTRICT: GU
INTENSITY REGULATIONS**

	<u>REQUIREMENT</u>		<u>PROPOSED</u>
<u>MINIMUM LOT AREA</u>	NONE (GU) 60,000 Sq. Ft. (WRPD Z2 – Septic) ²		56,516± Sq. Ft.
<u>MINIMUM LOT FRONTAGE</u>	75’		482.1± Sq. Ft.
<u>MINIMUM FRONT YARD SETBACK TO SOUTH MAIN STREET</u>	35’		108’ TO BUILDING 37.7’ TO CANOPY

² To the extent the Applicant proceeds with a septic system for this Project, the requirement set forth in Section 8.2.7(3(i) of the Bylaw prohibiting “[a]ll lots in WRPD Z2 not connected to the Town’s sewer system, having an area less than 60,000 square feet” is not applicable because the Subject Property is grandfathered pursuant to Section 4.1.1 of the Bylaw as the the Minimum Lot Area of the Site prior to the October 2010 taking was 61,688 sq. ft.

<u>MINIMUM FRONT YARD SETBACK TO CLARK STREET (EAST)</u>	35'		138.7' TO BUILDING 133.4' TO CANOPY
<u>MINIMUM REAR YARD SETBACK</u>	25'		N/A
<u>MINIMUM SIDE YARD SETBACK</u>	25'		25.5'
<u>MINIMUM LANDSCAPE SETBACK</u>	25' FRONT, 15' SIDE/REAR		9.7' FRONT TO SOUTH MAIN STREET ³ 79.3 TO CLARK STREET (EAST) 15.3' SIDE/REAR
<u>MAXIMUM IMPERVIOUS COVERAGE</u>	60%		57%
<u>MINIMUM LOT OPEN SPACE</u>	40%		43%
<u>PARKING SPACE DIMENSIONS</u>	10' x 20'		10' x 20'

³ Currently Front to South Main Street has a zero (0) landscape buffer.

<p><u>MINIMUM NUMBER OF PARKING SPACES</u></p>	<p>1 SPACE/250 Sq. Ft. (GFA) (4,513 Sq. Ft. x 1 SP/250) = 18 parking spaces required</p>		<p>20 SPACES PROVIDED: - 17 CUSTOMER SPACES -2 EMPLOYEE SPACES - 1 HANDICAP SPACE (NOT INCLUDING AN ADDITIONAL 8 SPACES AT DISPENSERS)</p>
<p><u>BUILDING HEIGHT</u></p>	<p>42'</p>		<p>32'±</p>
<p><u>LOADING</u></p>	<p>OFF STREET LOADING FACILITIES SHALL BE PROVIDED THE SPGA SHALL DETERMINE THE ADEQUACY OF LOADING FACILITIES</p>		<p>22.5' WIDE LOADING ZONE LOCATED AT NORTH EASTERLY PORTION OF THE SITE</p>
<p><u>USE</u></p>	<p>RETAIL – ALLOWED BY RIGHT. MOTOR VEHICLE LIGHT SERVICE - ALLOWED BY RIGHT WRPD Z2 - SPECIAL PERMIT FROM BOARD OF SELECTMEN</p>		<p>CONVENIENCE STORE GASOLINE GAS SERVICE STATION</p> <hr/> <p>SELF-SERVE FUEL SALES</p>

III. SPECIAL PERMIT UNDER WRPD Z2 OF THE BYLAW

Pursuant to 8.2.11 of the Bylaw the Board may:

After notice and public hearings and after due consideration of the reports and recommendations from the town boards/departments . . . grant a Special Permit provided that the proposed use meets the standards specified in [the] Bylaw and any regulations or guidelines adopted by the [Board] and provided that the [Board] finds that the proposed use:

1. Is in harmony with the purpose and intent of the WRPD Bylaw and will promote the purposes of the Water Resource Protection Districts;
2. Is appropriate to the natural topography, soils and other characteristics of the site to be developed;
3. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town; and,
4. Will not adversely affect existing or potential water supply.

It is the Applicant's understanding that the purpose of the WRPD is to protect the quality and quantity of drinking water; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

The Applicant respectfully submits that as described in Section II(1) above, and the plans and other supporting materials submitted herewith, the construction of the Project will be: in harmony with the purpose and intent of the WRPD and will promote the purposes of the WRPD Z2 District; is appropriate to the natural topography, soils and other characteristics of the Site; will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town; and will not adversely affect existing or potential water supply.

