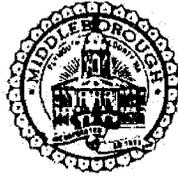


**HEARINGS, MEETINGS, LICENSES**

**5/18/15**



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 18, 2015 at 7:40 PM, for the purpose of discussing an application filed by Outback Engineering, Inc. on behalf of Paul E. Turner Corp. for a Special Permit under the Water Resource Protection District By-law to allow for a portion of the proposed driveway to be located within the 25' No Touch buffer to the bordering vegetated wetlands. This driveway is for a proposed single family home. This property is shown as Assessors Map 3, Lot 4946, Zoning District – Residence Rural, WRPD District Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

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

Publish: April 30<sup>th</sup> and May 7th, 2015

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074



May 14, 2015

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

**Re: 2nd Engineering Review  
WRPD Application - Lot 3 River Street  
ADE Job Number 2518.34**

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our 2nd engineering review of the site plans for the above-referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plan is revised dated 11/13/14 and is prepared by Outback Engineering for Paul Turner Realty Trust of Lakeville, MA.

We have the following comments:

1. The project involves construction of a new driveway for a proposed single family dwelling and a portion (354 SF) of the driveway falls within the 25 foot no disturb zone to the adjacent wetland. The width of the driveway and the amount of disturbance to the 25 foot no disturb zone has been minimized.
2. Per the 5/12/15 memo from the Conservation Commission agent, the project has received an Order of Conditions from the Conservation Commission but it has not been approved as a "limited project". Therefore, in our opinion, the project does not comply with Section 8.2.9.3.d.i of the WRPD bylaw. However, we agree with the Conservation Commission agent that the location of the driveway in the 25-foot zone will have less impact to the wetlands than a driveway crossing the wetlands.
3. The following are provided for the Board's consideration in their review of the project:
  - The Board may want to consider requiring the driveway to be gravel to minimize the runoff to the adjacent wetland.
  - The Board may want to consider requiring some sort of permanent visual barrier (fence, vegetation, signs, etc.) at the limit of the 25 foot no disturb zone to prevent further/future encroachment into it. The majority of the development is immediately adjacent to the no disturb zone.

- The board may want to consider replication of the 354 SF of no build zone encroachment. Considering the openness of the lot, this could be in the form of appropriate plantings adjacent to the wetland in the area of where the encroachment occurs.

Please call if you have any questions or comments.

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**



Richard J. Tabaczynski, P.E.  
Project Manager

CC: Outback Engineering, Inc.

Incorporated 1669



CRANBERRY CAPITAL  
OF THE WORLD



DIVISIONS

Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Wastewater  
Water

Christopher Peck  
D. P. W. Director

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

May 8, 2015

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

**Subject: Lot 3 River Street Map 3, Lot 4946-- WRPD Special Permit Application**

Dear Board Members,

At your request I have reviewed Water Resource Protection District (WRPD) Application Lot 3 River Street on behalf of the Middleborough Highway Department. As part of the package we received the following:

- "Petition Application for a WRPD Special Permit", Narrative and plans, prepared Outback Engineering, Inc., dated April 7, 2015.

At this time the Highway Department offers the following comments:

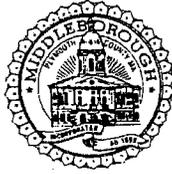
1. The applicant shall be required to apply for a curb cut permit for the proposed driveway. This permit may be obtained at the Department of Public Works.
2. The applicant should be required to apply for a Town of Middleborough road opening permit for any underground utilities that will be installed within the road layout of River Street. This permit may be obtained at the Department of Public Works.

Very Truly Yours,

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

Christopher Peck  
Director of Public Works

Cc: Town Manager  
Planning Board



# Town of Middleborough

## CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

### MEMORANDUM

TO: Board of Selectmen

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

FROM: Patricia Cassady, Conservation Agent 

DATE: May 12, 2015

RE: W.R.P.D. Application: Lot 3, River Street (Map 3, Lot 4946)

---

The Conservation Commission issued an Order of Conditions on November 6, 2014 and an Amended Order of Conditions on December 22, 2014 for Lot 3 River Street (Map 3, Lot 4946) under DEP File # SE220-1212 for the new construction of a single family house, including associated site activities and amended to show the 25' no touch buffer to the approved wetland line. The plan of record is by Outback Engineering, Inc., stamped by Jeffrey D. Youngquist, PLS and Jason A. Youngquist, PE with a revision date of November 13, 2014.

