

HEARINGS, MEETINGS, LICENSES

5-2-11

NOTICE OF HEARING

Please take notice that the Town of Middleborough Rent Board, ("Rent Board"), will hold a hearing on Monday, May 2, 2011 at 7:30 p.m. in the Selectmen's Meeting Room at the Middleborough Town Hall in Middleborough, MA. The hearing will be conducted pursuant to the authority under the Rent Board's "Rules and Regulations For Mobile Home Park Accommodations, Rents and Evictions" and Chapter 703 of the Acts of 1985 to consider the amount of rents paid by tenants of Edgeway Mobile Home Park (the "Park") and potential general or individual downward rent adjustment in the Park based on conditions and/or circumstances existing in the Park. Hearing procedures will be governed by the Informal/Fair Hearing Rules pursuant to 801 CMR 1.02. The Park Owner and the tenants shall each have the right to participate in the hearing and have the right to be represented at the hearing by an authorized representative or attorney. They or their representatives/attorneys shall have the right to prepare and present relevant evidence and argument at the hearing.

The issues in the hearing include:

1. Whether the Park owner failed to complete improvements in the Park required to be constructed and/or installed pursuant to the Park's special permit issued by the Middleborough Planning Board.
2. Whether the drainage system for the Park was approved as required under a Town of Middleborough Board of Health rule or regulation.
3. Whether the Park has a license under General Laws Chapter 140, Section 32A to conduct, control, manage and/or operate the Park.
4. Whether the Park owner failed to perform normal and adequate ordinary repair or maintenance in the Park.
5. Whether the Park owner failed to conform to or violated requirements of the State Sanitary Code.
6. Whether the residents of the Park have been adversely affected by surface water drainage conditions at the Park.
7. Whether the Park owner altered the buffer of the Park, which buffer was provided for under the special permit for the Park, by removal of trees and removal of earth materials from the buffer.

8. Whether one or more of the circumstances/conditions identified in Issues 1 through 7 above, if found to exist, warrants a general or individual downward rent adjustment.

TOWN OF MIDDLEBOROUGH RENT BOARD

Alfred P. Rullo, Jr.

Stephen J. McKinnon

Steven P. Spataro

Allin Frawley

Ben Quelle

Please publish in the 4/21/11 edition of the Middleborough Gazette
Please submit bill to Selectmen's office, 10 Nickerson Ave., Middleboro, MA 02346
Advertiser # 300074



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

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

MEMO

TO: Board of Selectmen

FROM: Jeanne Spalding, Health Officer

DATE: April 21, 2011

RE: Barbara Holton

The Board has been provided with copies of an application by Ralph Holton to operate a campground. For the number of units, Mr. Holton has indicated 113 on the application form for this year's application document.

The Health Dept.'s position remains the same in that the septic capacity of the Tispaquin Family Campground is not designed to accommodate the 100 plus units Mr. Holton is applying for.

The Health Dept. is again referring this matter to the Board for a hearing and recommends that the Board deny this campground permit on the basis that the septic design does not comply with the 100 plus units that Mr. Holton has applied for this facility.

Please provide Mr. Holton with a time and date for a hearing before the Board for his application for a campground permit.



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

April 22, 2011 -

Ralph & Barbara Horton
Tispaquin Family Campground
68 Purchase Street
Middleboro, MA 02346

RE: Application for 2011 Campground Permit

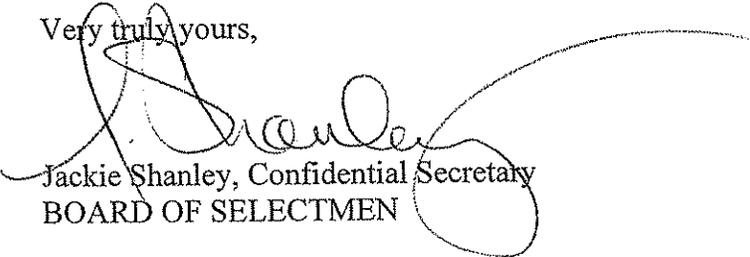
Dear Mr. & Mrs. Holton:

There will be a hearing on Monday, May 2, 2011 at 9 PM regarding the above referenced matter.

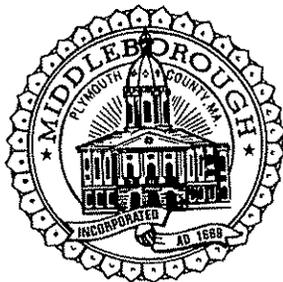
The hearing will be held in the Selectmen's Hearing room in the Town Hall, 10 Nickerson Avenue, Middleborough.

Please contact this office if you need any further information.

Very truly yours,


Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

cc: Board of Selectmen
Town Manager
Health Officer



**TOWN OF MIDDLEBOROUGH
HEALTH DEPARTMENT**

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

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

MEMO

Memo To: Board of Selectmen

From: Jeanne C. Spalding, Health Officer

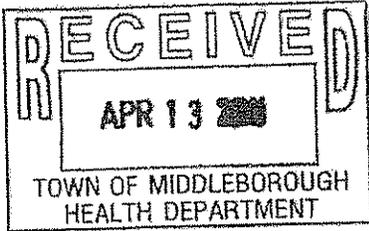
Re: Tispaquin Family Campground - 2011

Date: April 20, 2011

Enclosed, please find an application for a Family Campground permit from Ralph Holton that was submitted to this department on April 13, 2011 along with a copy of their check in the amount of \$200.00.

Please advise as to the Board's wishes in this matter.

*cc: Attorney Daniel Murray
Charles Cristello, Town Manager*



Fee: \$200.00

TOWN OF MIDDLEBOROUGH
BOARD OF HEALTH

TO THE BOARD OF HEALTH OF THE TOWN OF MIDDLEBOROUGH:

Application is hereby made for a permit to OPERATE A FAMILY TYPE CAMPGROUND

TISPAWIC Family Camp Area

Name of Applicant: Barbara Holton

Applicant's Address: 68 Purchase St

Type of Facility: CAMPGROUND No. of Units: 113

Facility Address: SAME Tel. No: 508-947-7444

If applicant is a partnership, full name and residence of all owners:

_____	Barbara A. Holton 68 Purchase Street Middleboro, MA 02546-3316	4/13/11 Date
_____	Pay to the Order of <u>Town of Middleboro</u>	\$ <u>200.00</u>
If applic	<u>Two hundred dollars</u>	100 Dollars
President		
Treasure	For <u>Licence 2010</u>	<u>Barbara A. Holton</u>
Clerk:	1101237871	

Barbara A. Holton
Signature

4/13/11
Date

**Material Submitted for Hearing
by Barbara Holton**

Windows Live

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Hotmail

New | Delete Junk | Mark as | Move to |

bholton68@hotmail....

Reply Reply all Forward |

Inbox (503)

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Manage folders

Add an e-mail account

Related places

Today

Contact list

Calendar

email on the go



(No Subject)

From: bssdj@verizon.net

You may not know this sender. Mark as safe | Mark as junk

Sent: Fri 2/05/10 4:01 PM

To: bholton68@hotmail.com

2 attachments | Download all attachments (887.4 KB)

tispaqun...jpg (468.5 KB), tispaquin...jpg (418.8 KB)

If you're having problems downloading attachments, please sign in again and s this computer".

Sign in again

Hi Barbara,
Please see attached
Jennifer



Bay State
SEWAGE DISPOSAL, INC.
SEPTIC SYSTEMS VACUUM CLEANED

TEL: 508-947-2636 • 508-822-0760
FAX: 508-947-0026
www.baystatesewage.com

February 5, 2010

Tispaquin Campground
68 Purchase St.
Middleboro, Ma 02346

Re: Pumping History

Dear Barbara:

Bay State Sewage Disposal, Inc has been pumping the septic in the campground since 2003 when we bought Middleboro Cesspool Service. It is our understanding that Middleboro Cesspool had been pumping them for many years prior to when we took over. They have always been on a maintenance program and have not had any emergency calls in all the years that we have had them as a client. Attached is a map of the facility. If you have any further questions please contact me at (508)947-2636.