As provided above, in addition to the raze and rebuilding of a convenience store, the Site will be utilized as a gasoline station to which the underground storage tanks will include environmental safeguards such as continuous tank monitoring systems, leak line detector, and double-wall flexible fuel lines. The tanks will meet or exceed Federal and State requirements and offer enhanced protection to the Property and surrounding areas, and will allow for fewer gas deliveries. Additionally, all of the fueling system components will be state-of-the art and will include environmental protection measures such as piping, containment, and continuous monitoring. Furthermore, the Project includes installing a

new stormwater management system which meets the requirements of the MADEP Stormwater Management Handbook and will infiltrate clean runoff from the rooftop areas, increase groundwater discharge, and route all surface runoff through water quality structures. This system is a significant improvement to the Site.

Additionally, pursuant to relevant parts of Section 8.2.7(3)(a):

Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District are prohibited, but may be allowed by Special Permit provided that the enlargement or alteration of all uses and structures with the exception of single family and two-family uses and structures does not increase the non-conformity or create a new non-conformity.....

The Property is located in a GU District to which Retail Use and Motor Vehicle Light Service are permitted as of right pursuant to Section 3.1(D)(10) & (12) of Bylaw respectively. As the Site is also located within the WRPD Z2, which gasoline station use is prohibited, the gasoline use is a pre-existing nonconforming use. As described more fully above, the Project does not seek to increase the nonconforming gas use, but rather maintain it and improve upon the use. Currently the site contains four (4) gasoline islands with eight (8) self-service gasoline dispensers. The Applicant seeks to install four (4) new and upgraded gasoline islands with eight (8) new dispensers. The Applicant further seeks to maintain the 40,000 total capacity of Underground Storage Tank capacity, but substantially upgrade such systems with state-of-the-art underground storage tanks that meet all applicable EPA regulations and provide add security features. Thus, the Applicant respectfully submits that its proposed alternation to the pre-existing nonconforming gasoline use does not increase such non-conformity or create a new non-conformity in compliance with Section 8.7.2(3)(a).

With regard Section 5.6.1 of the Bylaw which requires in a GU district a landscaped buffer zone of “not less than twenty [five] (25’) feet in depth along the street line and not less than fifteen (15’) feet in depth along a side or rear lot line,” the Project meets this requirement except for the front to South Main Street lot line. Currently no landscape buffer exists for the front to South Main Street lot line. As the Project calls for an increase of this buffer to 9.7’ at its closet point relative to the front property line, the proposed alteration to the pre-existing nonconforming landscape buffer is not increased and is in fact made less nonconforming.

Thus, the Applicant respectfully request that based on the foregoing, the Board grant the Applicant’s request for WRPD Z2 Special Permit under Sections 8.2.7(3)(a) and 8.2.11 of the Bylaw, and to the extent necessary, find that the proposed alterations to the pre-existing - nonconforming gas use and landscaping buffer, which as proposed will become less nonconforming, are not substantially more detrimental than the existing nonconforming use to the neighborhood.

IV. CONCLUSION

For all of the above reasons, the Applicant respectfully submits that it has shown sufficient evidence to support findings consistent with the grant of the WRPD Z2 Special Permit under Sections 8.2.7(3)(a) and 8.2.11 of the Bylaw. The Property will undergo a significant aesthetic upgrade in building design, lighting and landscaping, will offer improved drainage and waste disposal and will undergo a significant upgrade in Site circulation, traffic management and pedestrian and vehicular safety. The gas use has been designed with new, state-of-the-art storage tanks, monitoring systems, and other user and environmental safeguards. The proposed use will protect the quality and quantity of drinking water; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution. Finally the proposed alteration to the Site will does not increase the non-conformity or create any new non-conformities.

Therefore, the Applicant respectfully requests that the Board grant the Special Permit as requested.

VI. RESPONSES TO CHECKLIST FOR PROJECT WRITTEN NARRATIVE NOS. 4-8

In response to the Checklist for Project Written Narrative Nos. 4-8 contained in the Town's application materials, the Applicant provides the following specific responses:

4. The Applicant directs the Board's attention to the Stormwater Management Report, dated March 14, 2014, and prepared by Civil Design Group, LLC ("Stormwater Report"), which provides the calculations for the proposed on-site stormwater retainage, storage tanks, and spill containment, on site drainage and recharge.
5. The Applicant states 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 groundwater. (See Plans submitted in support herewith and the Stormwater Report).
6. The Applicant states that this checklist item is not applicable to the Project.
7. The Applicant states that as provided more fully in Section II(1) above, the Applicant is utilizing appropriate methods in containing any spillage of hazardous wastes, sludges, dicing chemicals, fertilizers, or oil which may be used at the Subject Property.

