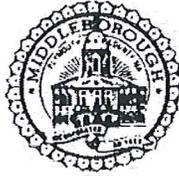


HEARINGS, MEETINGS, LICENSES

5-19-14



DRAFT

SPECIAL 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 7:00 P.M.**, to act on the following articles:

ARTICLE 1. 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 supplement and/or adjust departmental budgets for Fiscal Year 2014, or act anything thereon.

MOTION : I move that \$1,204 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Town Accountant Reg. Pay Town Accountant Account #511101:

I further move that \$3,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Elections & Registration Election Officers Account #511108:

I further move that \$2,444 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Conservation Commission Reg. Pay Clerical P.T. Account #511104:

I further move that \$2,861 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Conservation Commission Sundry Expenses Account #542900:

I further move that \$5,535 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Police Department Regular Pay Officers Account #511126:

I further move that \$3,500 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Police Department Medical Expense Account #550000:

I further move that \$800 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Sealer Weights. & Measures Sundry Expenses Account #542900:

I further move that \$382,325 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the DPW Snow Removal Account #015293:

I further move that \$10,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the DPW Tree Warden Remove & Trim Trees Account #529500:

I further move that \$20,000 be transferred from the Transportation Miscellaneous Mini Bus Drivers Account # 511165 to the School Department Tuition-Other District Account #313.563150.9100.29990:

I further move that \$40,000 be transferred from the Transportation Contracted Special Needs Trans. Account # 530401 to the School Department Tuition-Other District Account #313.563150.9100.29990:

I further move that \$40,000 be transferred from the Transportation Contracted Homeless Trans. Account # 530407 to the School Department Tuition-Other District Account #313.563150.9100.29990:

(The Finance Committee will make this motion)

ARTICLE 2. 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 for unpaid bills from prior years, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$750 from the Employee Benefits Health & Life Insurance Account # 517400 to fund unpaid bills in the following departments:

School Department #390.530467.4220.89990 \$750

(The Finance Committee will make this motion)

ARTICLE 3. 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, the Water Enterprise Unreserved/Retained Earnings account, or other available source to fund sick leave buy-backs, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$6,566 from the Employee Benefits Health & Life Insurance Account # 517400 to fund sick leave buy-backs in the following departments:

Police Department #519700 \$6,566

ARTICLE 4. To see if the Town will vote to raise and appropriate and /or transfer \$36,100 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 retired Town employees and other persons enrolled in the Town’s Medicare health insurance plans for some of the health insurance premiums and co-payments paid by said retirees and other persons after Fiscal Year 2012, and to pay any related costs, or act anything thereon.

MOTION: I move that the Town vote to transfer \$36,100 from the Employee Benefits Health & Life Insurance Account # 517400 for the purpose of reimbursing retired Town employees and other persons enrolled in the Town’s Medicare health insurance plans for some of the health insurance premiums and co-payments paid by said retirees and other persons after Fiscal Year 2012, and to pay any related costs.

ARTICLE 5. 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 2014, with each item to be considered a separate appropriation:

Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve	\$6,758
From FY 2015 estimated revenues for Community Housing Reserve	\$6,758
From FY 2015 estimated revenues for Open Space Reserve	\$6,758

, or act anything thereon.

 DRAFT

Sponsored by the Community Preservation Committee

MOTION: I move that the Town 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 2014, with each item to be considered a separate appropriation:

Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve	\$6,758
From FY 2015 estimated revenues for Community Housing Reserve	\$6,758
From FY 2015 estimated revenues for Open Space Reserve	\$6,758

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 fourteen days before the time specified for said meeting.

BRUCE GATES
Police Chief

STM ARTICLE 1

Charles Cristello

From: Steven Dooney
Sent: Wednesday, April 09, 2014 9:24 AM
To: Charles Cristello
Subject: RE: Free Cash

Charlie,

Before I forget: \$1,204.00 needed in STM for Accounting Dept. This is in regards to 2% increase For Accountant 01.135.511101.0.0.
\$.99 x 32 hours x 38 weeks.

Thxs
Steve

From: Charles Cristello
Sent: Wednesday, April 09, 2014 8:49 AM
To: Steven Dooney
Subject: Free Cash

As I recall we drained free cash this year, correct?

Charles J. Cristello
Town Manager
Town of Middleborough

STM ARTICLE 1

Charles Cristello

From: Allison Ferreira
Sent: Wednesday, May 14, 2014 2:01 PM
To: Charles Cristello
Subject: Additional Funds for Election Budget

Charlie,

I currently have \$19,641.96 remaining the in the Elections budget (162). I would like to request an additional appropriation of **\$3,000** to cover the costs of the Special Town Election, Annual/Special Town Meeting and a possible Recount. Please let me know if you have any questions or concerns.

Thanks,
Allison

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street
Middleborough, MA 02346
(508) 946-2415 phone
(508) 946-2308 fax
afferreira@middleborough.com

STM ARTICLE 1

Charles Cristello

From: FINCOM <fincom@engineeringspecialties.net>
Sent: Monday, February 24, 2014 12:23 PM
To: Patricia Cassady; Colleen Lieb; Charles Cristello; Caroline R. LaCroix
Cc: 'Debbie Kirsch'
Subject: Conservation Commission Request for a meeting
Attachments: Reserve fund form.doc

Patricia,
Thanks for the email. The Finance Committee meets again on March 10th. I will add you to the agenda.

Based on your email, it appears that you will be in deficit for the senior clerk's position of the following amount;

- 13.75 hrs. /week at \$25.3921/ hour, times 7 weeks for a total of \$2444.00.

I would first check with Charlie as to possible options and supplements. It may be possible to supplement this account at the Special Town Meeting on May 27th, since you will still have money in your department until that time and you have bottom line control. The FinCom only has the reserve fund to work with from a funding standpoint and since this was a Town Meeting allocation, it may not fall within the requirements for a RFT. It must be an emergency or unanticipated expense. I attached the Reserve Fund form which you should fill out and submit back to me, if you decide to meet with us on the 10th. Please let me know one way or the other what you decide so I can adjust our agenda accordingly.

Rich Pavadore

work: (508) 378-1112 X 10
cell: (508) 942-1722
Middleboro Finance Committee

Please save paper by only printing this email if needed..

This information is being sent to those listed for individual review only and for possible discussion at the next FinCom open meeting. It is not to be internally discussed, reviewed or collaborated with any town employee, committee member or other party that would make this conflict with the definition or spirit of open meeting laws.

When writing or responding to this email, please remember that the Secretary of the Commonwealth of Massachusetts has determined that email is a public record. This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information.

From: Patricia Cassady [<mailto:pcssdy@middleborough.com>]
Sent: Monday, February 24, 2014 10:36 AM
To: Rich Pavadore - Finance Comm. Chairman; Colleen Lieb
Cc: 'Debbie Kirsch'
Subject: Conservation Commission Request for a meeting

Hi Rich,

Per the request for the Conservation Commission I am sending you this e-mail to request an emergency meeting with the Finance Committee to address the funding of the Senior Clerk for the remainder of FY2014.

As you may know the Conservation Commission has been supplementing the Senior Clerk's hours with money from the Wetland Filing Fee Account. This is set to run out completely by May 10th.



STM ARTICLE 1

Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Capital Planning Committee
Charles Cristello, Town Manager
Board of Selectmen
Finance Committee

FROM: Middleborough Conservation Commission

DATE: March 11, 2014

RE: Capital Plan request – FY2015

In the next fiscal year the Conservation Commission would like to repair the roof of the existing shed/barn at the Pratt Farm Conservation Area off East Main Street. The Conservation Commission discussed requesting for this expense through the Capital Planning Committee at their March 6, 2014 meeting.

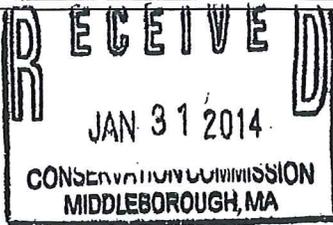
A copy of the quote received to repair the roof is attached to this memo. The quote states that it will cost \$2,860.43 to repair the roof. Although this is well below the \$5,000.00 capital request definition the thought here is that the roof will be protecting equipment that is worth \$10,000.00 - \$12,000.00 and would have a useful life of more than 5 years.

Please let us know if this can be added to the Capital Plan request for FY2015. We can be contacted at 508-946-2406.

Thank you.

pjc

Proposal



Gosson Construction

3 Fairview Street
Middleboro, MA 02346
(508) 946-1770

PROPOSAL SUBMITTED TO: <u>Town of Middleborough Conservation Commission</u>		PHONE: <u>508-946-2406</u>	DATE: <u>1/29/14</u>
STREET:		JOB NAME: <u>Shed Roof</u>	
CITY: <u>Middleborough</u>	STATE: <u>MA.</u>	ZIP CODE: <u>02346</u>	JOB LOCATION: <u>Pratt Farm</u>
DESIGNER: _____	DATE OF PLANS: _____	JOB PHONE: _____	

We hereby submit estimates and specifications for: Replacement of a shed roof at the Pratt farm. Job will consist of removing and disposing of old shingles, Patching ANY holes or soft spots in roof, fixing ANY broken RAKE AND fascia boards, and covering them with 8" drip edge. The first 3' of roof on both side will be covered with ICE + water shield. The remaining roof covered in 15pd felt. On top of that a 25yr asphalt roof shingle.