Sincerely,

Jennifer Chavez
Jennifer Chavez
Office Administrator

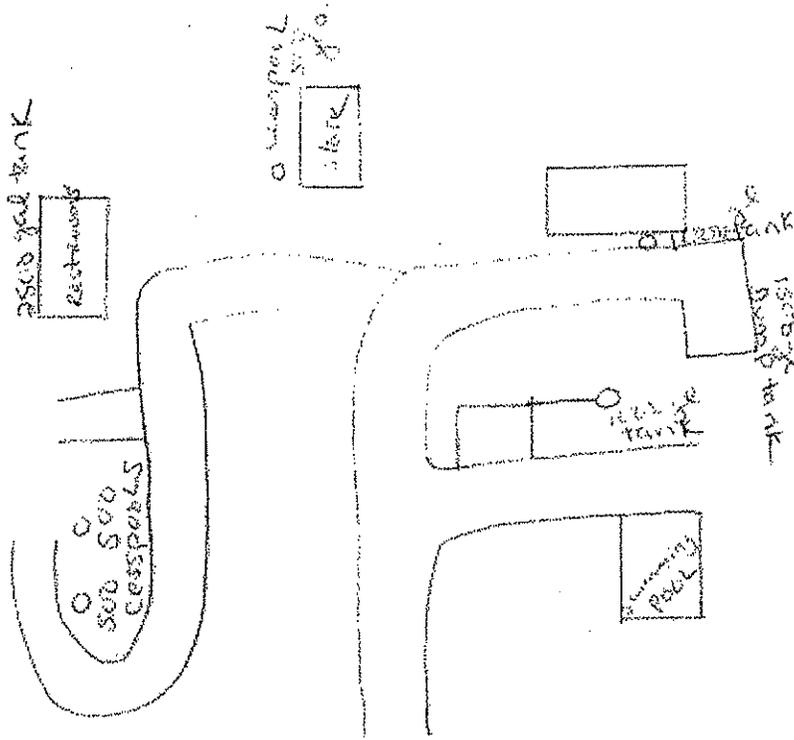
105 Krogman Street, Middleboro, Massachusetts 02347

tispaqun camp. letter.jpg



SEWAGE DISPOSAL, INC.
SEPTIC SYSTEMS VACUUM CLEANED

www.CaystonSewerage.com



purchase 6+
105 Kingman Street, Lakeville, Massachusetts 02347

tispaquin camp. map.jpg

Reply Reply all Forward | Delete |

Decas, Murray, & Decas

132 North Main St.

Middleboro, Ma 02346

RE: Whalen v. Holton et al (Plymouth Superior Court Docket No. 2009-00917)

Dear Mr. Murray,

After I received your letter dated March 15, 2011 I have been finishing my proposal I spoke about in my January 19th letter and also finishing my response to your letter. I gave up my right to appeal the three cases that were consolidated. It was and still is my hope that we could resolve these matters. My affidavit which contains new evidence is quite disturbing so much so that if we continue on in court I would be asking for a TRO and injunction of relief on the new evidence as it shows gross discrimination and information supporting lack of fair treatment. I have over the last 28 years continued to fight for mistakes and errors instead of the truth. My affidavit is the truth and I swear to it. The money that we have spent over the years could have resolved any septic and or other issues the Town believes there is. If in the beginning that were the case it would have been over. You and I both know that this issue was not a factor until recently. Tens of thousands of dollars is what I have spent over the years this money could have built a treatment plant. Please look over my affidavit and see if an agreement can be made. If not I will answer in court but I will be doing so on my own as I cannot fund anymore legal fees. If improvements are the issue my money is better spent there. My motions are enclosed along with my affidavit. If I make a mistake I will have to pay the consequences as I have taken too much money away from my dream to run a successful business the way others do. I also enclosed a copy of the complaint. The defendants memorandum in support of:

1. Motion for TRO
2. Injunction Relief
3. Motion to Dismiss
4. Motion to allow new evidence

These documents are served on you pursuant to Superior Court Rule 9A

Very Truly Yours,

Barbara A. Holton and Ralph F. Holton

(hand delivered by both defendants March 25, 2011 to the Office of Deas, Murray, & Decas 132
North Main St. Middleborough, Massachusetts 02346)

Received By: Kimberly Thrower

Date: 3-25-11

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

SUPERIOR COURT

CIVIL ACTION NO. 2000-00917

ROBERT J. WHALEN, et al)

Plaintiffs) MOTION FOR TRO AND RELIEF FROM JUDGEMENT

v.) MOTION TO DISMISS AND MOTION TO ALLOW

RALPH F. HOLTON and) NEW EVIDENCE

BARBARA HOLTON)

Defendants)

NOW come the defendants and move the Court to enter:

1. Motion for TRO
2. Relief from Judgment
3. Motion to Dismiss
4. Motion to allow new evidence

They will promote the public interest and will not adversely affect the public, all as more fully set forth in defendants Memorandum in support of Motions:

1. Motion for TRO
2. Relief from Judgment
3. Motion to Dismiss
4. Motion to allow new evidence

Wherefore defendants demand that the court issue:

1. TRO sighting irreparable harm, absent the order less harm will result to the Plaintiff, if the TRO issues than to the defendant if the TRO does not.
2. Relief from judgment, sighting omissions, gross negligence and bad faith and extreme malice that has been displayed toward the defendants and their business.
3. Motion to dismiss

Upon information and belief, numerous material, irregularities, errors and problems affected the results of this case. More over, these irregularities or improprieties occurred to such an extent that they taint the results of the entire case and cast doubt on its fairness, Roe vs Wade 410 U.S. 113 (1973) exhibit A

4. Motion to allow new evidence

Upon information and belief, numerous material, irregularities, errors and problems affected the results of this case. More over, these irregularities or improprieties occurred to such an extent that they taint the results of the entire case and cast doubt on its fairness, Roe vs Wade 410 U.S. 113 (1973) exhibit A

DEFENDANTS

By:

Barbara Holton and Ralph Holton
68 Purchase St.
Middleborough, MA 02346
508-947-7444
Email: bholton68@hotmail.com

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

SUPERIOR COURT
No. PLCV 2000-00917

ROBERT J. WHALEN, Town of)
Middleborough Building Commissioner)
and the TOWN OF MIDDLEBOROUGH)
Plaintiffs)
)
)
v.)
BARBARA HOLTON)
Defendants)

J

DEFENDANTS MEMORANDUM IN SUPPORT:

- 1. SUPPORT OF MOTION FOR TRO
- 2. RELIEF FROM JUDGMENT USING RULE 60(b)
- 3. MOTION TO DISMISS
- 4. MOTION TO ALLOW NEW EVIDENCE

BACKGROUND-FACTS

This is an ongoing dispute between the parties dating back to the 1980's.

The Tispaquin Family Camp Area and the Kampgrounds of America are both campgrounds located in Middleborough Massachusetts. Both are in rural residence district under Middleborough Zoning by law. Both are operating under special permits granted by the Zoning Board. Since the 1980's there have been significant changes in the factual and legal aspects of this case. It is clear that from 1973 that KOA had no special permit to increase there number of sites from 205 to 276. They also had no special permit to increase the number of Cabins from 2 to 22. They had no special permit to decrease the size of the campground. The inspection of the property in 2001 egnoleges this but still nothing is done. The two businesses apply and received the same licenses. They have the same inspections. They go to the Zoning Board for the same things. Copies of these documents are attached to 2011 affidavit of Barbara A. Holton.

Defendants seek Motion to allow new evidence relief from judgment, motion to dismiss, and TRO.

ISSUES

1. Whether Rule 60(b) should apply
2. Whether the plaintiffs violated the class of one equal protection

ARGUMENT

I

There has been a significant change in the factual and legal aspects of this case.

In light of these new facts and others, that were not known or anticipated by the Court at the time of its original ruling, the prospective decisions in these cases would be inherently unjust.