8. The Applicant states that there will be no outside stored material which will impact the groundwater, thus this checklist item is not applicable to the Project.

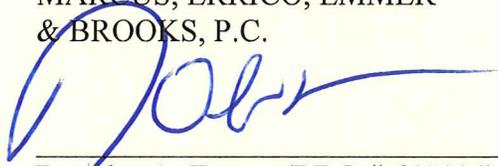
Should the Board require any additional information, please do not hesitate to contact me directly and I will seek to obtain and forward such requested additional information.

Thank you for your attention to this matter.

Respectfully submitted,
CUMBERLAND FARMS, INC.,

By its attorneys,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.



Douglas A. Troyer (BBO # 645134)
dtroyer@meeb.com
45 Braintree Hill Office Park, Suite 107
Braintree, MA 02184
Tel. (781) 843-5000
Fax (781) 843-1529

Enclosures:

cc: Cumberland Farms, Inc. (*without plans*)



May 8, 2014

Board of Selectmen
c/o Mr. Charles J. Cristello, Town Manager
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346

Re: *Second Engineering Review*
WRPD Application – Cumberland Farms – 150 South Main Street
ADE Project #2518.26

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our second engineering review of site plans and stormwater calculations for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The second plans (Sheets 5.0, 6.0, 9.2 and 9.3) are revised dated 4/21/14 and the revised drainage calculations are dated 4/29/14. Both are prepared by Civil Design Group, LLC for Cumberland Farms, Inc. of Framingham, MA. Note that our review only pertains to the stormwater management system and does not include a review of zoning, underground fuel tanks, spill containment systems, hazardous materials storage, etc.

We have the following comments:

1. The drainage system design proposes that a portion of entrance drives will drain onto South Main and Clark Street. MassDOT approval will be required. It is our understanding that MDOT typically wants all runoff captured on-site. Therefore, this approval is critical to the stormwater design as proposed. We suggest a condition that if the MDOT requires changes, revised plans should be submitted to the Board for review and approval.
2. The project, as designed, increases the impervious surface from 44% to 57%. Per WRPD Bylaw 8.2.7.3.j, the maximum impervious surface allowed is 25%. However, the existing impervious surface already exceeds this requirement, making it non-conforming. Therefore, per WRPD Bylaw 8.2.7.3.a, the proposed project cannot increase this non-conformity. The project should be revised to comply with this requirement.
3. Per WRPD Bylaws 8.2.7.3.j, the proposed infiltration system is required to be an “above-ground vegetated system”. Subsurface leaching structures, as proposed, “shall only be used where other methods are infeasible”. Considering the large green area at the southwest corner of the site, it would appear that an above-ground vegetated system would be feasible.

Based on the response and revised plans, we are still unconvinced that an above-ground option is completely infeasible.

Please plot the subsurface plume (where soil should not be disturbed) on the site plans to confirm it's location. It appears that the current design may be disturbing these soils. If the system is to

be closed out in six months, would that coincide with construction of the new facility and therefore allow disturbance of these soils and a basin to be located in this area?

In addition, we feel it still may be feasible to provide an above-ground basin in the area of the subsurface system. Consider providing a separate subsurface system for roof runoff only, which will reduce the above-ground basin volume. Also, future trees should not be planted over any subsurface system.

4. We question the estimated high groundwater of 67.50 shown in the infiltration system detail. Based upon the test pits to the southwest and at the northeast end of the site, the high water table elevation would appear to be closer to 71.0-71.5. This needs to be confirmed as the bottom of the infiltration system should be a minimum of 2 feet above the estimated high groundwater level.

Utilizing an EHWG elevation, for design of a stormwater leaching field, that is 3.3' higher than the EHWG used for the design of a septic leaching facility only 25' away, seems improper and counterintuitive.