We hereby propose to furnish material and labor in complete accordance with the above specifications, for the sum of: Two thousand eight hundred sixty — 43/100 dollars (\$ 2860.43).

Payment is to be made as follows: 50% down and remainder upon completion of work.

All of the above material is guaranteed to be as specified. All work to be completed in a workmanlike manner in accordance with standard practices. Any alteration or deviation from the above mentioned specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire and other necessary insurance.

Authorized Signature: [Signature]

NOTE: This proposal may be withdrawn if not accepted within 60 days.

Acceptance of Proposal. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment is to be made as specified above.

Acceptance Date: _____

Signature _____

Signature _____

STM ARTICLE 1

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Bruce D. Gates
Chief of Police

MPD Warrant Article, 2014 Spring Town Meeting

Prepared February 26, 2014

17 Weeks of Career Incentive Increases July 1, 2013 through October 26, 2013

Officer Kristopher Dees	\$1,195.24
Officer Mark Meaney	\$1,785.62
Officer Bradley Savage	<u>\$2,552.98</u>
Total	\$5,534.84

Officer Dees earned a Master's Degree in Criminal Justice. His career incentive was 20% of his base salary. It's now 25%.

Officer's Meaney and Savage both earned a Bachelor's Degree in Criminal Justice. Their career incentive was 10% of their base salary. It's now 20%.

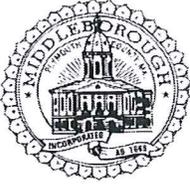
STM ARTICLE 1

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Bruce D. Gates
Chief of Police

May 16, 2014

Charles Cristello
Town Manager
Middleborough, MA 02346

Mr. Cristello,

Due to a situation that was unforeseen I am requesting a \$3,500.00 supplement to the Police Department budget. These funds would cover an unexpected medical evaluation that was needed in March 2014.

Sincerely,

Bruce Gates
Chief of Police

STM ARTICLE 1

Charles Cristello

From: Caroline R. LaCroix
Sent: Thursday, May 15, 2014 3:26 PM
To: Charles Cristello
Subject: Sealer of Weights & Measures

Here is the information from Charlie Norvish for FY14 reappropriation.

Budget #1 amounts for the town meeting:

- 1) dies & receipt book (Hobbs & Warren): \$150 (bill in hand)
- 2) exterior seals----->\$450
- 3) internal metal seals ----->\$100
- 4) misc (postage)----->\$100
- Total----->\$800

STM ARTICLE 1

Charles Cristello

From: Christopher Peck
Sent: Thursday, May 15, 2014 10:36 AM
To: Charles Cristello
Subject: RE: Snow and Ice budget as of 4/3/14

Hi Charlie,

It appears there was an error in the spreadsheet back on 4/3/14 this accounts for the 40k difference between 4/3/14 and 4/24/14. The final total for snow and ice is shown below. This number is in agreement with what the Town Accountant has on record.

\$561,364.29- Snow Removal (labor, materials, supplies)
\$1,271.85- Gasoline
\$24,687.83- Diesel

\$587,323.97- Total for Snow and ice

Thanks,
Chris

Christopher Peck
Director of Public Works
Middleborough, MA 02346

PH: 508-946-2481
FX: 508-946-2484
cpeck@middleborough.com



From: Charles Cristello
Sent: Wednesday, May 14, 2014 2:39 PM
To: Christopher Peck
Subject: RE: Snow and Ice budget as of 4/3/14

Give me an email with the updated number. Make sure it includes gasoline and diesel.

From: Christopher Peck
Sent: Wednesday, April 09, 2014 10:39 AM
To: Charles Cristello
Subject: Snow and Ice budget as of 4/3/14

Charlie,

The expended amount on the snow and ice as of 4/3/14 is \$552,052.71. This should be close to the final amount as we have processed all bills from contractors and suppliers.

Chris

STM ARTICLE 1

**Middleborough Public Schools
Memorandum**

To: Charles Cristello, Town Manager
From: Kathleen Piatelli, Director of Business and Finance *KCP*
Date: March 31, 2014
Subject: Article#1, Special Town Meeting, May 27, 2014
Reclassification budget journal entries for fiscal year 2014

Due to an increase in special education student placements, we request that the following expense reclassification budget journal entries be made for FY14:

Debit:

Special Needs Contracted	01.900.530401.0.0	\$40,000.00
KG Transp. Contr. Serv.	01.900.530403.0.0	\$ 2,500.00
Elem Transp. Contr. Serv.	01.900.530404.0.0	\$ 2,500.00
Junior High Transp. Contr Serv.	01.900.530405.0.0	\$ 2,500.00
High School Transp. Contr. Serv.	01.900.530406.0.0	\$ 2,500.00
Homeless Transportation	01.900.530407.0.0	\$30,000.00
Mini Bus Salary	01.900.511165.0.0	<u>\$20,000.00</u>
		<u>\$100,000.00</u>

Credit:

Tuition-Other District	01.313.563150.9100.29990	<u>\$100,000.00</u>
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I trust the foregoing is sufficient for your purposes. Should you have any questions or require any additional information, please contact me.

cc: Steve Dooney, Town Accountant

Finance Committee

STM ARTICLE 2

Middleborough Public Schools
Memorandum

To: Charles J. Cristello, Town Manager
From: Kathleen Piatelli, Director of Business and Finance *KCP*
Date: March 31, 2014
Subject: FY13 Unpaid Bill - Article#2, Special Town Meeting, May 27, 2014

Attached are two unpaid invoices for the School Department. We request that invoices totaling \$750.00 for the School Department become part of Article#2 at the next Town Meeting on May 27, 2014. The invoices are valid and were received after the close of the fiscal year:

Commonwealth of Mass., Invoice#37006, \$650.00

Commonwealth of Mass., Invoice#35635, \$100.00

If you have any questions or require any additional information, please contact me.

Attachments

cc: Steve Dooney, Town Accountant
Finance Committee

The Commonwealth of Massachusetts Department of Public Safety
One Ashburton Place, Room 1301, Boston, Massachusetts 02108-1618
Phone (617) 727-3200 Fax (617) 727-5732

Gene Connelly
 Town of Middleborough
 30 Forest St
 Middleboro, MA 02346-4012

x 252470 Evans

RECEIVED

DEC 12 2013

ACCOUNTS PAYABLE
 MIDDLEBOROUGH PUBLIC SCHOOLS

SEND PAYMENT TO:
 Commonwealth of Massachusetts
 Boiler Inspection Program
 P.O. Box 417599
 Boston, MA 02241-7599

Payment Notice # 35635

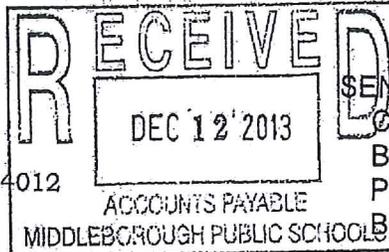
DATE: 11/08/2013

1-9-14 KJM

DATE	FEE	DESCRIPTION	LOCATION	AMOUNT
11/29/2012	Certificate - Boiler	MAS064684 - H B Smith - 1988 - External Inspection Requiring Certificate	49 Union St - LBL ✓	\$50.00
11/30/2012	Certificate - Boiler	MAS161010 - Smith - 2005 - External Inspection Requiring Certificate	41 Mayflower Ave HBB ? ✓	X \$50.00
11/30/2012	Certificate - Boiler	MAS161011 - H B Smith - 1987 - External Inspection Requiring Certificate	41 Mayflower Ave HBB ? FJH ✓	X \$50.00
11/6/2013	Certificate - PV	MA078194 - Manchester - 1990 - External Inspection Requiring Certificate	41 Mayflower Ave HBB ✓	\$50.00
11/6/2013	Certificate - PV	MA084085 - Brunner - 1992 - External Inspection Requiring Certificate	31 Mayflower Ave HBB ✓	\$50.00
11/6/2013	Certificate - Boiler	MAS062740 - H B Smith - 1980 - External Inspection Requiring Certificate	6 School St 50.00 - 50.00 ✓	\$50.00
11/6/2013	Certificate - Boiler	MAS064684 - H B Smith - 1988 - External Inspection Requiring Certificate	49 Union St LBL - 100.00 ✓	\$50.00
11/6/2013	Certificate - Boiler	MAS161009 - Weil-McLain - 2005 - External Inspection Requiring Certificate	31 Mayflower Ave NKS ✓	\$50.00
11/6/2013	Certificate - Boiler	MAS161010 - Smith - 2005 - External Inspection Requiring Certificate	41 Mayflower Ave HBB ✓	\$50.00
11/6/2013	Certificate - Boiler	MAS161011 - H B Smith - 1987 - External Inspection Requiring Certificate	41 Mayflower Ave HBB ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW066808 - Raypak - 1988 - External Inspection Requiring Certificate	41 Mayflower Ave HBB - 200.00 ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW066902 - Weil-McLain - 1988 - External Inspection Requiring Certificate	31 Mayflower Ave HBB ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW066903 - Weil-McLain - 1988 - External Inspection Requiring Certificate	31 Mayflower Ave HBB - 200.00 ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW092154 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr NKS ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW092155 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr NKS ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW092156 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr NKS ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW092158 - PVI Industries - 1999 - External Inspection Requiring Certificate	112 Tiger Dr NKS ✓	\$50.00
11/6/2013	Certificate - Boiler	MAW092159 - PVI Industries - 1999 - External Inspection Requiring Certificate	112 Tiger Dr NKS - 250.00 ✓	\$50.00