Roe B. Wade 410 us 113 (1973) exhibit A

II

The Court should apply the principals articulated in Village of Willowbrook V. Olech 528 U.S. 562 (2000) exhibit B in considering whether the plaintiffs violated the class of one equal protection. A person can allege an equal protection violation by asserting that the state action was motivated solely by a "spiteful" effort to "get" him for reasons wholly unrelated to any legitimate state objective.

160F 3d 386, 387 (1998) (quoting Esmail V. Macrane.53F 3d 176 180 (ca7 1995))

CONCLUSION

Defendants are likely to prevail on these issues. The Court should grant the defendants request:

- a. to allow new evidence
- b. relief from judgement pursuant to Rule 60(b)

- c. dismiss the plaintiffs motion
- d. TRO

Respectfully Submitted
Defendants
By:

Barbara Holton and Ralph Holton
68 Purchase St.
Middleborough, MA 02346
508-947-7444
Email: bholton68@hotmail.com

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

SUPERIOR COURT

CIVIL ACTION NO. 2000-00917

ROBERT J. WHALEN, et al

Plaintiffs

v.

Affidavit of Barbara A. Holton

RALPH F. HOLTON and

BARBARA HOLTON

Defendant

Barbara Holton, depose as follows:

1. I am a resident of Middleborough, Massachusetts.
2. I am the Operator of Tispaquin Family Camping Area in Middleborough, Massachusetts for more than 27 years.
3. I read the complaint in the case. The facts stated in the complaint are false.

In reference to the letter dated January 19, 2011, and our upcoming opening on April 15, 2011. We have drafted this proposal to eliminate any further issues. As you know we have decided not to continue on with an appeal and would like to resolve all issues amicably. Not only has the legal expenses drained us the emotional stress over all these years has weakened us to the point where ourselves and our customers are suffering. The information attached was

acquired by us from departments at Town Hall and others. The facts are quite disturbing. Most cities and towns in this state are willing to work with and help small businesses grow in their community. Attached is evidence the DEP is working with campgrounds also. It is true that in order to start a campground in a rural residence in Middleborough you must do so by special permit. Our campground was started without a special permit to make changes to a grandfathered campground. A special permit is required for those changes or alterations. There is no limit to the number of changes you can ask for. Since the mid 1980's there have been no special permits issued or asked for by any campgrounds in Middleborough. This leads me to believe that the consensus of the building inspector believes they have the authority to refer changes to the zoning board or allow them without zoning approval is what has been done. Be this the case if the campgrounds can increase their number of sites without the approval of the Board then that same practice should be extended to all. In 2001 when our new Health Officer along with the Building Inspector were inspecting and familiarizing herself with campgrounds and their capacities there was a diligent effort made to make one campground comply while the others carried on without consequences. These forms are attached. Finding this information in the files at Town Hall have prompted me to ask how and why did this happen and what can we do to correct this horrible case of discrimination. My answer to that would be to come to an agreement knowing that over the years it has been the Town's main objective to curtail Tispaquin Campground from thriving and competing the same as others. With this new information how could you continue to discriminate and suppress our campground down to extinction? My proposal would be to operate with 110 campsites use the DEP to assess the improvements and or repairs that need to be made to the systems at the campground. Just like the K.O.A. knowing now of the injustices that has been committed to us wouldn't it only be fair to try and resolve this matter. Recently I spoke with George Collins from Collins Engineering and he is willing to help. George Collins is the engineer that is resolving the issues at the K.O.A.

Attached please find A-I This affidavit is made on my personal knowledge except as to facts alleged on information and belief.

- A) Letter from building inspector dated October 11, 1984 depicting Tispaquin Family Camp may have more rights than KOA. Also advising against too many restrictions.
- B) Petition for Public Hearing dated March 21, 1973. The last approved increase of sites for KOA map attached.
- C) Zoning notes for KOA two pages that stated present capacity statement of 264 was never approved.
- D) Complaints filed by Barbara Holton in 2004 and 2009 that were never addressed.
- E) Current map from KOA and 2001 inspection report from Zoning Administrator reporting 205 approved by zoning but 276 exist.
- F) Zoning contact with Board of Health June 29, 2001. ^{SA}
- G) News articles showing Towns and the prospective DEP departments help towards campground.
- H) Massachusetts State Park Campground Guidelines.
- I) State Representative Murphy's Bill to help preserve camping in Massachusetts.

This affidavit is made on my personal knowledge, which I believe to be true.

Signed under penalties of perjury this _____ day of March, 2011

This affidavit is made on my personal knowledge, which I believe to be true.

Signed under penalties of perjury this 25th day of March, 2011

Barbara A. Holton

Barbara A. Holton

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this _____ day of March, 2011, before me, the undersigned notary public, personally appeared Barbara A. Holton, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge or belief.

Notary Public:

My Commission Expires:



Town of Middleborough
Massachusetts

William J. Gedraitis
Inspector of Buildings
947-6339

14
October 11, 1984

Zoning Board of Appeals
Town of Middleborough
Town Hall, Nickerson Avenue
Middleborough, Ma 02346

SUBJECT: Tispaquin Family Camp Association
Purchase Street, Middleborough, Ma 02346

Honorable Board:

In response to your request of recommended conditions for the Tispaquin Family Camping Association Campground Special Permit application, I offer the following remarks:

1. I see similarities between this campground and the K.O.A. Campground on Plymouth Street. Although the Tispaquin Family Campground may have more rights in that it is a pre-existing non-conforming use. I feel that too many restrictions are not advisable or necessary in this case. They tend to become difficult if not impossible to police. However, the four conditions* which were granted and part of a Special Permit for K.O. A, dated April 22, 1982 are sound and may be appropriate for this petitioner. (see attached copy).
2. The "Family type campground regulations" adopted by the Board of Health, October 6, 1977, are substantially in alignment with the above four conditions and tend to reinforce them. (See attached copy)

In closing, I wish to refer to my previous letter to you dated September 25, 1984* in which I stated myself to be in favor of supporting the petition.

Yours truly,

William J. Gedraitis
Inspector of Buildings

*(See Attached)

Incorporated 1669
311 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD

RLK

Town of Middleborough
Massachusetts

13

DEPARTMENT
OF THE
BOARD OF HEALTH

FAMILY TYPE CAMPGROUND REGULATIONS

The Board of Health adopted under provisions of General Laws, Chapter 111, Section 31 and Regulation 2.1 of Article I of the State Sanitary Code the following regulations supplement to Article VIII of the State Sanitary Code, effective on October 6, 1977.

Mobile Camping Units as defined in Regulation I of Article VIII of the State Sanitary Code, occupying any camp site in a Family Type Campground, licensed by the Board of Health, shall be registered and legally equipped to travel over the highways of the Commonwealth of Massachusetts. *

The camping season shall be designated as the period March 1 through December 31 of any year. Mobile Camping Units shall be removed from all camp sites on or before December 31 of any year and shall not be replaced before March 1 of any year.

For the purpose of the regulation a Family Type Campground shall mean a tract or parcel of land, either privately or publicly owned, (a) which is used wholly or in part for recreational camping or group activity purposes, or for accommodation for overnight or longer periods, and (b) which accommodates for profit or under philanthropic or charitable auspices three or more families or camping groups. Without limiting the generality of the foregoing, the family type camp ground may accommodate tents, motor homes, expandable camping units, and such other devices as may be developed and marketed for the camping trade. The term family type camp ground does not include a children's day camp, recreational camp for children, mobile home park or picnic area. (defined in Section 14.01 of 310 CMR 14.00 - Minimum Standards for Developed Family Type Camp Grounds.)

BOARD OF APPEALS
MIDDLEBOROUGH, MASS.

PETITION
FOR PUBLIC HEARING

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

Middleborough, Mass. March 21, 1973

To the Board of Appeals
Middleborough, Massachusetts

I/We hereby petition your Board for a public hearing on the action checked below

- Review refusal of Selectmen to grant permit.
- Variance from requirements of Middleborough Protective Bylaw.
- Permit for a specific use which is subject to Board of Appeals approval.