The monitoring well data seems to be on a different datum than the site plans. Please provide an adjustment and show the wells on the site plans. Provide results for the wells in the new infiltration system location. Also, the measured groundwater elevations fluctuate 3' to 4'. Has the design been based upon the highest groundwater level, adjusted based upon regional well data as outlined in the DEP Stormwater Handbook? Provide calculations to confirm.

5. No further comment.

6. No further comment.

7. No further comment.

8. No further comment.

9. The revised calculations have been changed to consider exfiltration over the “wetted area”, which is incorrect since infiltration will only be occurring over the bottom area. (Use of “wetted area” takes into account sidewalls.) Please revise to use the correct “surface area” (bottom area) based on the latest design.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Richard J. Tabaczynski". The signature is fluid and cursive, written over the printed name below.

Richard J. Tabaczynski, P.E.
Vice President

Cc: Civil Design Group, LLC



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 29, 2014

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

RE: Water Resource Protection District Application for Cumberland Farms located at
150 South Main Street, Map: 581 Lot: 4265

Honorable Board,

I have reviewed the plans submitted by Attorney Douglas A. Troyer of Marcus, Errico, Emmer & Brooks, P. C. for his request for a W.R.P.D. Special Permit for Cumberland Farms located at 150 South Main Street. I suggest that the board have the plans reviewed by our own engineer as this project does not require approval by any other town board. The property is zoned General Use, W.R.P.D. Z2 and this use would be allowed by special permit.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

Jacqueline Shanley

From: Patricia Cassady
Sent: Monday, April 28, 2014 11:35 AM
To: 'dtroyer@meeb.com'; 'ksousa@cumberlandgulf.com'
Cc: Jacqueline Shanley
Subject: 150 South Main Street, Middleborough - WRPD Application

Hi Mr. Troyer and Ms. Sousa:

The Middleborough Conservation Commission wanted to know about 150 South Main Street and its application under the WRPD. They wanted to know about the gas dissipater on site and if there is going to be a potential ground water issue.

Thank you,
Tricia

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



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Board of Selectmen

CC: Ruth Geoffroy, Town Planner
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Patricia Cassady, Conservation Agent 

DATE: April 11, 2014

RE: W.R.P.D. Application: 150 South Main Street (M581, L4265)

This application has been reviewed and I have a few comments and questions:

- 1) When the site is in an exposed state it is critical that the erosion controls are maintained and checked whenever there is a storm event during construction. The silt sacs proposed for the existing catch basins may need to be cleaned out each time there is a storm event. I would recommend that extra erosion controls be kept on site also.
- 2) Will the proposed stormwater management structures keep the sites runoff on the site? This is important to know because there are wetlands off Clark Street East that are associated with the Nemasket River. The Nemasket River as most know has been impacted with siltation over the years and it would be beneficial to prevent any further siltation from entering this waterway. It would also help the town comply with the EPA's MS4 Stormwater requirements.
- 3) Please show that the project is outside the 100-foot buffer zone to the wetlands that are off Clark Street East. It appears that the project is outside of this 100-foot buffer zone but it should be verified.

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

pjc



April 10, 2014

Board of Selectmen
c/o Mr. Charles J. Cristello, Town Manager
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346

**Re: Initial Engineering Review
WRPD Application – Cumberland Farms – 150 South Main Street
ADE Project #2518.26**

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of site plans and stormwater calculations for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans and Stormwater Management Report are dated 3/14/14 and are prepared by Civil Design Group, LLC for Cumberland Farms, Inc. of Framingham, MA. Note that our review only pertains to the stormwater management system and does not include a review of zoning, underground fuel tanks, spill containment systems, hazardous materials storage, etc.

We have the following comments:

1. The drainage system design proposes that a portion of entrance drives will drain onto South Main and Clark Street. MassDOT approval will be required. It is our understanding that MDOT typically wants all runoff captured on-site. Therefore, this approval is critical to the stormwater design as proposed. We suggest a condition that if the MDOT requires changes, revised plans should be submitted to the Board for review and approval.
2. The project, as designed, increases the impervious surface from 44% to 57%. Per WRPD Bylaw 8.2.7.3.j, the maximum impervious surface allowed is 25%. However, the existing impervious surface already exceeds this requirement, making it non-conforming. Therefore, per WRPD Bylaw 8.2.7.3.a, the proposed project cannot increase this non-conformity. The project should be revised to comply with this requirement.
3. Per WRPD Bylaws 8.2.7.3.j, the proposed infiltration system is required to be an “above-ground vegetated system”. Subsurface leaching structures, as proposed, “shall only be used where other methods are infeasible”. Considering the large green area at the southwest corner of the site, it would appear that an above-ground vegetated system would be feasible.
4. We question the estimated high groundwater of 67.50 shown in the infiltration system detail. Based upon the test pits to the southwest and at the northeast end of the site, the high water table elevation would appear to be closer to 71.0-71.5. This needs to be confirmed as the bottom of

the infiltration system should be a minimum of 2 feet above the estimated high groundwater level.