The Commonwealth of Massachusetts Department of Public Safety
 One Ashburton Place, Room 1301, Boston, Massachusetts 02108-1618
 Phone (617) 727-3200 Fax (617) 727-5732

Gene Connelly
 Town of Middleborough
 30 Forest St
 Middleboro, MA 02346-4012



SEND PAYMENT TO:
 Commonwealth of Massachusetts
 Boiler Inspection Program
 P.O. Box 417599
 Boston, MA 02241-7599

Payment Notice # 37006

DATE: 12/10/2013

DATE	FEE	DESCRIPTION	LOCATION	AMOUNT
11/29/2012	Certificate - PV	MAM168648 - MC QUAY - 2007 - External Inspection Requiring Certificate	219 North Main St - <i>MBOC</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW092154 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr <i>NMS</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW092155 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr <i>NMS</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW092156 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr <i>NMS</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW092157 - Burnham - 1999 - External Inspection Requiring Certificate	112 Tiger Dr <i>NMS</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW092158 - PVI Industries - 1999 - External Inspection Requiring Certificate	112 Tiger Dr <i>NMS</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW092159 - PVI Industries - 1999 - External Inspection Requiring Certificate	112 Tiger Dr <i>NMS</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW160929 - Smith - 2006 - External Inspection Requiring Certificate	219 North Main St <i>MBOC</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW160940 - Smith - 2006 - External Inspection Requiring Certificate	219 North Main St <i>MBOC</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW160941 - Lochinvar - 2007 - External Inspection Requiring Certificate	219 North Main St <i>MBOC</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW160942 - Weil-McLain - 2001 - External Inspection Requiring Certificate	219 North Main St <i>MBOC</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW160943 - Weil-McLain - 2001 - External Inspection Requiring Certificate	219 North Main St <i>MBOC</i>	\$50.00
11/29/2012	Certificate - Boiler	MAW168647 - AO SMITH - 2006 - External Inspection Requiring Certificate	219 North Main St <i>MBOC</i>	\$50.00

JA
 1-9-14

The Commonwealth of Massachusetts Department of Public Safety
One Ashburton Place, Room 1301, Boston, Massachusetts 02108-1618
Phone (617) 727-3200 Fax (617) 727-5732

(FOR BOILERS) M.G.L. 146 section 8: No person shall operate or cause to be operated any boiler required by this chapter to be inspected until it has been inspected, and the certificate of inspection required by section twenty-three or twenty-five has been issued and so placed in the engine or boiler room of the plant as to be easily read, or in the case of a portable boiler kept with it and always accessible.

(FOR PRESSURE VESSELS) M.G.L. 146 section 34: No person shall install or use, or cause to be installed or used, any tank or other receptacle for the storing of compressed air at any pressure exceeding 50 pounds per square inch, except when attached to locomotives or street or railway cars or trackless trolley vehicles, or to motor vehicles for use in operating such vehicles or their brakes or body-lifting apparatus unless the owner or user of such tank or other receptacle holds a certificate of inspection issued by the department, certifying that the tank or other receptacle has been duly inspected within the preceding 2 years, or unless the owner or user holds a policy of insurance upon the tank or other receptacle issued by an insurance company authorized to insure air tanks within the commonwealth, together with a certificate of inspection from the department.

PLEASE INCLUDE REMITTANCE FORM WITH PAYMENT.

REMITTANCE FORM

Payment Email Address: _____

Certificate Email Address: _____

TOTAL \$650.00

LOCATION: Town of Middleborough Early Childhood Center, 219
North Main St, Middleboro, MA 02346-2421

CHECK# _____

JURISDICTION NUMBER: MAM168648,MAW092154,MAW092155,MAW092156,MAW092157,MAW092158,MAW092159,MAW160929,
MAW160940,MAW160941,MAW160942,MAW160943,MAW168647

Payment Notice # 37006

DATE: 12/10/2013

STM ARTICLE 3

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Bruce D. Gates
Chief of Police

MPD Warrant Article, 2014 Spring Town Meeting

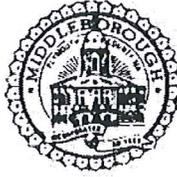
Prepared February 26, 2014

Re: Sick Leave Buy Back

Sgt. Benjamin Mackiewicz retired unexpectedly in September 2013. The Police Department paid him \$6,566 for unused sick leave.

\$317.68 per day/20.67 days.

Account number 01.210.519700.0.0



DRAFT

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.

(No motion required)

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.

(The Finance Committee will make this motion)

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.

MOTION: I move that the Town vote to transfer from the income from the sales of gas and electricity \$610,891 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2015.

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

MOTION: I move that the Town vote pursuant to Section 53E 1/2 of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of the following revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2015.

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.

MOTION: (This motion will be made at Town Meeting)

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.

MOTION: I move that the Town vote to raise and appropriate the sum of \$400,000.00 by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C, for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems.

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.

MOTION: I move that the Town vote to raise and appropriate \$80,000 from taxation 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.

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 1/2), or act anything thereon.

MOTION: I move that the Town 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, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$410,000.00 of the total appropriation for this project under and pursuant to Chapter 44B of the General Laws (the Community Preservation Act) and the balance of the total appropriation (\$11,720,000) under and pursuant to Chapter 44, Section 7 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that no amounts shall be borrowed or expended hereunder unless the Town shall have voted to exclude the amounts required for the payment of principal and interest on the borrowing authorized hereunder from the limitations on property taxes imposed by Chapter 59, Section 21C of the General Laws (Proposition 2 1/2). All rehabilitation work on this project that is paid through Community Preservation Act funds shall be undertaken in accordance with the Secretary of the Interior's Standards for Historic Rehabilitation.

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.

MOTION: I move that the Town vote to raise and appropriate \$73,000 from taxation to purchase new police cruisers (\$66,000) and new portable radios (\$7,000) for the Police Department.

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.

MOTION: I move that the Town vote to appropriate \$155,000 by borrowing to purchase a new command vehicle (\$55,000) and new personnel protective equipment (\$100,000) for the Fire Department and to meet this appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$155,000 under General Laws, Chapter 44.

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.

MOTION: I move that the Town vote to appropriate \$173,000 by borrowing to purchase a new pick-up/plow (\$61,000) and used cabs and chassis (\$20,000) for the Public Works Department and a new

mower (\$92,000) for the Park Department and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$173,000 under General Laws, Chapter 44

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.

MOTION: I move that the Town vote to appropriate \$196,495 by borrowing to purchase a replacement animal control vehicle (\$22,000), to purchase new voting booths and protective covers (\$24,500), to engineer, permit and construct the expansion of the Council on Aging parking lot (\$30,000), to replace the roof on the Council on Aging building (\$100,000), to replace carpeting in the Library (\$19,995), and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$196,495 under General Laws, Chapter 44.

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.

MOTION: I move that the Town vote to appropriate \$165,000 by borrowing to renovate bathrooms (\$80,000) and to replace the intercom system (\$60,000) at the Elementary Complex and to repair elevators at the Memorial Early Childhood Center (\$25,000) and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$165,000 under General Laws, Chapter 44.

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.

MOTION: I move that the Town vote to appropriate \$137,000 by borrowing to replace 2 boilers (\$90,000) and 2 hot water tanks (\$47,000) at the Nichols Middle School and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$137,000 under General Laws, Chapter 44.

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.

MOTION: I move that the Town vote to appropriate \$120,000 by borrowing for various building improvements at Middleborough High School and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$120,000 under General Laws, Chapter 44.

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.

MOTION: I move that the Town vote to raise and appropriate \$175,000 from taxation to purchase staff/classroom computers, printers, and file servers, LCD projectors and instructional technology, and computer network infrastructure for the School Department.

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.

MOTION: I move that the Town vote to appropriate \$4,250,000 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 and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$4,250,000 under General Laws, Chapter 44 and to provide that the debt shall be paid from the revenues of the Water Enterprise System.