To allow the Plymouth Rock RDA Kampground to construct and operate
65 additional campsites, or a total of 205 campsites, for the
use of mobile camping units or tenters.

as shown on the attached plan.

140 + 65 = 205

State page and section of by-law in question.

Page 14, Section VII, C, 3.

State full Names and Addresses of last known abutting property owners.

Mr. Daniel Striar, Sadie Striar and Paul Kendall, 555 Plymouth St., Middleboro.

Mrs. Edith Ford, 444 Columbia Road, Borchester, Mass.

rec'd 21, 1973 - 9:40 AM.
Keith E. Caswell
Town Clerk

Respectfully submitted,

Signed

Address 1018 Plymouth Street, Middleboro

T = PROPOSED RECREATIONAL AND TOILET BUILDING

F. T. = FUTURE TOILETS + SHOWERS

C T = CHEMICAL TOILETS

748' FORD
70 ACRES WOODS
STRIAR AND PAUL KENBALL
273'

4207'

PRECINCT

40 PREVIOUSLY APPROVED SITES
TENT APPROVED
FUTURE PROPOSED SITES
F. T.

WOODS

REC. FIELD

20 PREVIOUSLY APPROVED SITES

N E T W E S S I T E S

45 NEW PROPOSED SITES
PLAYGROUND
PRT

PROPERTY OF DANIEL STRIAR

EMERGENCY EXIT

BARN

7 NEW SITES
7 NEW SITES
CT

40 PREVIOUSLY APPROVED SITES
NEW SEWAGE

40 PREVIOUSLY APPROVED SITES

WOODS

100' PLYMOUTH ST

CAR. HOUSE

HOUSE

OVER FLOW AREA
FUTURE SITES

SWIM POOL
MAIN ROOM

PROPERTY

40' ENTRANCE AND

STATE

STATE HIGHWAY

ROUTE 44

LEGEND
SCALE 1" = 200'

ONING BOARD OF APPEALS
HEARING DATE

SUBJECT

STATUS

& REMARKS

NOV. 20, 1969	REQUEST VARIANCE TO CONSTRUCT & OPERATE K.O.A. CAMPGROUND - MAXIMUM 75 UNITS FOR SUMMER SEASON	VARIANCE GRANTED DEC. 1, 1969	75 UNITS MAX. FOR K.O.A. ONLY & ALL CAMPERS EXCLUDED FROM LOCUS NOV. 1 THROUGH APRIL 30, = SIX MONTHS
10/14/71	<i>Request Withdrawn & Resubmitted 1/10 Campers granted</i> APPLIED FOR VARIANCE FOR 200 UNITS YEAR ROUND ON MR. WOOD'S ADJOINING LOT ON JAN. 12, 1971	?	<i>total 140 Campers units 5/1 - 10/31</i>
2	APPLIED FOR VARIANCE TO OPERATE 25 UNITS YEAR ROUND (CLAIMS THESE 25 UNITS ARE A PART OF THE 100 UNITS PREVIOUSLY APPROVED FOR USE--)	?	
AN. 6, 1972	REQUEST VARIANCE TO EXTEND SEASON FROM MARCH 1 THROUGH NOVEMBER 20 = EIGHT MONTHS & 20 DAYS	VARIANCE DENIED GRANTED	
3B. 10, 1972	APPLIED FOR VARIANCE TO ERECT TWO SIGNS ON JANUARY 9, 1972	TABLED UNTIL MARCH 23, 1972	
PF. 21, 1972	REQUEST TO EXTEND SEASON THROUGHOUT THE YEAR BUT TO PROHIBIT SENDING CHILDREN TO SCHOOL	DENIED	
OV. 3, 1972	REQUEST TO EXTEND SEASON TO INCLUDE MARCH, APRIL, AND NOVEMBER BUT NO ONE ALLOWED TO STAY LONGER THAN ONE WEEK DURING THIS TIME	GRANTED	TOTAL = 6 + 3 = 9 MONTHS TO INCLUDE MAXIMUM OF ONE WEEK STAY FOR MARCH, APRIL & NOVEMBER
?	REQUESTED VARIANCE TO REMOVE THE PRESENT ONE-WEEK MAXIMUM STAY DURING MARCH, APRIL AND NOVEMBER	?	

HEARING DATE	SUBJECT	STATUS	REMARKS
OCT. 30, 1975	REQUESTED VARIANCE TO EXTEND SEASON TO YEAR-ROUND WITH NO ONE TO STAY LONGER THAN ONE WEEK DURING DECEMBER, JANUARY & FEBRUARY AND NO CHILDREN TO ATTEND SCHOOL	VARIANCE GRANTED	AS REQUESTED TOTAL = ALL YEAR RESTRICTED TO ONE WEEK'S STAY DURING DECEMBER, JANUARY & FEBRUARY ALSO - NO CHILDREN TO ATTEND SCHOOL.
FEB. 12, 1976	REQUEST VARIANCE TO BUY AND SELL UNITS	DENIED	
FEB. 6, 1977	REQUESTED SPECIAL PERMIT TO USE ADDITIONAL SITE ON WEEKEND OF APRIL 29 TO MAY 1	GRANTED	300 SITES MAXIMUM FOR THIS WEEKEND ONLY
MARCH 10, 1977	REQUESTED SPECIAL PERMIT FOR 500 CAMPING UNITS FOR SEPTEMBER 16-18, 1977 AND SEPTEMBER 15-17 IN 1978	GRANTED FOR 1977 ONLY	
OCTOBER 20, 1977	REQUEST TO USE CERTAIN AREAS FOR LONGER TIME	DENIED	
FEB. 12, 1978	REQUESTED SPECIAL PERMIT FOR 500 CAMPING UNITS SEPTEMBER 15-17, 1978	GRANTED	
MARCH 5, 1981	PART I, REQUESTED SPECIAL PERMIT FOR 375 CAMPING UNITS SEPTEMBER 18-20, 1981 PART II, REQUESTED SPECIAL PERMIT TO ALLOW STAYS WITHOUT TIME RESTRICTIONS DURING MARCH, APRIL, NOVEMBER AND DECEMBER	GRANTED DENIED	* <i>Noted present capacity in 2000 permits.</i>

TOWN OF MIDDLEBOROUGH
The Middleborough Zoning Board of Appeals will hold a public hearing on April 8, 1982, at 7:30 P.M. in the Selectmen's Room, Town Hall, to hear the petition of Paul N. Whiteberry, 438 Plymouth Street, Middleborough, Mass. relative to his request to allow the Plymouth Rock KOA Campground, 438 Plymouth St., to have camping units on campsites during March, April, November and December, without the present time restrictions.

May 6, 1982

granted

10/20/83

DATE 5/14/04

TIME 11:00 AM

CALLER: Barbara Holton TEL. 508-947-7444

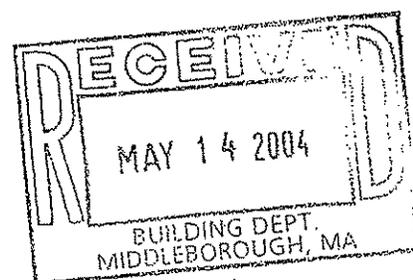
ADDRESS: 68 Purchase St

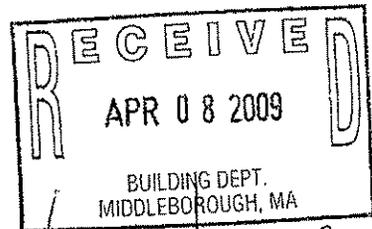
COMPLAINT/PROBLEM: KOA Plymouth Rock
has 22 Cabins only 2 have
a special permit issued by
the Zoning board

LOCATION: _____

OWNER: Bill Nickerson

NOTES:





DATE 4/8/09
TIME 4:13

CALLER: Barbara Holton TEL: 508-947-7444

ADDRESS: 68 Purchases St Middleboro, MA
02346

COMPLAINT/PROBLEM: KOA 2 cabins
were issued By Special Permit
in 1984 No other special Permits have
been issued since The permit also
states No electric no water attached see
ref on internet for ref Micro wave and
Private Bath

LOCATION: 438 Plymouth St

OWNER: _____

NOTES: size of Camp has changed since
the last special Permit which would also
constitute a alteration of a non conforming
use and would also require a special
Permit

Roaming Inspection today (12 July 01)

1. found 171 sites occupied this date.
(31 Tents + 125 CAMPER TR. + 15 CABINS)
2. Rest Room / Showers Buildings - Very clean and in good order.