5. The TSS Calculations call for the trench drains to discharge to deep sump manholes prior to the stormwater units. These are not shown on the plan and a detail is not provided.
6. The invert out of the trench drains are 2 to 3 feet below the rim. Are the drains sloped to achieve this? Please clarify on the plans.
7. We recommend an additional silt sack or other means of protection at the downgradient catch basin to the southeast on Clark Street.
8. Trench drains installed with skewed angles to the curbing tend to allow bypass of runoff along the curb. Please address. Catch basins in these locations, with the trench drains discharging into them, might also help address comment #5.
9. The calculations for the infiltration system consider exfiltration over the “surface area” which is calculated to be 3,248 SF. However, the bottom area of the system, the only area where exfiltration will occur, is 1,792 SF (28’ X 64’). Please revise the calculations accordingly.

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: Civil Design Group, LLC



Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Planning Board
Conservation Commission
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Executive Assistant to the Board of Selectmen

DATE: April 8, 2014

SUBJECT: **W.R.P.D. Application – Cumberland Farms**
150 S. Main Street
Map 581, Lot 4265

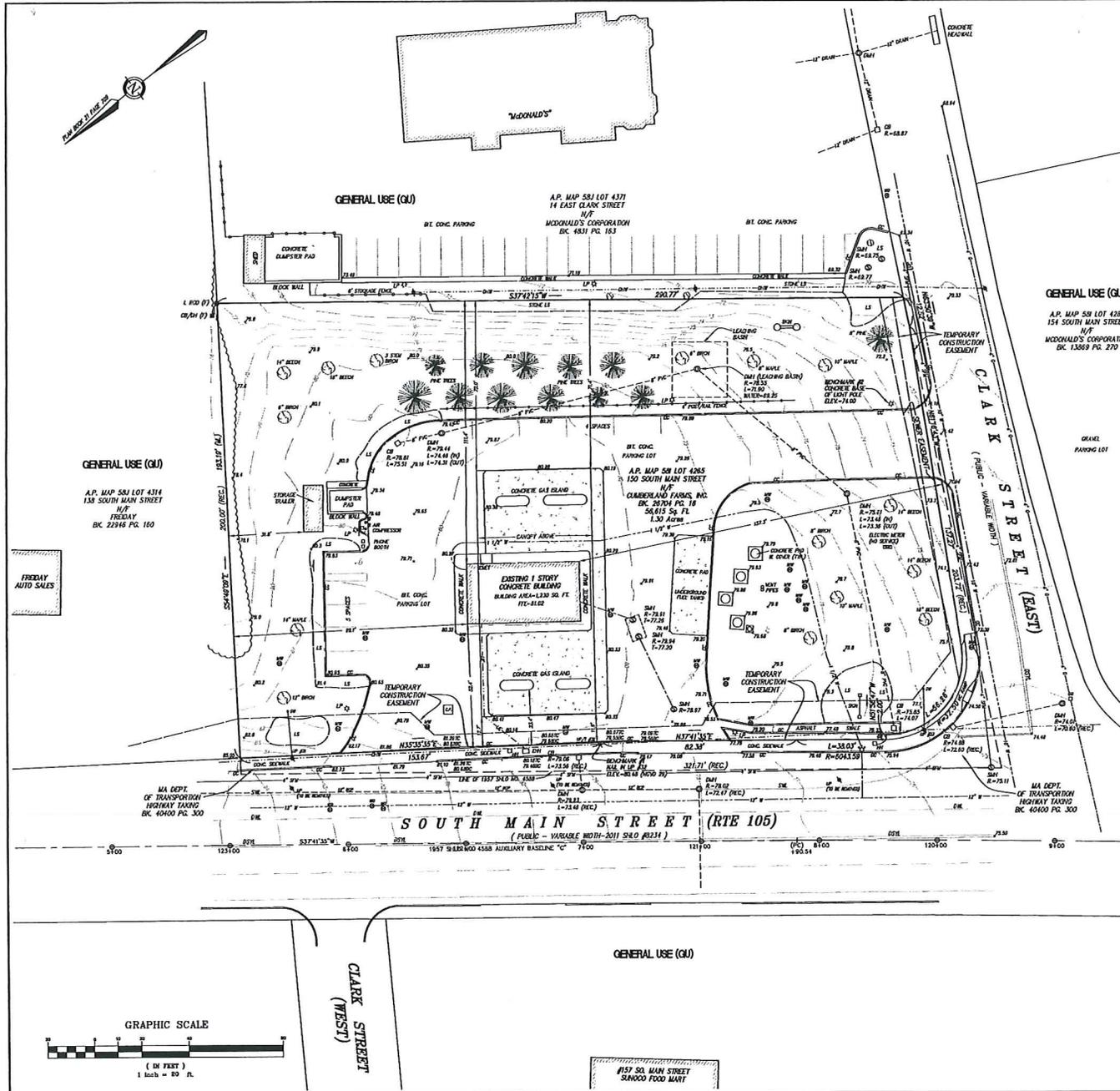
Attached is a W.R.P.D. application filed by Attorney Troyer on behalf of Cumberland Farms, for a Special Permit under the Water Resource Protection District By-law.