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.

MOTION: I move that the Town vote to appropriate \$1,750,000 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 and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$1,750,000 under General Laws, Chapter 44 and to provide that the debt shall be paid from the revenues of the Water Enterprise System.

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

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

MOTION: I move that the Town 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
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

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

MOTION: I move that 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.

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

MOTION: I move that the Town 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.

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

MOTION: I move that the Town 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.

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.

MOTION: I move that the Town vote to amend the existing Zoning Map and Zoning By-Law 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.

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.

MOTION: I move that the Town 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".

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.

MOTION: I move that the Town 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 in 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.

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.

MOTION: I move that the Town 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.

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.

MOTION: I move that the Town 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.

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

MOTION: I move to postpone this article indefinitely.

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

Jacqueline Shanley

From: Selectman Allin Frawley
Sent: Friday, May 16, 2014 2:03 PM
To: Allison Ferreira
Cc: Charles Cristello; Selectman Distribution; Jacqueline Shanley; Carolyn Gravelin; Diane Stewart; Judith Bigelow-Costa; Laura O'Connor; Meghan McDonald
Subject: Re: Recommendations on Cumberland Farm Plans - 90 & 92 East Grove Street

Thank you Allison.
I will definitely bring your points up in our next discussion.

Thanks,
Allin

On May 16, 2014, at 1:42 PM, "Allison Ferreira" <afferreira@middleborough.com> wrote:

Honorable Members of the Board of Selectmen,

Please be advised the Commission on Disability met on Wednesday, May 14, 2014 and reviewed a copy of the Cumberland Farm Plans for 90 & 92 East Grove Street provided by the Town Manager. Below please find the recommendations from the Commission on Disability:

- 1) Outside seating – there were three tables shown on plans, at least one table should have a handicap accessibility;
- 2) Side egress door – the Commission recommends a second handicap parking space should be near the side egress door;
- 3) The plans show an 8 foot handicap parking space located near the front egress door which is not compliant;
- 4) The restrooms must be handicap accessible, plans do not specify;
- 5) Both egress doors must allow handicap accessibility; and
- 6) The gas pumps should have signage and a button for a handicap person to press should they require assistance at the pumps.

Should you have any questions or concerns, please do not hesitate to contact me.

Regards,
Allison

Allison J. Ferreira

Town Clerk
Town of Middleborough
20 Centre Street, 1st Floor
Middleborough, MA 02346
(508) 946-2415 phone
(508) 946-2308 fax

Jacqueline Shanley

From: Christopher M Tymula <cmt@mhfdesign.com>
Sent: Thursday, May 15, 2014 2:54 PM
To: 'Rich Tabaczynski'
Cc: Charles Cristello; Jacqueline Shanley; 'Dawn Johnson'; 'Kathleen Sousa'; 'Douglas Troyer'; 'McNaughton, Gary'; 'Frank C Monteiro'
Subject: RE: Middleboro
Attachments: 334713-Drainage Report--Rev3--Executive Summary.pdf; HydroCAD Report.pdf; Atlantic Design Engineers Response Letter3.pdf; CFG Middleboro MA - Revised Partial Plans 5-14-14.PDF

Rich,

Attached is a formal response letter to your comments below as well as the revised plans, a PDF copy of the revised Post Development Hydrocad printouts and the Executive Summary page from the revised Drainage Report. I am sending this via email so you have it today and can forward any necessary hard copies as needed.

We are looking to get before the Board of Selectman this Monday 5/19 and can only do so if we have your "approval/signoff" on the revised plans and information. If you could please review this material before Monday and let us know if you have any questions it would be greatly appreciated. I have copied the Town and our team on this email as well.

Thanks again for your assistance in this matter,
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



44 Stiles Road • Suite One • Salem, New Hampshire 03079
TEL (603) 893-0720 • FAX (603) 893-0733
www.mhfdesign.com

May 15, 2014

Middleborough Board of Selectman
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346
Attn: Mr. Charles J. Cristello, Town Manager

Re: WRPD Application
90 East Grove Street
Cumberland Farms

Sub: Atlantic Design Response
Comments

Dear Mr. Cristello:

Please find enclosed a revised set of plans and supporting documentation regarding the above referenced project. The plans have been revised to address the comments in the email dated May 6, 2014 from Rich Tabaczynski of Atlantic Design Engineers. Based on those comments we offer the following:

1. The Hydrocad design has been modeled to account for no storage below the 6" overflow outlet elev. (96.50), as suggested. The detention basin and site stormwater design still provides a reduction in peak rate of runoff between 33-50% for the storm events analyzed in the report. The design now includes freeboard in excess of 1' for the more frequent 2 & 10-yr storm events and 0.81' of freeboard for the infrequent 100-yr storm event. The decrease in peak runoff and freeboard is met even with the assumption required by Atlantic Design in previous reviews that the entire detention basin has a CN value of 98, a conservative approach, and with the understanding that the site needed to be designed with only a 6" overflow pipe as required in the approvals by MassDOT. In our opinion, the proposed onsite stormwater management system is adequately sized to handle the potential runoff generated from each storm event analyzed in the updated Drainage Report attached.
2. A headwall has been added at the 6" overflow pipe from the proposed detention basin and corresponding detail has been added to the plans.
3. The Stormceptors proposed onsite have been specified as Submerged Units and a note has been added to the plans (Note 17 on the Grading & Drainage Plan) for the contractor to provide shop drawings for review and coordinate with the manufacturer for sizing and design prior to construction.



4. OCS-2 has been re-labeled as OCS-1.
5. In connection to comment #6 below, the pipe run to FES-2 has been shortened as suggested.
6. DMH-1 has been converted to a Stormceptor and the Oil/Water Separator removed as suggested.

Please review the attached revised information and should you have any questions, please feel free to contact our office at your convenience.

Sincerely yours,
MHF Design Consultants, Inc.

A handwritten signature in black ink, appearing to read 'Chris Tymula', is written over the typed name.

Chris Tymula
Project Manager

F:\Projects\Eng\334713\334713-Atlantic Design Response3.doc
CR 334713

cc: Richard Tabaczynski, Atlantic Design Engineers, Inc.
Doug Troyer, MEEC
Dawn Johnson, Cumberland Farms, Inc.
Gary McNaughton, McMahon Associates

Section 1

EXECUTIVE SUMMARY

This report contains a stormwater management analysis summary for the proposed redevelopment of 1.59 acres of land located at 90 East Grove Street in Middleborough, Massachusetts. The analysis includes pre- and post-development calculations of stormwater runoff rates at specific locations both on and adjacent to the project site.

The study watershed area is approximately 1.8 acres in size and drains towards an existing closed drainage system along East Grove Street and the eastern abutting property line. Current onsite runoff patterns consist of sheet and shallow concentrated flow to this drainage system. This project, which is considered a redevelopment project under the DEP Stormwater Policy Standards, provides for significant onsite stormwater management improvements in comparison to the existing site conditions. Onsite stormwater controls proposed consist of an underground roof infiltration system for the convenience store, a closed drainage system including curbing, deep-sump, hooded catch basins, a trench drain, Stormceptor treatment devices and above ground detention basin.

For analysis purposes the site was modeled with two design points. Design Point #1 (DP1) is the closed drainage system along East Grove Street and Design Point #2 is the eastern abutting property line.

Table 1: Drainage Summary

Design Storm	Pre-Development (cfs)	Post-Development (cfs)	Change (cfs)
DESIGN POINT #1 (East Grove Street Drainage System)			
2-year	1.06	0.67	-0.39
10-year	2.35	1.07	-1.28
100-year	4.61	1.76	-2.85
DESIGN POINT #2 (Eastern Property Line)			
2-year	0.00	0.00	0.00
10-year	0.08	0.01	-0.07
100-year	0.51	0.12	-0.39

(All values shown are peak rates in CFS)

The results summarized in the table above indicate that the proposed onsite stormwater drainage system is adequately designed to treat and mitigate the increase in the peak rate of runoff that otherwise would be caused by the proposed development. Peak flow rates to the existing drainage system along East Grove Street will be reduced by approximately 33% for the 2-yr storm event and reduced by over 50% for the 10 & 100-yr storm events analyzed in comparison to the existing peak rates of runoff. In conclusion, by incorporating a new on-site stormwater management system that includes provisions for stormwater treatment, detention and recharge, there will be no increase in the peak rate of runoff leaving the property and no adverse impact to any abutting properties or downstream resources as a result of this project.