Under the WRPD the exemptions for work allowed within the 25' no disturb zone this activity of a driveway within that zone does not qualify as one of the exemptions. This project was *not filed* with the Conservation Commission in the Notice of Intent or the Request to Amend the Order of Conditions as a limited project and is not proposed to cross any wetlands to access an upland area. This property is mapped as a Zone 4, however the 25' no disturb zone to a wetland resource area still applies. However rather than crossing wetlands next to where the proposed driveway is to satisfy the exemption when there is dry access, the preference is to minimize the impact to the wetlands and thus utilize the existing dry access within the 25-foot no disturb zone.

In the future perhaps there should be a provision added to the WRPD Bylaw allowing this type of use.

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

pjc



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

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

February 9, 2015

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

RE: W.R.P.D. Application located at Lot#3 River Street, Assessor's Map: 003 Lot: 4946

Honorable Board,

I have reviewed the plan submitted for Paul Turner Realty Trust designed by Outback Engineering, Inc for W.R.P.D. application for the location of Lot #3 River Street. This application is for a Special Permit under the Water Resource Protection District By-Law to allow the construction of a driveway for a single family dwelling within the twenty-five (25) feet of a fresh water wetland area.

This use would be allowed under 310 CMR 10.53 (e) limited projects.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner  
Zoning Enforcement Officer

RJW/d



## Town of Middleborough

Massachusetts

Board of Selectmen

### MEMORANDUM

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

FROM: Jackie Shanley  
Executive Assistant to the Board of Selectmen

DATE: April 28, 2015

SUBJECT: **W.R.P.D. Application – filed by Outback Engineering, Inc. on behalf of Paul E. Turner Corp., Assessor's Map 3, Lot 4946, Zoning District-Residential Rural, WRPD District Z4.**

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

This application will be heard by the Board of Selectmen at its meeting on **May 18, 2015 at 7:40 PM.**

Please provide **remarks or concerns** regarding the request to the Selectmen's Office **by, or before, Noon on Wednesday, May 13th.**

Thank you.

Attachments

**PETITION APPLICATION FOR A WRPD SPECIAL PERMIT**

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

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

**A. Location of property in question:**

Street address: Lot-3 River Street  
Map & Lot Map 3 Lot 4946  
Zoning District RR  
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)  
WRPD District 24  
(Z1, Z2, Z3, Z4)

**B. To allow for:**

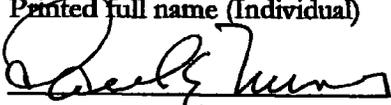
A portion of the proposed driveway to be located within the 25' No Touch Buffer to the bordering vegetated wetlands. Driveway is for a proposed single family home.

(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:**

PAUL E TURNER  
Printed full name (Individual)

  
Signature (Individual)

Paul E. Turner Corp  
3 Fairway Dr. Lakeville  
Address

508-474-7117  
Daytime telephone

Outback Engineering Inc.  
Printed company name/engineering firm

  
Signature (company/engineering rep.)

jyunggi-rist@outback-eng.com  
Email address



165 East Grove Street  
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

April 7, 2015

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

**RE: WRPD Special Permit for Lot 3 River Street Map 3, Lot 4946**

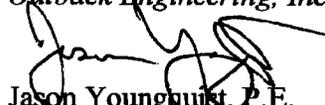
Dear Board Members,

On behalf of the applicant Paul E. Turner Corp., we are requesting a Special Permit per Section 8.2.9 (3) of the Water Resource Protection Districts By-Law to allow the construction of a driveway within twenty-five (25) feet of a fresh water wetland. The project is located at Lot 3 River Street (Map 3, Lot 4946), in the Water Resource Protection District Z4 overlay zone and involves the construction of a single family home with its associated driveway and grading. Due to the configuration of the existing wetlands, which create a peninsula of uplands, the upland portion of the property cannot be accessed without crossing a small portion of the 25' no touch wetland buffer along River Street. The proposed driveway and minimal grading will result in 354 s.f. of disturbance in the 25' no touch buffer zone and all other work will remain outside the 25' no touch buffer zone. The proposed driveway will follow the existing topography and silt fence will be installed during construction to prevent sediment from entering the wetlands and any disturbed areas not used for the driveway will be loamed and seeded. This project has been issued an Order of Condition by the Middleboro Conservation Commission allowing the proposed work.

The proposed work within the 25' no touch buffer is for access to the upland portion of the lot where no other means of access are available. This work will require a Special Permit from the Board of Selectmen to allow the driveway construction as a limited project as defined by 310 CMR 10.53(3). The proposed work is in harmony with the intent of Water Resource Protection By-Law and will not impact the health and safety of the community or the quality or quantity of drinking water. The project will have no stored hazardous waste, sludge, deicing chemicals, fertilizers, or oil and will not have any adverse environmental impact on drinking water or the environment

I look forward to meeting with the Board to discuss this project. Please notify me of the hearing date and time so I may attend to answer any questions the Board may have. If you have any questions or comments please feel free to contact me at (508) 946-9231 ext. 207.