This application will be heard by the Board of Selectmen at its meeting on **May 12, 2014 at 8:40 PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, April 28th by 12 Noon.**

Thank you.

Attachments



GENERAL NOTES

1. CURRENT OWNER OF RECORD: CUMBERLAND FARMS, INC. SITE ADDRESS: 150 SOUTH MAIN STREET, MIDDLEBOROUGH, MA (PLYMOUTH COUNTY) ASSESSORS MAP 581 LOT 4163 DEED REFERENCE: BOOK 26704 PAGE 18
2. THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED BY COOKE SURVEY & MAPPING ON DECEMBER 5, 2013. SURVEY BY TRIMBLE 28 TOTAL STATION.
3. MIDDLEBOROUGH ZONING DISTRICT: GENERAL USE (GU)
4. ELEVATIONS SHOWN BASED ON NVD0 1928.
5. UTILITY NOTE: LOCATION OF UTILITIES SHOWN HEREON WERE DETERMINED BY OBSERVATION OF ABOVE GROUND EVIDENCE TOGETHER WITH PLANS OF RECORD. THE RELATIONSHIP BETWEEN ACTUAL FIELD LOCATION AND LOCATION SHOWN HEREON MUST BE CONSIDERED APPROXIMATE. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED ON THIS PLAN. BEFORE CONSTRUCTION CALL "GUY SAUT" 1-888-344-7233.
6. FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 250275 0318 E WHICH BEARS AN EFFECTIVE DATE OF JULY 11, 2012.

REVISIONS:

REV	DATE	COMMENT
1		
2		
3		
4		
5		

PREPARED BY:
ODONE SURVEY & MAPPING
 SURVEYING - MAPPING - PLANNING & CONSULTING
 291 Main Street, Suite 5
 Northborough, MA 01532
 Tel: 508-351-6022 Fax: 508-351-6433

PREPARED FOR:

 GLENN D. COOKE JR.
 REGISTERED LAND SURVEYOR NO. 45068
 COMMONWEALTH OF MASSACHUSETTS

PROJECT LOCATION:
Cumberland FARMS
 100 CROSSING BOULEVARD
 FRAMMINGHAM, MA 01702
 PROJECT: 150 SOUTH MAIN STREET
 MIDDLEBOROUGH, MA 01346
 RAZE & REBUILD
 STORE # STATION #8

CIVIL ENGINEER:
CIVIL DESIGN GROUP, LLC
 21 HIGH STREET, SUITE 300A
 NORTH ANDOVER, MA 01845
 www.civildesigngroup.com
 p: 978-794-5490 f: 978-914-6161