PROPOSED SITE RE-DEVELOPMENT PLANS

for

ASSESSORS MAP 65 - LOTS 299, 372 & 1112

90 EAST GROVE STREET

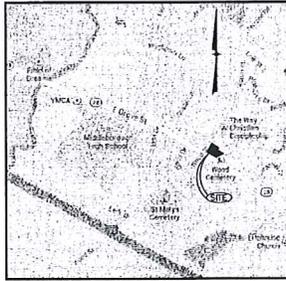
MIDDLEBOROUGH, MASSACHUSETTS 02346

Prepared for:



Cumberland F A R M S

100 CROSSING BLVD, FRAMINGHAM, MASSACHUSETTS 01702



LOCATION MAP
(NOT TO SCALE)

INDEX TO DRAWINGS

CF01.0	TITLE SHEET
CF02.0	EXISTING CONDITIONS PLAN
CF03.0	DEMOLITION PLAN
CF04.0	SITE PLAN
CF05.0	GRADING & DRAINAGE PLAN
CF06.0	EROSION CONTROL PLAN
CF07.0	UTILITIES PLAN
CF08.0	LANDSCAPE PLAN
CF09.0	DETAIL SHEET
CF09.1	DETAIL SHEET
CF09.2	DETAIL SHEET
CF010.0	LIGHTING PLAN (LSI)
CF010.1	FIXTURE SPECIFICATIONS SHEETS
CF011.0	FIRE SUPPRESSION PLAN (BY OTHERS)
CF012.0	PROPOSED CANOPY ELEVATIONS
CF012.1	PROPOSED CANOPY DETAILS
CF013.0	PROPOSED SIGN DRAWING
CF013.1	PROPOSED SIGN DRAWING
CF016.0	TRUCK TURN PLAN (TTP)
A1.1	FLOOR PLAN & PARTITION TYPES *
A3.1	EXTERIOR ELEVATIONS (ALLEVATO) *
A3.2	EXTERIOR ELEVATIONS (ALLEVATO) *
DS1.1	DOWNSPOUT LOCATION PLAN *
LI.1	EXTERIOR BUILDING LIGHTING PLAN *

* ARCHITECTURAL PLANS FOR PERMITTING USE ONLY. CONTRACTOR TO REFER TO STAMPED, SIGNED, SEALED PLANS LABELLED "FOR CONSTRUCTION".



REVISIONS			69,179 SQUARE FEET
DATE	REV. BY	DESCRIPTION	1.588± ACRES
3/25/11	CM	REV. 0216-0218, 0219, 0248	V #X
3/25/11	CM	REV. 0216-0218, 0248 & 0249	Store #X
3/25/11	CM	REV. 0216-0218, 0248-31	Facility #X

MDF
MDF Design Consultants, Inc.
44 Silver Road, Suite One
Salem, New Hampshire 03079
(603) 893-4710
DIVERSIFIED PLANNING & SURVEYING
www.mdfdesign.com

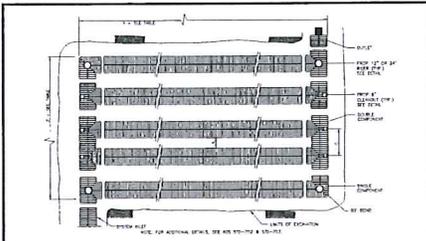
90 EAST GROVE STREET
MIDDLEBOROUGH, MA

Cumberland
CUMBERLAND FARMS INC.
100 CROSSING BLVD.
FRAMINGHAM, MA 01702

SCALE: NTS
DATE: 03/25/11
FILE: 3313CFR.dwg
DRAWN BY: BCF
CHECKED BY:

TITLE SHEET CF01.0

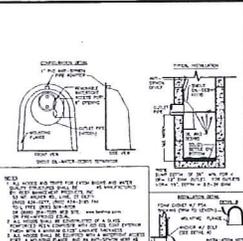
MDF PROJECT NO. 334713 SHEET 1 OF 11



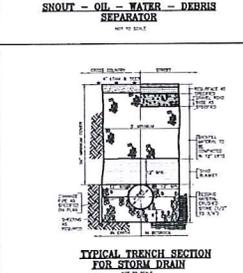
INFILTRATION SYSTEM NOTES:
 1) ALL SIZES SHOWN ARE TO BE CONFIRMED BY THE MANUFACTURER.
 2) CONTRACTOR SHALL VERIFY SYSTEM PARTS AND DETAIL SHOP DRAWINGS FROM MANUFACTURER. SUBSTITUTIONS AND SHOP DRAWINGS SHOULD BE APPROVED BY THE ENGINEER.
 3) PARTS SPECIFICATIONS SHOWN ARE AS PROVIDED BY A.C.I., INC. OR APPROVED EQUAL. ANY CHANGES TO THESE SPECIFICATIONS SHOULD BE APPROVED BY DESIGN ENGINEER FOR PERFORMANCE.

US INCHES	MM	INCHES	MM	INCHES	MM	INCHES	MM
1/2	12.7	1/4	6.35	3/8	9.52	1/2	12.7
3/4	19.05	1/2	12.7	5/8	15.87	3/4	19.05
1	25.4	3/4	19.05	1	25.4	1 1/4	31.75
1 1/4	31.75	1	25.4	1 1/8	29.54	1 1/2	38.1
1 1/2	38.1	1 1/4	31.75	1 3/8	34.94	1 3/4	41.27
1 3/4	41.27	1 1/2	38.1	1 7/8	47.63	2	50.8
2	50.8	1 3/4	41.27	2	50.8	2 1/4	60.32
2 1/4	60.32	2	50.8	2 1/8	57.15	2 1/2	63.5
2 1/2	63.5	2 1/4	60.32	2 3/8	60.32	2 3/4	68.88
2 3/4	68.88	2 1/2	63.5	2 7/8	71.45	3	76.2
3	76.2	2 3/4	68.88	3	76.2	3 1/4	82.55
3 1/4	82.55	3	76.2	3 1/8	79.37	3 1/2	86.36
3 1/2	86.36	3 1/4	82.55	3 3/8	86.18	3 3/4	92.71
3 3/4	92.71	3 1/2	86.36	3 7/8	93.33	4	101.6
4	101.6	3 3/4	92.71	4	101.6	4 1/4	109.14
4 1/4	109.14	4	101.6	4 1/8	104.14	4 1/2	111.76
4 1/2	111.76	4 1/4	109.14	4 3/8	108.27	4 3/4	115.75
4 3/4	115.75	4 1/2	111.76	4 7/8	120.65	5	127.0
5	127.0	4 3/4	115.75	5	127.0	5 1/4	135.14

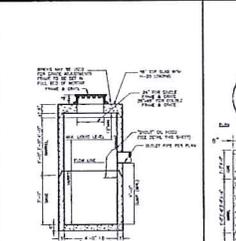
UNDERGROUND INFILTRATION SYSTEM LAYOUT
NOT TO SCALE



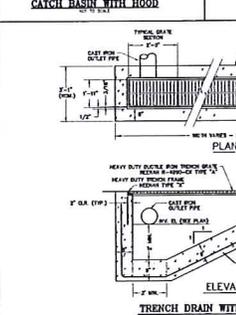
SNOUT - OIL - WATER - DEBRIS SEPARATOR
 1. THIS SEPARATOR IS TO BE USED TO REMOVE OIL, GREASE, AND DEBRIS FROM WASTEWATER BEFORE IT ENTERS THE SEWER SYSTEM.
 2. THE SEPARATOR SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 3. THE SEPARATOR SHALL BE MAINTAINED AND CLEANED AS REQUIRED TO ENSURE PROPER OPERATION.
 4. THE SEPARATOR SHALL BE PROTECTED FROM FREEZING AND OTHER WEATHER-RELATED DAMAGE.



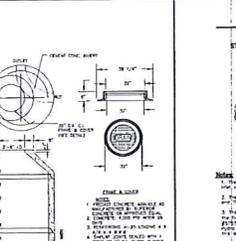
TYPICAL TRENCH SECTION FOR STORM DRAIN
NOT TO SCALE



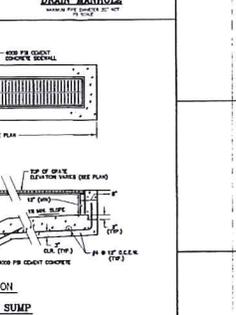
PRECAST CONCRETE CATCH BASIN WITH HOOD
 1. THIS CATCH BASIN IS TO BE USED TO COLLECT AND HOLD STORMWATER BEFORE IT ENTERS THE SEWER SYSTEM.
 2. THE CATCH BASIN SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 3. THE CATCH BASIN SHALL BE MAINTAINED AND CLEANED AS REQUIRED TO ENSURE PROPER OPERATION.



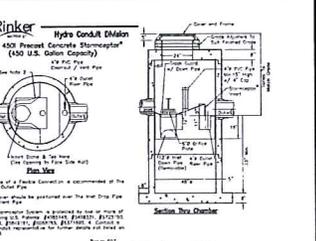
TRENCH DRAIN WITH SUMP
NOT TO SCALE



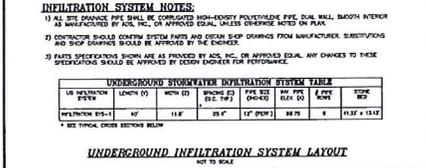
PRECAST CONCRETE DRAIN MANHOLE
 1. THIS DRAIN MANHOLE IS TO BE USED TO PROVIDE ACCESS TO THE SEWER SYSTEM FOR MAINTENANCE AND REPAIR.
 2. THE DRAIN MANHOLE SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 3. THE DRAIN MANHOLE SHALL BE MAINTAINED AND CLEANED AS REQUIRED TO ENSURE PROPER OPERATION.