Sincerely  
*Outback Engineering, Inc.*



Jason Youngquist, P.E.

## CHECKLIST FOR SITE PLANS

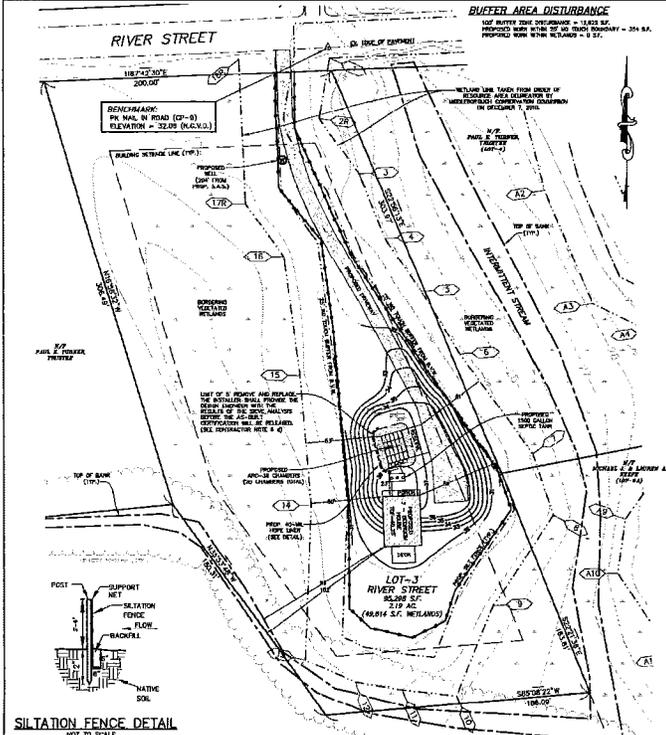
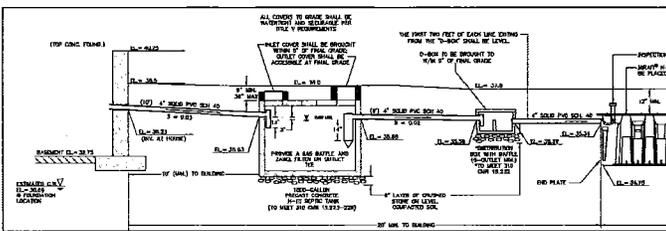
(Applicant must initial each item or the application/petition will not be accepted.)

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 <a href="mailto:jshanley@middleborough.com">jshanley@middleborough.com</a> .	<u>JY</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>JY</u>	_____
a.	Show locus to reasonable scale (use corner of the site plan page).	<u>JY</u>	_____
b.	Show existing and proposed street lines, number & name.	<u>JY</u>	_____
c.	Show existing and/or proposed building, including accessory buildings.	<u>JY</u>	_____
d.	Show driveway and driveway openings.	<u>JY</u>	_____
e.	Show natural waterways (if any).	<u>JY</u>	_____
f.	Show distance from structure to wetlands.	<u>JY</u>	_____
g.	Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.		
h.	Show setback dimensions or distances from street and abutters.	<u>JY</u>	_____
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<u>JY</u>	_____
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>JY</u>	_____
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<u>JY</u>	_____
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<u>JY</u>	_____

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

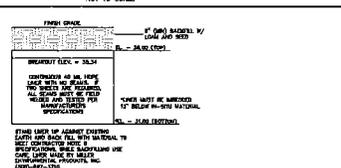
## CHECKLIST FOR PROJECT WRITTEN NARRATIVE

No.	Description	Initial	N/A
1.	Provide a written narrative explaining how you see the project complying with the WRPD bylaws and regulations.	<u>JY</u>	___
2.	The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave.	<u>JY</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>JY</u>
4.	The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	___	<u>JY</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>JY</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>JY</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>JY</u>	___
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	<u>JY</u>	___