3. Saw Pool - ✓ lifeguard on duty

4. Main Laundry / Store -

I did
 5. ~~Need to discuss w/ owner~~ - (Bill N.)
 a - Lic for 276 sites - Both include Safford
 b - ZBA Approval for 205 sites
 c - He says this is 1986 and the Lic. number is same and he does not apply for any changes/increases.
 He showed me his In House Computer System - tracking site occupancy.

Example:

Sat - 29	JUN (F)	216
30	" - (SA)	243
1 st	July (Sun)	221
2 nd	" (M)	217
3 rd	" (TU)	232
→	July 4 th (W)	230 ←
	5 (TH)	235
	10 - (F)	264

Removal -
 Day 267

W. DeBrito

ZONING BOARD OF APPEALS REC
 BY REV. PAUL WHITTEBERRY F
 K.O.A. KAMPGROUND

Bill
 276 Sites
 Lic. w/H.O.
 for the past
 3 yrs. Per
 JS
 6/29/01

Feb. 4, 1970	No record of decision on
Jan. 12, 1971	No record of decision on
Feb. 26, 1971	No record of decision on
Aug. 10, 1971	No record of decision on
Sept. 13, 1971	Voted May 1st to Oct. 31st
Oct. 4, 1971	Denied 30 day stay from 1
Nov. 23, 1971	Denied March 1st to Nov. 20th extension. Present operation May 1st to Oct. 31st.
Jan. 9, 1972	Sign request
Feb. 10, 1972	Sign request
Aug. 23, 1972	Denied to operate from Nov. 1st to April 30th
Sept. 21 or 29, 1972	Denied to operate from Nov. 1st to April 30th
Oct. 5, 1972	Voted to operate November, March, and April. No one to stay longer than one week.
March 21, 1973	No record of decision on file with Town Clerk
April 26, 1973	Voted 40 ft. greenbelt; no future campsites within 200 ft. of Precinct & Plymouth Streets. Open March 1st to Nov. 30th only. March, April, November-one week only.
October 12, 1973	No record of decision on file with Town Clerk
Sept. 19, 1975	Voted to operate from Dec. 1st to Feb. 28th of each year no more than one week stay. No children to be allowed to be sent to school.
Jan. 12, 1976	Denied to allow the sale of camping units
Nov. 24, 1976	Voted 300 campsites for week end of April 29-May 1, 1977
Feb. 1, 1977	Voted special 500 units Sept. 16-18, 1977
Sept. 13, 1977	Denied to operate longer time period
Nov. 28, 1977	Voted special 500 units Sept. 15-17, 1978

Bill Nicholson owns

NOTE
 6/29/01
~~276~~ 276 Sites Lic w/ Health Dept
 for past 3 years Per T. Smeltzer

Cape & Islands News

The ideal newspaper should be "irreverent, rash, feisty, and really care." - Jim Bellows

Banks see proposed Dennis seasonal resort district zoning bylaw as a positive

09/16/10 · 5:26 pm :: posted by editor

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Loans are easier to come by as bylaw inches towards approval

Owners continue to make land and environmental improvements in area

By Gerald Rogovin

The possibility of a new seasonal resort community bylaw's endorsement by the fall special Town Meeting has stepped up financing by banks and other lenders in the cottage and RV communities along Old Wharf Road in Dennisport.

Sales up, improvements on the rise

Twenty of the 59 cottages converted from private ownership to condominiums at Village at Nantucket Sound were sold by the end of last month. Improvements underwritten with conventional financing were made as soon as the units were conveyed to the new owners, according to Jonathan Idman, a legal representative of the community.

This represented a change; earlier this year, financing was more difficult to obtain.

Predictability in loaning

Describing the bankers' view of the proposed bylaw as "a positive", Idman told a meeting of the Dennis Bylaw Study Committee earlier this month, investors "have expressed enthusiasm for the proposed zoning because it would assure them more predictability in making loans."

Reinvestment on the rise

At the same time, cottage and RV owners have begun reinvesting in their properties, according to Robert Brennan, Jr., attorney for Chase's Ocean Grove and Ocean View RV Park, both also in Dennisport.

He noted that "the state's Department of Environmental Protection now has greater control than Dennis over how wastewater treatment is going to be dealt with in the cottage/RV colonies." Brennan said that consent agreements entered into with Massachusetts DEP setting deadlines for building new systems have stimulated owner investment.

The proposed bylaw will be voted on by the special Town Meeting this fall. It awaits review by the planning and selectmen boards. Both have to endorse it before a Town Meeting.

Wastewater improvements

Limits on the amount of nitrogen that can be absorbed by Nantucket Sound without violating water quality standards are driving wastewater management plans on Cape Cod.

It has been estimated that the region will spend \$4-\$8 billion in the next 25 years to reduce the flow of wastewater.

Terence Hayes, director of the Dennis Health Department, told a meeting of cottage and RV owners last June that their communities would be producing about 150,000 gallons of wastewater a day at the height of summer. Most of it was being leached into Nantucket Sound from older cesspools, all in a concentrated area.

Town sewerage in the area not likely in the near future

The likelihood of the town installing sewers in the next five years is low, according to the Dennis Water District. That puts the burden on the cottage and RV owners, Brennan said. "For generations, in the absence of a town-wide sewer system, properties have been served by onsite septic systems," he said. "In that time, the cottage colonies have turned over, family by family, and they have become insulated from evolving state regulations."

Chase's Ocean Grove's 275 cottages are now served by individual and shared cesspools, Brennan disclosed. They, like the properties, are nonconforming systems into which the sewage is discharged. The liquid portion is disposed by leaching into surrounding ground. The remaining solids and sludge are retained in the cesspool pits, which are drained every fall.

MassDEP steps in

"Those systems are not failing," Brennan pointed out. "But they must be upgraded under the Massachusetts DEP administrative consent orders by 2018. Grindell's RV Park and Campers Haven RV Resort are in the same situation."

Salt Air Village has been replacing its cesspools with Title 5 septic systems under an agreement with the Dennis Board of Health. If it should convert to condominiums -- the possibility has been discussed publicly -- the community would have to deal with the Massachusetts DEP.

Package systems employing filtration, dilution and distribution technologies to achieve discharge standards in properties with limited open space, so-called "Innovative/Alternative Technologies", are being pushed by MassDEP to address onsite wastewater needs in the cottage colonies and elsewhere on the Cape.

Wastewater options for the Cape

A mixture of smaller-scale treatment systems and neighborhood plants in use in the region have been found to be cost-effective and environmentally superior, according to the Coalition for Alternate Wastewater Treatment. Chatham is reported to be interested in a system operating in Eastham and a second one at the Waquoit Bay National Estuarine Reserve in Falmouth.

Provisional approval has been granted by MassDEP for nine technologies manufactured by 10 companies. Three are located in Massachusetts.

State Representative Matt Patrick of Falmouth said that he and other members of the Cape Cod legislative delegation plan to encourage the state to step up its investigation and approval of the technologies to allow towns to consider all available options.

The proposed Dennis bylaw, if passed, will encourage reinvestment in their homes by cottage and RV owners, in Brennan's opinion. "It will advance construction financing," he predicted. "Such financing requires the certainty of a stream of repayment income by owners on a long-term basis."

For cottage and RV owners, that certainty affects their long-term leases and other dwelling ownership options. They should also be more able to invest in construction or expansion of individual units within the physical limits mandated by the bylaw.