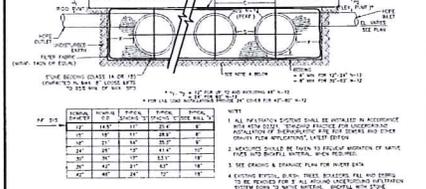
TYPICAL DETENTION BASIN CROSS SECTION
NOT TO SCALE



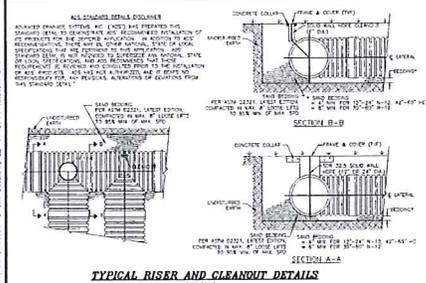
STORMCEPTOR DETAIL (STC-450)
 1. CONTRACTOR SHALL VERIFY SYSTEM PARTS AND DETAIL SHOP DRAWINGS FROM MANUFACTURER PRIOR TO CONSTRUCTION.



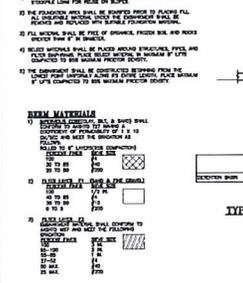
TYPICAL RISER AND CLEANOUT DETAILS
NOT TO SCALE



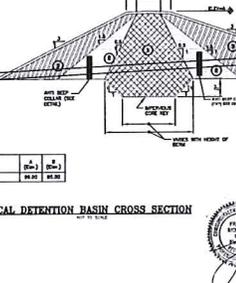
DETENTION BASIN CONSTRUCTION
NOT TO SCALE



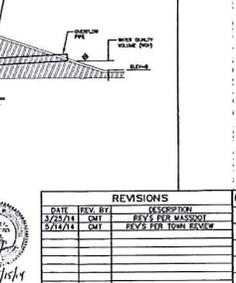
TYPICAL RISER AND CLEANOUT DETAILS
NOT TO SCALE



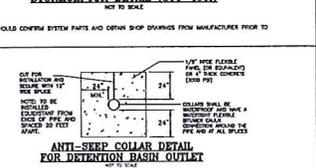
TYPICAL DETENTION BASIN CROSS SECTION
NOT TO SCALE



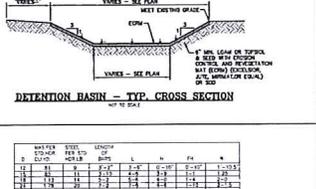
TYPICAL DETENTION BASIN CROSS SECTION
NOT TO SCALE



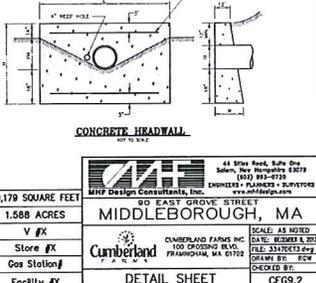
TYPICAL DETENTION BASIN CROSS SECTION
NOT TO SCALE



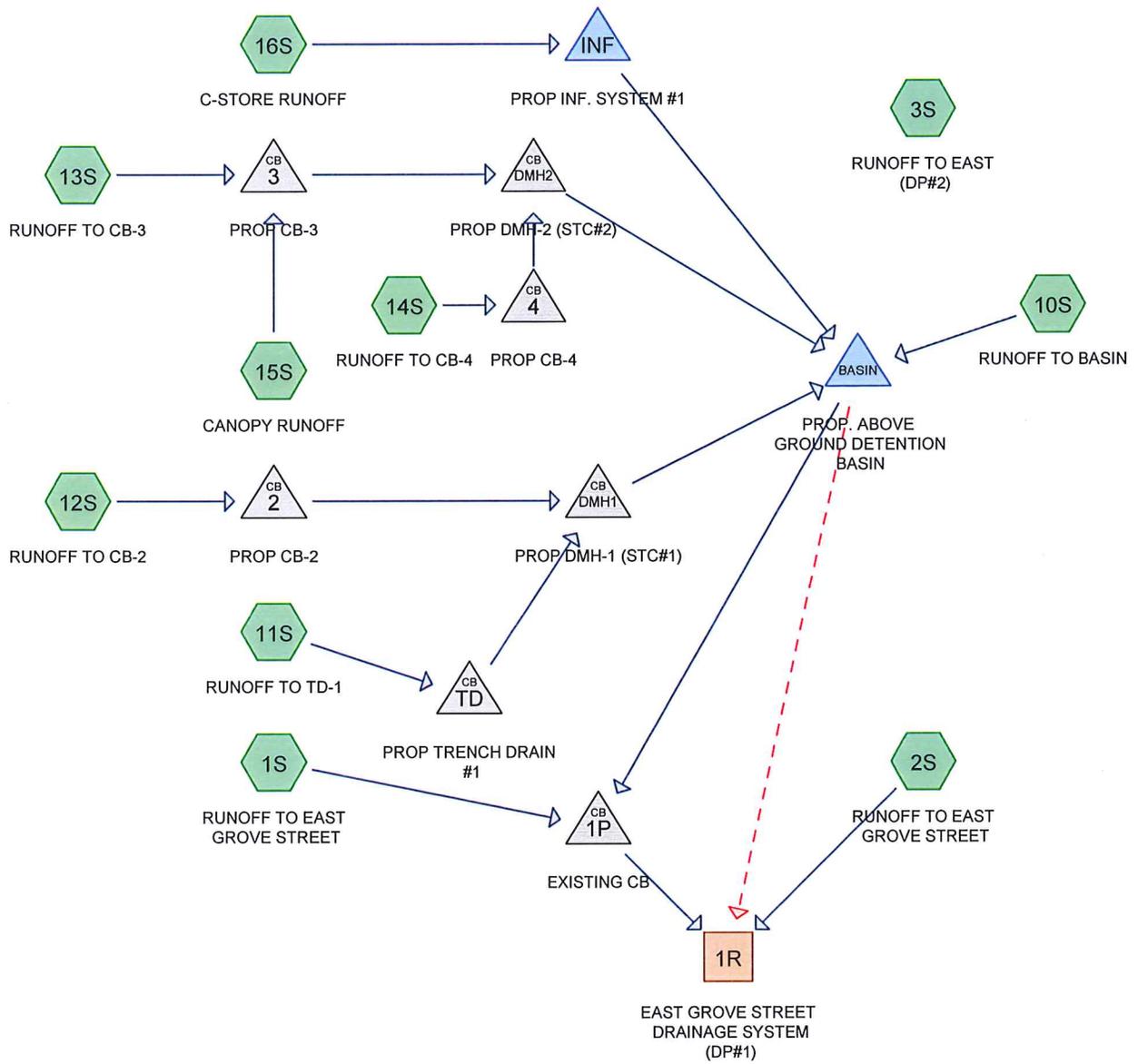
ANTI-SLEEP COLLAR DETAIL FOR DETENTION BASIN OUTLET
NOT TO SCALE



DETENTION BASIN - TYP. CROSS SECTION
NOT TO SCALE



CONCRETE HEADWALL
NOT TO SCALE



Routing Diagram for 3347-Postdrain--Rev4
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Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
27,476	39	>75% Grass cover, Good, HSG A (1S, 2S, 3S, 10S, 11S, 12S, 13S)
29,512	98	Paved parking, HSG A (1S, 11S, 12S, 13S, 14S)
8,361	98	Roofs, HSG A (15S, 16S)
7,260	98	Water Surface, HSG A (10S)
3,691	30	Woods, Good, HSG A (3S)
76,300	73	TOTAL AREA

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Soil Listing (all nodes)

Area (sq-ft)	Soil Group	Subcatchment Numbers
76,300	HSG A	1S, 2S, 3S, 10S, 11S, 12S, 13S, 14S, 15S, 16S
0	HSG B	
0	HSG C	
0	HSG D	
0	Other	
76,300		TOTAL AREA

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Ground Covers (all nodes)

HSG-A (sq-ft)	HSG-B (sq-ft)	HSG-C (sq-ft)	HSG-D (sq-ft)	Other (sq-ft)	Total (sq-ft)	Ground Cover	Subcatchment Numbers
27,476	0	0	0	0	27,476	>75% Grass cover, Good	1S, 2S, 3S, 10 S, 11 S, 12 S, 13 S
29,512	0	0	0	0	29,512	Paved parking	1S, 11 S, 12 S, 13 S, 14 S
8,361	0	0	0	0	8,361	Roofs	15 S, 16 S
7,260	0	0	0	0	7,260	Water Surface	10 S
3,691	0	0	0	0	3,691	Woods, Good	3S
76,300	0	0	0	0	76,300	TOTAL AREA	