SHEET:
EXISTING CONDITIONS PLAN

CFG 2.0

DATE: MARCH 9, 2014
 DWG FILE: 072101A
 PROJECT NO: 20130721.00

- LEGEND**
- EXISTING BUILDING
 - GAS LINE/GAS VALVE
 - UNDERGROUND ELECTRIC
 - OVERHEAD ELECTRIC
 - WATER LINE/WATER GATE
 - SEWER MANHOLE/SEWER FORCE MAIN
 - FENCE
 - TREE LINE
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - BOLLARD
 - CATCH BASIN
 - CLEANOUT PIPE
 - FIRE HYDRANT
 - GAS METER
 - LIGHT POLE
 - UTILITY POLE W/ TRANSFORMER
 - OUT WIRE
 - ASSESSOR'S PARCEL
 - BIT. CONC. CURB
 - BIT. CONC. PAD
 - BIT. CONC. FRAME
 - BIT. CONC. CONCRETE
 - CONC. SURFACE
 - CONC. SLAB
 - CONC. PAD
 - DOUBLE SOLID YELLOW LINE
 - DASHED WHITE LINE
 - SOLID WHITE LINE
 - GRAVEL CURB
 - CHAIN LINK FENCE
 - EDGE OF PAVEMENT
 - FIELD
 - NEW OR FORMERLY
 - LANDSCAPING
 - MEASURED RECORD
 - CONCRETE ROAD/DRIVEWAY
 - SIGN
 - HANDICAP PARKING
 - MONITORING WELL



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, January 27, 2014 at 7:40 PM, for the purpose of discussing an application filed by Marcus, Errico, Emmer & Brooks, P.C. on behalf of Cumberland Farms, Inc., for a Special Permit under the Water Resource Protection District By-law to allow for the construction of a convenience store and gasoline station at 90 East Grove Street, Assessors Map 65, Lot 299, 92 East Grove Street, Assessors Map 65, Lot 1112, and 147 Wood Street, Assessors Map 65, Lot 372 Zoning District – General Use, WRPD District Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

Stephen J. McKinnon
Allin Frawley
Ben Quelle
Leilani Dalpe
John M. Knowlton
BOARD OF SELECTMEN

Publish: January 16th & January 23rd, 2014

Payment forthcoming – Advertiser #300074

90 E. Grove St

Jacqueline Shanley

From: Christopher M Tymula <cmt@mhfdesign.com>
Sent: Tuesday, May 06, 2014 11:40 AM
To: 'Rich Tabaczynski'
Cc: Charles Cristello; Jacqueline Shanley; 'Dawn Johnson'; 'Kathleen Sousa'; 'Douglas Troyer'; 'McNaughton, Gary'; 'Frank C Monteiro'
Subject: RE: Middleboro

Thanks Rich,

We will look into your comments and get back to you with a formal response and revisions as needed.

Chris Tymula
MHF Design Consultants, Inc
44 Stiles Road, Suite One
Salem, NH 03079
Office: 603-893-0720 ext 33
Fax: 603-893-0733
Cell: 603-475-7569

From: Rich Tabaczynski [<mailto:rtab@atlanticcompanies.com>]
Sent: Tuesday, May 06, 2014 9:55 AM
To: 'Christopher M Tymula'
Cc: 'Charles Cristello'; 'Jacqueline Shanley'
Subject: RE: Middleboro

Chris,

I have reviewed the revised plans and drainage calculations. A couple of comments:

1. Based upon the test pits, the bottom of the basin is at groundwater level during times of the year periods when groundwater is high. Infiltration will not occur during these times of year and therefore the basin will likely have water in it up to the level of the 6" overflow pipe (96.50). Therefore, the basin storage accounted for below this elevation may not be available when a storm occurs during a period of high groundwater. Please provide calculations that address this (ie: no basin storage below elevation 96.50) to determine the peak elevation in the basin for this scenario. The Town has always required one foot of freeboard above the peak elevation.
2. A headwall is needed at the 6" overflow pipe.
3. During the above high groundwater scenario, FES -1 and DMH - 2 will be surcharged. Is a Stormceptor unit effective under surcharged conditions?
4. OCS-2 is still listed in the Drainage Pipe Schedule
5. We question the need for the long pipe run to FES-2?
6. Since all of the site drainage now flows through the basin, could DMH-1 be converted to a Stormceptor unit like DMH-2 and eliminate the oil water separator/low flow diverting manholes?

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: Christopher M Tymula [<mailto:cmt@mhfdesign.com>]
Sent: Friday, May 02, 2014 3:28 PM
To: 'Rich Tabaczynski'
Cc: 'Dawn Johnson'; 'Douglas Troyer'; 'Kathleen Sousa'; 'McNaughton, Gary'
Subject: RE: Middleboro

Rich,

Any word on your review for Cumby's?