Previous stories on the EDC hearings:

[Proposed Dennis seasonal resort district zoning bylaw moves one step closer to approval](#)

[Is support for the new seasonal resort district zoning bylaw in Dennis waning?](#)

[Last minute effort to thwart submission of proposed zoning bylaw changes in Dennis headed off](#)

[Town Planner encourages cottage and RV owners to prove how important they are to Dennis](#)

[Dennis EDC Committee approves seasonal resort communities zoning bylaw](#)

[Town of Dennis and Old Wharf residents hash out a proposal for fall Town Meeting](#)

[Town of Dennis takes significant step forward in drafting new bylaw](#)

[Fewer residents turn out for third hearing in Dennis](#)

[Dennis hearings on cottages, RVs: old way of Cape life threatened](#)

[Hearing on Dennis EDC plans townwide - cottage owners concerns](#)

Gerald Rogovin began as a journalist in 1948 in dailies, weeklies, radio and magazines; and in the past 9 years back to weeklies and magazines. In between, for 36 years, he headed his own public relations firm in Boston. He lives in Yarmouth Port with a skepticism confirmed by 60 years in the inky trade.

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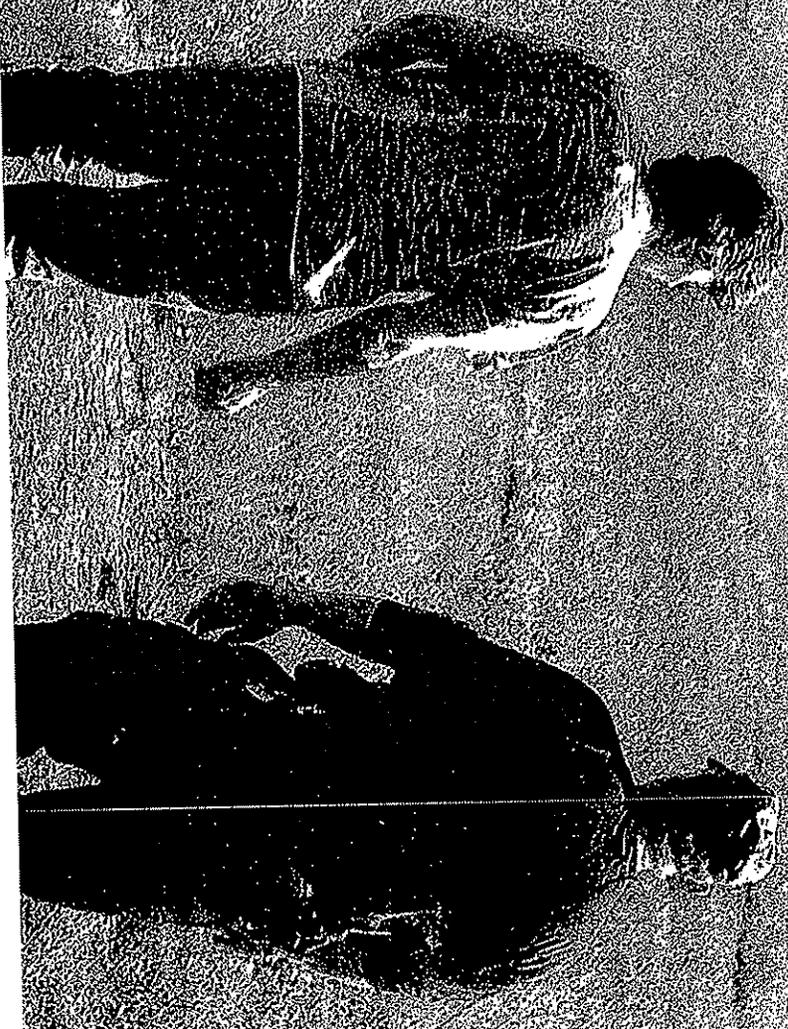
WHY FAMILY
CAMPGROUNDS
ARE DISAPPEARING

FOLDING UP THEIR TENTS

BY JOSEPH P. KAHN

Q
EVENING

The Morning Chronicle
MIDDLETOWN, N.J.



FOLDING UP

FAMILY CAMPGROUNDS ARE SLOWLY DISAPPEARING ALL AROUND THE STATE

"I keep asking myself: Can I do this another year? It's taken a toll," says Tispaquin Family Campground owner Barbara Holton (right, with Mona Courvels of Schuette).



By Joseph P. Kahn
GLOBE STAFF

Barbara and Ralph Holton announced this winter that they would close their Middleborough campground by year's end. Owners of the Tispaquin Family Campground since 1984, they have been in a protracted legal battle with local officials over septic and health regulations — the Holtons seeking to expand their operation, the town and state telling them instead to reduce the number of their campsites.

In May, the Holtons declared their intention to remain open and apply for a new operating permit. With the summer camping season approaching and statewide bookings running 16 percent ahead of last year, according to the Massachusetts Association of Campgrounds, loyal customers attended a recent town hearing in support of the Holtons. A grateful Barbara Holton nevertheless admits that managing a campground often seems more trouble than it's worth.

"For 20 of the 26 years we've been in business, I keep asking myself: Can I do this another year?" she says. "It's taken a toll."

The Holtons are not alone in questioning whether operating a family-oriented campground — a relic of simpler times and tastes, perhaps, yet one that still brings warm memories to generations of happy campers, like the Esdale family of Walpole — is worth the aggravation. Campground owners do not survive on hot dogs and smores alone, after all. The woods' escape they offer families may be priceless, yet the cost of doing business is anything but.

"For us, it's where our kids really grew up, an enclave where everyone knew and cared for each other," says Stephen Esdale, a nursing-home consultant whose family has been camping at Pinewood Lodge in Plymouth for 40 years. Though his three children are now in their 20s and older, they still make use of his two seasonal campsites there, the campground experience remaining for them, Esdale says, "like the old neighborhood used to be,

very safe and very family-oriented, a lifestyle that's really based on the land and park."

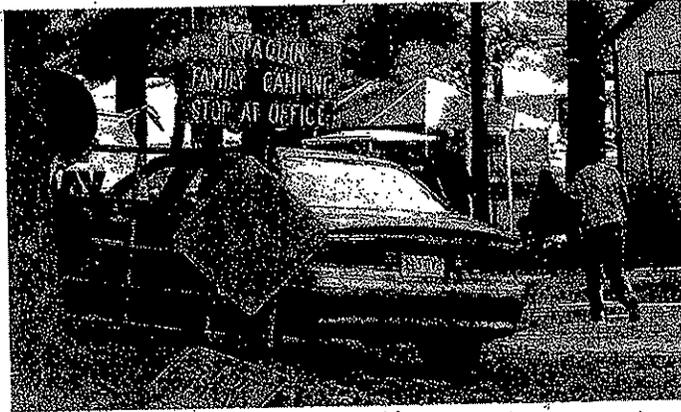
Yet over the past five years, according to Massachusetts Association of Campground Owners, facilities like Pinewood and Tispaquin have been disappearing at the rate of more than one per year. Many struggle with state Department of Environmental Protection regulations limiting their septic-system capacity, effectively quashing expansion plans, according to association board member Marcia Galvin. Like small businesses everywhere, they face a host of other challenges, too, from land use and tax bills to competition from more upscale vacation options.

"A lot of these campgrounds started as family farms," Galvin says. By converting farmland to camping facilities, family members were able to hold onto the land for another generation or two without selling off their valuable real estate.

Now, she says, "it's hard to make a living with restrictions that make growth almost impossible." Of particular concern are DEP regulations that calculate water usage at 90 gallons per campsite per day, a figure the campground association's 73 owner-members contend is unrealistically high. They've hired Merrill Associates, a Hanover engineering company to conduct its own study of campground water usage, hoping to submit its findings to the DEP by summer's end.