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Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	1P	94.23	93.98	50.0	0.0050	0.013	12.0	0.0	0.0
2	2	97.45	96.50	150.0	0.0063	0.013	12.0	0.0	0.0
3	3	96.75	96.00	157.0	0.0048	0.013	12.0	0.0	0.0
4	4	96.10	96.00	5.0	0.0200	0.013	12.0	0.0	0.0
5	BASIN	96.50	95.50	30.0	0.0333	0.010	6.0	0.0	0.0
6	DMH1	96.25	96.00	45.0	0.0056	0.013	12.0	0.0	0.0
7	DMH2	95.75	95.50	21.0	0.0119	0.013	12.0	0.0	0.0
8	INF	99.25	96.00	140.0	0.0232	0.010	6.0	0.0	0.0
9	TD	97.25	96.50	54.0	0.0139	0.013	8.0	0.0	0.0

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Notes Listing (all nodes)

Line#	Node Number	Notes
1	10S	CN Value for basin area is assumed to be a Water Surface using the surface area within the basin at elevation 99.00 = 4,080 sf
2	1P	ASSUMED SLOPE TO DETERMINE IMPACT ON SYSTEM
3	BASIN	WQV Based on 1" of runoff for LUHPPL & 33,377 sf of impervious coverage= 1"/12' x 33,377 sf =
4		2,782 cf required
5		Infiltration System for C-store accounts for 5,433 sf of impervious coverage. Therefore remaining area required for recharge = 33,377 sf - 5,433 sf = 27,944 sf.
6		Therefore remaining recharge area =
7		1"/12"/1' x 27,944 sf = 2,329 cf required
8		At elev 96.50, storage volume = 2,425 cf > 2,329 cf required.
9	INF	RAWL'S RATES BASED ON LOAMY SAND = 2.41 IN/HR

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Type III 24-hr 2-year Rainfall=3.20"

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Time span=0.00-96.00 hrs, dt=0.05 hrs, 1921 points
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
 Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment1S: RUNOFF TO EAST GROVE	Runoff Area=10,161 sf 45.80% Impervious Runoff Depth=0.64" Flow Length=255' Tc=6.9 min CN=66 Runoff=0.14 cfs 544 cf
Subcatchment2S: RUNOFF TO EAST GROVE	Runoff Area=550 sf 0.00% Impervious Runoff Depth=0.00" Flow Length=100' Tc=6.0 min CN=39 Runoff=0.00 cfs 0 cf
Subcatchment3S: RUNOFF TO EAST (DP#2)	Runoff Area=18,256 sf 0.00% Impervious Runoff Depth=0.00" Flow Length=175' Slope=0.0300 '/' Tc=8.9 min CN=37 Runoff=0.00 cfs 0 cf
Subcatchment10S: RUNOFF TO BASIN	Runoff Area=9,281 sf 78.22% Impervious Runoff Depth=1.76" Flow Length=33' Tc=6.0 min CN=85 Runoff=0.43 cfs 1,359 cf
Subcatchment11S: RUNOFF TO TD-1	Runoff Area=5,115 sf 92.47% Impervious Runoff Depth=2.54" Flow Length=78' Tc=6.0 min CN=94 Runoff=0.33 cfs 1,084 cf
Subcatchment12S: RUNOFF TO CB-2	Runoff Area=4,979 sf 57.82% Impervious Runoff Depth=0.98" Flow Length=65' Tc=6.0 min CN=73 Runoff=0.12 cfs 408 cf
Subcatchment13S: RUNOFF TO CB-3	Runoff Area=14,166 sf 83.43% Impervious Runoff Depth=2.00" Flow Length=145' Tc=6.0 min CN=88 Runoff=0.74 cfs 2,357 cf
Subcatchment14S: RUNOFF TO CB-4	Runoff Area=5,431 sf 100.00% Impervious Runoff Depth=2.97" Flow Length=90' Slope=0.0100 '/' Tc=6.0 min CN=98 Runoff=0.38 cfs 1,343 cf
Subcatchment15S: CANOPY RUNOFF	Runoff Area=2,928 sf 100.00% Impervious Runoff Depth=2.97" Tc=6.0 min CN=98 Runoff=0.20 cfs 724 cf
Subcatchment16S: C-STORE RUNOFF	Runoff Area=5,433 sf 100.00% Impervious Runoff Depth=2.97" Tc=6.0 min CN=98 Runoff=0.38 cfs 1,344 cf
Reach 1R: EAST GROVE STREET DRAINAGE SYSTEM (DP#1)	Inflow=0.67 cfs 8,067 cf Outflow=0.67 cfs 8,067 cf
Pond 1P: EXISTING CB	Peak Elev=94.72' Inflow=0.67 cfs 8,067 cf 12.0" Round Culvert n=0.013 L=50.0' S=0.0050 '/' Outflow=0.67 cfs 8,067 cf
Pond 2: PROP CB-2	Peak Elev=97.65' Inflow=0.12 cfs 408 cf 12.0" Round Culvert n=0.013 L=150.0' S=0.0063 '/' Outflow=0.12 cfs 408 cf
Pond 3: PROP CB-3	Peak Elev=97.45' Inflow=0.95 cfs 3,082 cf 12.0" Round Culvert n=0.013 L=157.0' S=0.0048 '/' Outflow=0.95 cfs 3,082 cf
Pond 4: PROP CB-4	Peak Elev=97.17' Inflow=0.38 cfs 1,343 cf 12.0" Round Culvert n=0.013 L=5.0' S=0.0200 '/' Outflow=0.38 cfs 1,343 cf
Pond BASIN: PROP. ABOVE GROUND DETENTION	Peak Elev=97.16' Storage=5,337 cf Inflow=2.22 cfs 7,541 cf Primary=0.61 cfs 7,522 cf Secondary=0.00 cfs 0 cf Outflow=0.61 cfs 7,522 cf

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Type III 24-hr 2-year Rainfall=3.20"

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Pond DMH1: PROP DMH-1 (STC#1)

Peak Elev=97.16' Inflow=0.45 cfs 1,492 cf
12.0" Round Culvert n=0.013 L=45.0' S=0.0056 '/ Outflow=0.45 cfs 1,492 cf

Pond DMH2: PROP DMH-2 (STC#2)

Peak Elev=97.16' Inflow=1.32 cfs 4,425 cf
12.0" Round Culvert n=0.013 L=21.0' S=0.0119 '/ Outflow=1.33 cfs 4,425 cf

Pond INF: PROP INF. SYSTEM#1

Peak Elev=99.53' Storage=313 cf Inflow=0.38 cfs 1,344 cf
Discarded=0.03 cfs 1,079 cf Primary=0.16 cfs 265 cf Outflow=0.19 cfs 1,344 cf

Pond TD: PROP TRENCH DRAIN #1

Peak Elev=97.57' Inflow=0.33 cfs 1,084 cf
8.0" Round Culvert n=0.013 L=54.0' S=0.0139 '/ Outflow=0.33 cfs 1,084 cf

Total Runoff Area = 76,300 sf Runoff Volume = 9,164 cf Average Runoff Depth = 1.44"
40.85% Pervious = 31,167 sf 59.15% Impervious = 45,133 sf

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Summary for Subcatchment 1S: RUNOFF TO EAST GROVE STREET

Runoff = 0.14 cfs @ 12.12 hrs, Volume= 544 cf, Depth= 0.64"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
 Type III 24-hr 2-year Rainfall=3.20"

Area (sf)	CN	Description
5,507	39	>75% Grass cover, Good, HSG A
4,654	98	Paved parking, HSG A
10,161	66	Weighted Average
5,507		54.20% Pervious Area
4,654		45.80% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4.3	25	0.0100	0.10		Sheet Flow, Grass: Short n= 0.150 P2= 3.20"
1.5	65	0.0100	0.70		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
1.1	165	0.0140	2.40		Shallow Concentrated Flow, Paved Kv= 20.3 fps
6.9	255	Total			

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Summary for Subcatchment 2S: RUNOFF TO EAST GROVE STREET

Runoff = 0.00 cfs @ 24.00 hrs, Volume= 0 cf, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-year Rainfall=3.20"

Area (sf)	CN	Description
550	39	>75% Grass cover, Good, HSG A
550		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.5	20	0.0250	0.13		Sheet Flow, Grass: Short n= 0.150 P2= 3.20"
0.9	80	0.0100	1.50		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
3.4	100	Total, Increased to minimum Tc = 6.0 min			

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Type III 24-hr 2-year Rainfall=3.20"

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Summary for Subcatchment 3S: RUNOFF TO EAST (DP#2)

[45] Hint: Runoff=Zero

Runoff = 0.00 cfs @ 0.00 hrs, Volume= 0 cf, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-year Rainfall=3.20"