Chris Tymula
MHF Design Consultants, Inc
44 Stiles Road, Suite One
Salem, NH 03079
Office: 603-893-0720 ext 33
Fax: 603-893-0733
Cell: 603-475-7569

From: Christopher M Tymula [<mailto:cmt@mhfdesign.com>]
Sent: Tuesday, April 29, 2014 4:33 PM
To: 'Rich Tabaczynski'
Cc: 'Dawn Johnson'; 'Douglas Troyer'; 'Kathleen Sousa'; 'McNaughton, Gary'
Subject: Middleboro

Rich,

We sent you a hard copy of the Stormwater Report for your review of the Middleboro Cumberland Farms which you should have received yesterday morning. Have you had a chance to review the report and/or plans and if not do you have an anticipated time for your review and if you have any questions please feel free to contact our office.

Thank you,
Chris Tymula
MHF Design Consultants, Inc
44 Stiles Road, Suite One
Salem, NH 03079
Office: 603-893-0720 ext 33
Fax: 603-893-0733
Cell: 603-475-7569

April 21, 2014

VIA EMAIL ccristello@middleborough.com
AND FEDERAL EXPRESS MAIL

Board of Selectmen
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02360
Attention: Charles Cristello, Town Manger

Re: Water Resource Protection District - Z4 Special Permit dated February 23, 2014 to
Cumberland Farms, Inc. Relating to 90 & 92 East Grove Street, Map 65, Lots
299 & 1112 Respectively, and 147 Wood Street, Map 65, Lot 372

Dear: Mr. Cristello:

This correspondence is submitted on behalf of our client, Cumberland Farms, Inc. ("CFI"). As you are aware, on or about February 24, 2014, CFI obtained from the Town of Middleborough Board of Selectmen ("Board") a Special Permit under the Water Resource Protection District By-law to allow for the construction of a convenience store and gasoline station on properties located at 90 & 92 East Grove Street, Map 65, Lots 299 & 1112 respectively, and 147 Wood Street, Map 65, Lot 372.

Pursuant to relevant portions of Condition (b) of the Special Permit:

Should MassDOT require revisions in the plans, the plans shall be submitted to the Board for their review and approval.

In connection with CFI's Application for Permit to Access State Highway, MassDOT required certain revisions to the approved Grading & Drainage Plan ("G&D Plan"). Pursuant to the recommendations of MassDOT, CFI has revised the G&D Plan by adding a trench drain across the driveway entrance along East Grove Street which raised the site slightly allowing more flows to be discharged onsite prior to entering the MassDOT system. In doing so, CFI eliminated one catch basin and reconfigured the drainage to allow the discharge into the basin. CFI also increased the size of the detention basin in response to MassDOT's request to increase onsite storage. Based on the new grading of the basin, CFI also added a 4' high black chain link fence along Old Wood Street and connected this to the 6' vinyl fence shown along the abutter's

April 21, 2014

Page 2

properties. CFI also reduced the overflow pipe to 6" diameter which still provides for positive drainage flow offsite. Furthermore, CFI is now treating the entire stormwater Water Quality Volume, which is an added treatment measure not in place under the approved design. Finally, CFI revised the Site Plan by identifying the locations of the chain link fence and guardrail. All revisions to the Site Plan and the G&D plan are more particularly described in the revised plans appended hereto as **Attachment "1"** respectively.¹

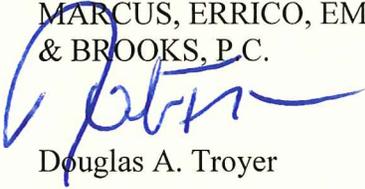
On April 18, 2014, MassDOT approved the revised G&D plan. Accordingly, and pursuant to Condition (b) of the February 24, 2014 Special Permit, CFI requests that the Board place CFI on its agenda for the next available Board meeting in order to review and approve the minor modifications to the Site Plan and the G&D Plan.

Should you have any questions or require any additional information, please do not hesitate to contact me directly.

Thank you for your attention to this matter.

Sincerely,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.



Douglas A. Troyer

cc: Cumberland Farms, Inc.
Jackie Shanley (via email only at jshanley@middleborough.com)

¹ CFI has also submitted in support of this request five (5) full size copies of the revised Site Plan and G&D plan. CFI has also provided five (5) 11 x 17 copies of the plans for the Board's convenience.