A bill requiring the DEP to review its regulations, with input from campground owners and state Department of Recreation and Conservation officials, is before the House Ways and Means Committee. Supporters point to the economic benefit camping brings to the state: More than 450,000 people use the state's campgrounds every year, representing 3 to 4 percent of Massachusetts' \$16 billion tourism industry. Owners seek relief from the so-called "10,000 lot rule," which limits campground water discharge to 10,000 gallons per lot per day, regardless of lot size. According to Pinewood Lodge owner Jim Saunders and others, the rule ignores such factors as the lower discharge rates from recreational vehicles equipped with holding tanks.

Representative James Murphy of Weymouth, one of the bill's cosponsors, says campground owners have been put in a bind, unable to use more of their open land yet reluctant to sell underused acreage to make ends meet. "Family camping is a



PHOTOS BY DEBBE FELDWACK FOR THE BOSTON GLOBE
 Owners Ralph and Barbara Holton (above) are fighting state and local regulations and trying to expand their Middleborough campground. They almost closed to this year, after 26 seasons.

vital part of our economy, an industry we should promote, preserve, and protect," says Murphy, who hopes to see the bill reach the House floor this summer.

Whatever the bill's fate, campground ownership has been steadily losing much of its old appeal, if not its profitability. A few campgrounds have been sold to national chains, others to developers with noncamping uses in mind. Crystal Springs Campground in Bolton closed last year. In 2006, after six decades, Wynman's Beach Family Campground in Westford folded

its tents, its lakeside setting now home to Summer Village at the Pond, a community of seasonal cottages priced at \$175,000 and up. Village amenities include a general store, fitness center, and tennis courts.

Brock Tucci, who owns the East Wareham campground Jellystone Park, filed for Chapter 11 bankruptcy protection recently, a legal remedy he soon expects to be seeking for his business. Tucci's 50-year-old, 600-acre campground (240 acres with 475 permitted campsites, the remainder open land) belongs to a franchised chain that peddled the "Yogi

Bear" cartoon show. About 2,000 campers enjoy it on a typical summer weekend, says Tucci, who spent \$5 million improving the facility after his father, the previous owner, died in 2001.

He's in a quandary over what to do next, though. Selling to a developer would be a last resort, Tucci says, but he's already cut his 55-person workforce in half this year. Developing a second, more adult-friendly campground would boost his bottom line, he adds, but he doubts complaining neighbors and an unsympathetic town zoning board will allow it. In Gloucester, Cape Ann

Camp Site owner Bob Matz says that if he had to depend on camping for his livelihood, he too might pack up. A retired chemist and businessman, Matz runs a seasonal, 90-acre campground that's been in his family for over 60 years. The business itself is marginally profitable, says Matz, citing "the pressure of getting a year-round bill for a short season." The campground is open from mid-May to mid-October. "If you look at a business where you spend \$1 million for the land and charge \$30 to \$40 a night to use it, it doesn't work."

One frustrated campground owner who has tested the DEP's 90-gallon metric is James Palmatier, owner of Prospect Lake campground in North Egremont. Two years ago he metered his 129-site campground's water usage, calculated at between 500,000 and 650,000 gallons for the season — significantly less than the 2.5 million gallons projected by state officials.

"I'd say 50 percent of the campgrounds in this state are in jeopardy," Palmatier says.

If not an endangered species, "they're definitely more of a challenge to run these days," says Paula Carroll, executive director of the campground association. Three-quarters of her membership are family-owned operations, she noted, and "some might not have the next generation willing to step up and take over. Most want their [properties] to stay a campground, but that's not always possible."

Four years ago, Carroll and her family sold their Dennis Port campground, Campers Haven, to Carefree Corp., a Florida company that owns a chain of campgrounds and recreational-vehicle parks throughout the United States. Carroll's family had owned the camp for 18 years and negotiated an agreement that the campground would stay just that. Still, there are no legal guarantees attached, Carroll concedes.

For lifelong campers like Brockton residents Dottie and Walter Egan, it's the emotional attachments that matter most. The Egan's have been parking their trailer at Tispaquin Family Campground for 21 summers. Both rave about the facility's neatness, neighborliness, and affordability. Their accumulated memories of summer days camping by the water's edge aren't easily transferable. "I doubt we'd look for another site if this one closes," says Walter Egan. "If the town loses Tispaquin, they'd lose me, too."

Joseph P. Kahn can be reached at jkahn@globe.com.



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Governor
Deval L. Patrick

Lt. Governor
Timothy P. Murray

EOEA Secretary
Ian A. Bowles



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MA State Park Campground Guidelines

So that we may provide a safe, sustainable, and enjoyable camping environment for all visitors, please observe the following rules and regulations:

Alcoholic beverages are prohibited in all MA State Parks and Campgrounds.

Transported firewood is prohibited from all MA State Park Campgrounds. Pest-free and disease-free firewood is available at the campgrounds.

General

Quiet hours are 10pm to 7am. Please, no unnecessary or disturbing noise at any time.

Confine campfires to designated fireplaces. Never leave fires unattended. Extinguish fires by midnight.

Please keep your campsite clean. Don't wash dishes in the bathroom sink or at public faucets. Use dishwashing stations where available. Never dispose of human food or pet food in the area around your campsite.

As required by MA State Law, children 16 years old and younger must wear a helmet when bicycling.

Equipment is limited to two tents or one camping vehicle and one small tent per site. Tents are limited to 300 square feet of combined floor space.

Occupancy and Registration

Check in time is 1 p.m.; camping equipment is required upon registering. Customer ID is required at check-in.

Campsite occupancy is limited to four adults or two adults and their dependent children.

Campsites should be occupied the first night and may not be left unoccupied for a period of more than 12 hours. Please call the park if you are going to be late arriving for your reservation. Failure to contact the park may result in your campsite being reassigned to another customer.

Never leave children or pets unattended.

To ensure that many campers enjoy our parks, campers and camping equipment may not stay for longer than 14 cumulative days between Memorial Day and Labor Day at one park.

Visitors are required to pay the park's day use fee to visit in the campground from 8am to 8pm.

Check-out time is 11am. Please notify staff on duty at the contact station when you leave.

Visitors are permitted in the campground from 8am to 8pm.

Unregistered visitors to the campground are required to

B

[Beartown State Forest](#)
[Boston Harbor Islands](#)

C

[Clarksburg State Park](#)

D

[D.A.R. State Forest](#)

E

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G

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H

[Harold Parker State Forest](#)
[Horseneck Beach](#)

L

[Lake Dennison](#)

M

[Massasoit State Park](#)
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[Myles Standish State Forest](#)

N

[Nickerson State Park](#)

O

[October Mountain State Forest](#)
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P

[Pearl Hill State Park](#)
[Pittsfield State Forest](#)

S

[Salisbury Beach State Reservation](#)
[Savoy Mountain State Forest](#)
[Scusset Beach State Res.](#)
[Shawme-Crowell State Forest](#)

T

[Tolland State Forest](#)

W

[Waquoit Bay Nat. Estuarine Res](#)
[Wells State Park](#)
[Willard Brook State Forest](#)
[Windsor State Forest](#)
[Wompatuck State Park](#)

register at the contact station and to pay the day use fee or visitor fee.

Vehicles

Only vehicles belonging to registered campers may be parked in the campground. No more than two vehicles per campsite.

Please park so vehicles do not restrict traffic or damage vegetation or soils. No parking on roadsides.

Pets

Pets are prohibited from cabin camping and cabin sites, yurt camping and yurt sites, all Camp Nihan cabins and sites, and Boston Harbor Islands camping.

Proof of rabies vaccination is required upon registration at the campground. Pets are never to be left unattended.

Keep pets leashed (10 foot leash maximum) at all times. Pets are not permitted on swimming beaches or in any state buildings. Note that there may be other areas posted off-limits to pets.

Help us maintain a clean, healthy environment. Always clean up after your pet. Properly dispose of pet waste and pet food.

Wildlife

Black bears and other wildlife are regular visitors to many of our campgrounds.

Enjoy wildlife viewing from afar. Never approach, entice, or feed bears or other wildlife. Feeding bears or other wildlife may result in eviction, a fine, or both.

To protect your family and your property; keep all food, coolers, cooking supplies and equipment in your vehicle when not in use. Use food lockers when available at the campground.