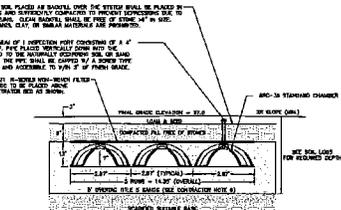
### SEPTIC SYSTEM PROFILE

NOT TO SCALE



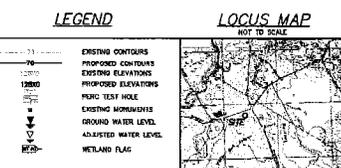
### 40 MIL HDPE LINER DETAIL

NOT TO SCALE



### ARC-36 CHAMBER BED CONFIGURATION

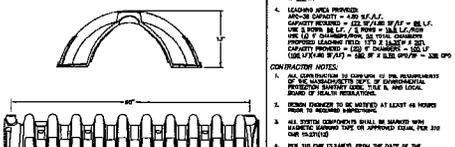
NOT TO SCALE



### STANDARD ARC-36 CHAMBER

H-10

NOT TO SCALE



### SOIL STRATA LOGS

DEPTH	DESCRIPTION	DEPTH	DESCRIPTION
0	TOP OF GRADE	0	TOP OF GRADE
1	TOP OF SAND	1	TOP OF SAND
2	TOP OF SILT	2	TOP OF SILT
3	TOP OF CLAY	3	TOP OF CLAY
4	TOP OF ROCK	4	TOP OF ROCK
5	TOP OF BEDROCK	5	TOP OF BEDROCK
6	TOP OF SANDSTONE	6	TOP OF SANDSTONE
7	TOP OF SHALE	7	TOP OF SHALE
8	TOP OF SLATE	8	TOP OF SLATE
9	TOP OF GNEISS	9	TOP OF GNEISS
10	TOP OF GRANITE	10	TOP OF GRANITE

ENGINEERING STAMP

OWNER & APPLICANT:

PAUL S. TURNER CORP.  
3 FERRY DRIVE  
LAKELAND, MA 01824  
MIDDLEBOROUGH ASSESSORS  
MAP 3 LOT 1000

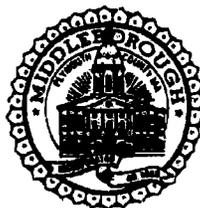
REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	7/27/74	ADD ORIGINAL METLAND LINE	J.A.Y.
2	8/22/74	REVISE 20' NO TOUCH BUFFER	J.A.Y.
3	11/2/74	REVISE DISTURBANCE ZONE	J.A.Y.

SHEET NUMBER: 1 OF 1  
SCALE: 1"=20'  
DATE: 4/26/74  
DRAWING: LOTS-BOLWING  
DRAWN: J.A.Y.  
CHECKED: J.A.Y.  
JOB: 02-2216-3

**Outback Engineering**

160 EAST GROVE STREET  
MIDDLEBOROUGH, MASS 01824  
TEL: (508) 848-8887  
FAX: (508) 847-8873  
www.outback-eng.com



Middleborough Assessor's Office  
10 Nickerson Avenue  
Middleborough, MA 02346

## ABUTTER'S LIST CERTIFICATION PAGE\*

December 16, 2014

Selectmen

Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of

Map 3 Lot 4946 River Street

Joanne Nelson

Joanne Nelson, Clerk

Middleborough Board of Assessors

(This list consists of 1 page with 6 abutter's lots)

\*Please note there is no additional charge for this page and it is intended to certify the information on the preceding or attached document (s)

<b>LOCUS</b>		<b>OWNER NAME</b>	<b>APPLICANT NAME</b>	<b>PAGES</b>			
Map 3 Lot 4946 River Street		Paul E. Turner Corp.	Paul E. Turner Corp.	1			
<b>REASON FOR PROJECT</b>		<b>NAME OF BOARD</b>	<b>CONTACT #</b>	<b>DATE</b>			
WRPD Special Permit		Board of Selectmen	508 946-9231	12/16/2014			
<b>parcel ID</b>	<b>Location</b>	<b>Owner name</b>	<b>C/O Owner</b>	<b>Mailing Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
002-5646	RIVER ST	BENEVENTO, CHARLES F TRUSTEE		176 COURT ST	PLYMOUTH	MA	02360
003-5726	RIVER ST	PAUL E TURNER CORP		3 FAIRWAY DRIVE	LAKEVILLE	MA	02347
003-4936	103 RIVER ST	LIPINSKI, ZACHARY M & ANDREA		103 RIVER ST	MIDDLEBORO	MA	02346
006-2255	THOMPSON ST	HASEOTES, V S & SONS		PO BOX 8000	CUMBERLAND	RI	02864
003-4157	9 THOMPSON ST	BUCK, ROBERT L & HILDA J TRUSTEE		90 RIVER ST	MIDDLEBORO	MA	02346
003-5076	21 THOMPSON ST	KEEFE, MICHAEL J & LAUREN A		21 THOMPSON ST	MIDDLEBORO	MA	02346