Area (sf)	CN	Description
3,691	30	Woods, Good, HSG A
14,565	39	>75% Grass cover, Good, HSG A
18,256	37	Weighted Average
18,256		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0	25	0.0300	0.07		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.20"
2.9	150	0.0300	0.87		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
8.9	175	Total			

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Type III 24-hr 2-year Rainfall=3.20"

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Summary for Subcatchment 10S: RUNOFF TO BASIN

CN Value for basin area is assumed to be a Water Surface using the surface area within the basin at elevation 99.00 = 4,080 sf

Runoff = 0.43 cfs @ 12.09 hrs, Volume= 1,359 cf, Depth= 1.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-year Rainfall=3.20"

Area (sf)	CN	Description
2,021	39	>75% Grass cover, Good, HSG A
* 7,260	98	Water Surface, HSG A
9,281	85	Weighted Average
2,021		21.78% Pervious Area
7,260		78.22% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.7	20	0.0200	0.12		Sheet Flow, Grass: Short n= 0.150 P2= 3.20"
0.0	13	0.3300	8.62		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
2.7	33	Total, Increased to minimum Tc = 6.0 min			

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Type III 24-hr 2-year Rainfall=3.20"

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Summary for Subcatchment 11S: RUNOFF TO TD-1

Runoff = 0.33 cfs @ 12.09 hrs, Volume= 1,084 cf, Depth= 2.54"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
 Type III 24-hr 2-year Rainfall=3.20"

Area (sf)	CN	Description
385	39	>75% Grass cover, Good, HSG A
4,730	98	Paved parking, HSG A
5,115	94	Weighted Average
385		7.53% Pervious Area
4,730		92.47% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.9	13	0.1500	0.25		Sheet Flow, Grass: Short n= 0.150 P2= 3.20"
0.5	65	0.0100	2.03		Shallow Concentrated Flow, Paved Kv= 20.3 fps
1.4	78	Total, Increased to minimum Tc = 6.0 min			

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Type III 24-hr 2-year Rainfall=3.20"

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Summary for Subcatchment 12S: RUNOFF TO CB-2

Runoff = 0.12 cfs @ 12.10 hrs, Volume= 408 cf, Depth= 0.98"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
 Type III 24-hr 2-year Rainfall=3.20"

Area (sf)	CN	Description
2,100	39	>75% Grass cover, Good, HSG A
2,879	98	Paved parking, HSG A
4,979	73	Weighted Average
2,100		42.18% Pervious Area
2,879		57.82% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.2	25	0.0500	0.19		Sheet Flow, Grass: Short n= 0.150 P2= 3.20"
0.3	40	0.0100	2.03		Shallow Concentrated Flow, Paved Kv= 20.3 fps
2.5	65	Total, Increased to minimum Tc = 6.0 min			

Jacqueline Shanley

From: Douglas Troyer <dtroyer@meeb.com>
Sent: Wednesday, May 14, 2014 7:29 PM
To: Charles Cristello
Cc: Jacqueline Shanley; Kathleen Sousa; 'Dawn Johnson (DJohnson@cumberlandgulf.com)'; Philip Henry ; McNaughton, Gary; Attorney Dan Murray
Subject: RE: Questions to Counsel
Attachments: Lt to Town 5.14.14.pdf; Attachment A.pdf; Attachment B.pdf; Attachment C.pdf

Charlie,

Pursuant to your request, please find the attached.

Should you require any additional information, please do not hesitate to contact me.

I look forward to hearing from you and Mr. Murray as to the Town's position on these questions.

Regards,

Doug T.

Douglas A. Troyer

Marcus, Errico, Emmer & Brooks, P.C.
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From: Charles Cristello [<mailto:ccristello@middleborough.com>]

Sent: Tuesday, May 13, 2014 9:45 AM

To: Douglas Troyer

Subject: Questions to Counsel

Doug,

Please send me the questions you want counsel to answer on the WRPD application for 150 S. Main Street. It would be better if you framed them in your own words.

Charlie

May 14, 2014

VIA EMAIL ONLY ccristello@middleborough.com

Charles Cristello
Town Manager
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 – WRPD Z2 Overlay

Dear: Mr. Cristello:

Pursuant to discussions conducted during the May 12, 2014 Public Hearing before the Town of Middleborough Board of Selectmen (“Board”), I provide below the following questions to be presented to Town Counsel for his review and opinion prior to the next scheduled meeting of the Board on June 2, 2014.

As a bit of background for Mr. Murray, I provide the following:

My client, Cumberland Farms, Inc. (“CFI”), filed an application for a Water Resource Protective District (“WRPD”) Z2 Special Permit relating to its property located at 150 South Main Street, Middleborough, MA - Map 58I, Lot 4265 (the “Subject Property” or the “Site”) with the Board seeking to raze the existing building and construct a new 4,513 sq. ft. convenience store with self-service gasoline sales. (See copy of Site Plan appended hereto as **Attachment “A”**).

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. Pursuant to Section 8.2.7(3)(a) of the Bylaw, CFI is required to obtain a special permit for this Project from the Board as the property is located within the WRPD Z2.

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 appended hereto as **Attachment "B"**).

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 Town of Middleborough Zoning Board of Appeals ("ZBA") for the re-establishment of a pre-existing nonconforming use (See copy of Special Permit Decision appended hereto as **Attachment "C"**).

On or about October 1, 2003, CFI purchased the Site and leased the Site to a tenant to operate a Gulf Express convenience store with gasoline service station. In or around January 2014, 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).

Question No. 1

In connection with Atlantic Design Engineers, Inc.'s peer review of CFI's project, they provided the following comment:

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 existing impervious surface already exceeds this requirement, making it non-conforming. Therefore, per WRPD Bylaw 8.2.7.3a, the proposed project cannot increase this non-conformity. The project should be revised to comply with this requirement.

Section 8.2.7.3.j of the Recodification of the Zoning By-Laws dated October 1, 2012 provides in relevant part as follows:

Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but may be allowed by Special Permit provided that a system for groundwater recharge is provided to recharge the amount of water that was naturally recharged prior to development from the land area made impervious greater than 15% and which does not degrade groundwater quality. (Emphasis added).

A fair and reasonable reading of this section appears to stand for the proposition that; (1) 8.2.7.3.j pertains to only projects within WRPD Z2 that render impervious surfaces between 15% and 25%, (2) projects that contain impervious surface percentages more than 15% but not more

than 25% of impervious surfaces are prohibited, and (3) applicants seeking projects that fall outside of the 15% to 25% range should follow the impervious surface percentage provided for within the zoning district to which the project lies under Section 4.1.1 of the Bylaw.

With regard to the instant project, CFI is seeking to increase its impervious percentage from 44% to 57%. The site is located within the GU Zoning District and pursuant to Section 4.1.1 of the Bylaw, the maximum impervious surface calculation is 60%. Therefore, it is CFI's position that pursuant to the plain language of Section 8.2.7.3.j, such section does not apply to CFI's project because the proposed impervious percentage is 57% which is outside the range of what Section 8.2.7.3.j identifies as being prohibited, and is therefore subject to the maximum 60% impervious percentage required under the Section 4.1.1 of the Bylaw for a GU District. As CFI's project proposes impervious surface percentage of 57%, CFI's project is within the maximum of 60% impervious surface percentage and complies with the Bylaw.

Thus, the question posed to Town Counsel is whether CFI's project is subject to the WRPD overlay provisions regarding impervious surface percentage of Section 8.2.7.3.j or the primary impervious surface percentage provided for in Section 4.1.1 for a GU Zoning District? Stated another way, does the language contained in Section 8.2.7.3.j stand for the proposition that the maximum impervious surface allowed in at WRPD Z2 is 25%, as alleged by Atlantic Design Engineers, Inc. in their peer review of the project?

Question No. 2

Should it be determined that CFI's project is subject to the provisions of Section 8.2.7.3.j of the Bylaw, can CFI seek a modification of the impervious surface percentage from 44% to 57% from the ZBA who issued a decision in 1989 which granted a special permit allowing for the re-establishment of the use of the Site and increased the impervious surface percentage of the property to 41%¹, or must CFI seek a variance from the ZBA pursuant to Section 3.3.4 of the Bylaw. If the answer to this question is in the affirmative to either a modification or variance, can the Board condition the grant of the instant application that CFI's special permit is only valid should it obtain such relief from the ZBA?

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

¹ See pages 20-22 of **Attachment C** which are Book 9035 pp 260-262. Also, as provided above, the Site was subject to a taking by the Massachusetts Department of Transportation by Order of Taking dated October 10, 2011 which took approximately 4,415 sq. ft. increasing the impervious surface calculation to 44%.

May 14, 2014
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Thank you for your attention to this matter.

Sincerely,

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

/s Douglas A. Troyer

cc: Cumberland Farms, Inc. (via email only)
Daniel F. Murray (via email only decasmurraydecas@yahoo.com)