Never leave food unattended. Never dispose of human food or pet food in the area around your campsite.

A complete list of DCR Rules and Regulations is available at the Contact Station.

[DCR home](#) [Contact DCR](#) [Disclaimer](#) [Privacy policy](#)

HOUSE No. 789

The Commonwealth of Massachusetts

PRESENTED BY:
James M. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:
The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act to protect and preserve family camping in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James M. Murphy	4th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 816 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROTECT AND PRESERVE FAMILY CAMPING IN MASSACHUSETTS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. *Whereas*, the land and waters within the Commonwealth have distinct natural, architectural, archeological, recreational, economic, agricultural and other values;

Whereas, The obligation to protect the many valuable resources of the Commonwealth is shared by local, regional, state and national governments, civic organizations, businesses and the general public;

Whereas, such resources can only be protected by effective planning designed to bring about the coordination and cooperation among the various levels of government, the private sector, and the general public concerning land use decisions and planning for responsible and sustainable development in a manner that protects both the environment and the economic well-being of the Commonwealth;

Whereas; The common good of the Commonwealth is served by promoting responsible and sustainable development and protecting open space;

Whereas; tourism is an integral component of the Commonwealth's economy and family camping is a significant segment of the tourism market bringing families from all over the country as well as from many other nations;

Whereas; the family camping experience is endangered as a result of significant economic and developmental pressures;

It is hereby resolved, That in order to protect and preserve the great family camping vacation experience within the Commonwealth the Department of Environmental Protection shall conduct a study and report back to the Legislature by December 31, 2010 with a comprehensive review and action plan which will be conducted with input from the Massachusetts Association of Campground Owners and the Department of Conservation and Recreation. Said action plan shall present matters of vital interest that need to be addressed as well as a provide a legislative and regulatory framework that may be required to be undertaken in order to effectively protect and preserve family camping in the Commonwealth.

Exhibit B

(Bench Opinion)

OCTOBER TERM, 1999

1

Per Curiam

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SUPREME COURT OF THE UNITED STATES

No. 98-1288

VILLAGE OF WILLOWBROOK, ET AL., PETITIONERS
v. GRACE OLECH

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT

[February 23, 2000]

PER CURIAM.

Respondent Grace Olech and her late husband Thaddeus asked petitioner Village of Willowbrook to connect their property to the municipal water supply. The Village at first conditioned the connection on the Olechs granting the Village a 33-foot easement. The Olechs objected, claiming that the Village only required a 15-foot easement from other property owners seeking access to the water supply. After a 3-month delay, the Village relented and agreed to provide water service with only a 15-foot easement.

Olech sued the Village claiming that the Village's demand of an additional 18-foot easement violated the Equal Protection Clause of the Fourteenth Amendment. Olech asserted that the 33-foot easement demand was "irrational and wholly arbitrary"; that the Village's demand was actually motivated by ill will resulting from the Olechs' previous filing of an unrelated, successful lawsuit against the Village; and that the Village acted either with the intent to deprive Olech of her rights or in reckless disregard of her rights. App. 10, 12.

The District Court dismissed the lawsuit pursuant to

Per Curiam

Federal Rule of Civil Procedure 12(b)(6) for failure to state a cognizable claim under the Equal Protection Clause. Relying on Circuit precedent, the Court of Appeals for the Seventh Circuit reversed, holding that a plaintiff can allege an equal protection violation by asserting that state action was motivated solely by a “spiteful effort to “get” him for reasons wholly unrelated to any legitimate state objective.” 160 F. 3d 386, 387 (CA7 1998) (quoting *Esmail v. Macrane*, 53 F. 3d 176, 180 (CA7 1995)). It determined that Olech’s complaint sufficiently alleged such a claim. 160 F. 3d, at 388. We granted certiorari to determine whether the Equal Protection Clause gives rise to a cause of action on behalf of a “class of one” where the plaintiff did not allege membership in a class or group.*

Our cases have recognized successful equal protection claims brought by a “class of one,” where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment. See *Sioux City Bridge Co. v. Dakota County*, 260 U. S. 441 (1923); *Allegheny Pittsburgh Coal Co. v. Commission of Webster Cty.*, 488 U. S. 336 (1989). In so doing, we have explained that “[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a

* We note that the complaint in this case could be read to allege a class of five. In addition to Grace and Thaddeus Olech, their neighbors Rodney and Phyllis Zimmer and Howard Brinkman requested to be connected to the municipal water supply, and the Village initially demanded the 33-foot easement from all of them. The Zimmers and Mr. Brinkman were also involved in the previous, successful lawsuit against the Village, which allegedly created the ill will motivating the excessive easement demand. Whether the complaint alleges a class of one or of five is of no consequence because we conclude that the number of individuals in a class is immaterial for equal protection analysis.

Per Curiam

statute or by its improper execution through duly constituted agents.” *Sioux City Bridge Co., supra*, at 445 (quoting *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U. S. 350, 352 (1918)).

That reasoning is applicable to this case. Olech’s complaint can fairly be construed as alleging that the Village intentionally demanded a 33-foot easement as a condition of connecting her property to the municipal water supply where the Village required only a 15-foot easement from other similarly situated property owners. See *Conley v. Gibson*, 355 U. S. 41, 45–46 (1957). The complaint also alleged that the Village’s demand was “irrational and wholly arbitrary” and that the Village ultimately connected her property after receiving a clearly adequate 15-foot easement. These allegations, quite apart from the Village’s subjective motivation, are sufficient to state a claim for relief under traditional equal protection analysis. We therefore affirm the judgment of the Court of Appeals, but do not reach the alternative theory of “subjective ill will” relied on by that court.

It is so ordered.

NUMBER

5

THE COMMONWEALTH OF MASSACHUSETTS

FEE

\$24.00

Town of Middleborough

This is to Certify that Tispaquin Christian Association

NAME

Off Purchase Street, Middleborough, Mass.

ADDRESS

IS HEREBY GRANTED A PERMIT

For a family type campground in accordance with the provisions of Article VIII of the State Sanitary Code - limited to 24 sites

This permit is granted in conformity with the Statutes and ordinances relating thereto, and expires December 31, 1978 unless sooner suspended or revoked.

For the Board of Health

April 24 19 78

Health Officer



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Rule 60. Relief from Judgment or Order

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(a) Corrections Based on Clerical Mistakes; Oversights and Omissions.

The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding.

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under [Rule 59\(b\)](#);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(c) Timing and Effect of the Motion.

(1) Timing.

A motion under Rule 60(b) must be made within a reasonable time — and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) Effect on Finality.

The motion does not affect the judgment's finality or suspend its operation.

(d) Other Powers to Grant Relief.

This rule does not limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (2) grant relief under [28 U.S.C. § 1655](#) to a defendant who was not personally notified of the action; or
- (3) set aside a judgment for fraud on the court.

[Notes](#)

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(e) Bills and Writs Abolished.

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The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela.

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NUMBER

2

THE COMMONWEALTH OF MASSACHUSETTS

FEE \$10.00

Town of Middleborough

This is to Certify that

Tispaquin Family Camp Area

NAME

68 Purchase Street

ADDRESS

IS HEREBY GRANTED A PERMIT with 105 OMR 440.000
 To operate a Family Type Campground in accordance with 105 OMR 440.000
 Chapter VI Minimum Standards for Developed Family Type Campgrounds, Local
 For regulation promulgated by the Board of Health & M.G.L. Chapter 140
 Sec. 32B. Camping Season - March 1, 1992 through December 31, 1992.
 113 sites and a 35 camper safari field as per 1990 court stipulation and
 Board of Health approval. Maximum sites 56 with a 25 camper safari field
 pending DEP exemption from water supply regulation. (See attached court
 stipulation)

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
 expires December 31, 1992 unless sooner suspended or revoked.

For the Board of Health

Effective May 1 19 92

Kevin M. Palacios, RPH, H.S.O.
 Health Officer

COLLINS

George R. Collins, P.E., S.E., C.S.

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