

HEARINGS, MEETINGS, LICENSES

5/23/16



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 23, 2016 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering for a Special Permit under the Water Resource Protection District By-law to allow for septic system design flow greater than 440 GPD per 20,000 SF of lot area. This property is shown as Assessors Map 072, Lot 5571, Zoning District - GU, WRPD District Z3. Anyone wishing to be heard on this matter should appear at the time and place designated.

Diane C. Stewart
Stephen J. McKinnon
Allin Frawley
Leilani Dalpe
John M. Knowlton

BOARD OF SELECTMEN

Publish: May 12, 2016 and May 19, 2016

* Vote to open hearing and
continue to June 6, 2016 @ 8:15 pm



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Tuesday, April 19, 2016 at 7:30 PM, for the purpose of discussing an application filed by Field Engineering Co., Inc. on behalf of Fuller Street Development LLC for a Earth Removal Permit for property located off Fuller Street, Middleborough, Assessors Map 024, Lot 5555 & Map 033, Lot 686. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN
March 31, 2016
The Middleboro Gazette Newspaper

Continued from April 19, 2016

Atlantic is reviewing the full project along w/ response comments from Field Engineering. Response from Atlantic will be by 5/13.

Need an extension of existing permit.
Continued from May 9, 2016



May 17, 2016

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

**Re: *Initial Engineering Review
Earth Removal Application
Fuller Street Cranberry Bogs and Reservoir
ADE Project #2518.45***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of the site plans and application materials for the above-referenced project relative to a request to construct cranberry bogs and a water supply/tailwater pond under the Earth Removal bylaw. The plans are revised dated 5/4/09 and are prepared by Field Engineering Co., Inc. for Fuller Street Development, LLC.

Note that the plans are from 2009 and much of the work proposed on the plan may already be completed or partially completed. They do not reflect current conditions and what is remaining/proposed going forward. However, as instructed by the Board, we are providing a full review of the plans as if it were a new application.

We have the following comments:

1. Please provide a copy of the Conservation Commission Order of Conditions, if and when issued for the project, as well as the ORAD extension currently under review by the Conservation Commission.
2. A copy of the Comprehensive Mitigation Plan should be provided for review and approval of the DPW and the Board.
3. The SWPPP, if required, for construction activities and compliance with the NPDES program, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.
4. Confirm the location of any private wells in the vicinity of the site and address any potential impacts to adjacent private wells due to the excavation of the reservoir.

5. Note #6 indicates that the plans are not intended for construction. The final construction plans should be provided to Board prior to commencement of work to determine consistency with the approved permit set.
6. The following Appendix A – Project Plan requirements do not appear to be addressed in the Project Plan:
 4. Describe past earth removal activities and compliance issues that may have occurred.
 - 7.d Proposed dewatering
 - 7.g Volume and location of materials to be kept on site
 - 7.j Criteria for excavation of ponds and water storage areas
7. De-watering plans, methodologies, details are not provided.
8. Erosion control notes and details are provided on the detail sheet but no measures are shown on the site plans.
9. The Project Plan, references 2012 FEMA FIRM panels. There have been updated in 2014. Also, the narrative indicates that the project has been designed outside the 100 year flood hazard area. Review of the latest FIRM panels shows that the work at the entrance, (paving, new culverts, canal bypass, etc.) is within the flood plain. Please address impacts to the flood plain and confirm if a Notice of Intent has been filed for the work.
10. The plans do not show the 100' buffer to property lines typically required by the Board. Condition 9 of the previous permit allowed 50 feet. However, this condition also required trees to be planted in the buffer where there were no existing trees for screening. The plans do not show this and it is unclear if this planting was even completed.
11. Inverts, slopes, construction details and calculations have not been provided for the bypass canal and for the culverts at Fuller Street and at the access road.
12. The project side slopes are 40 to 60 foot high. Benching/terracing is recommended.
13. The setbacks from Town roadways are not shown on the plans.
14. The sales printout/tabulation of volumes provided in the application, shows large volumes of screened materials which would appear to be indicative of screening being conducted on the site. This is not allowed in the bylaw.
15. Please provide a completed Appendix B Plan Checklist with the application and revise the plans accordingly to comply.



*Board of Selectmen
Initial Engineering Review
Earth Removal Application
Fuller Street Cranberry Bogs and Reservoir
May 17, 2016 – Page 3*

Please call if you have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski', is written over the company name.

Richard J. Tabaczynski, P.E.
Project Manager

CC: Field Engineering Co., Inc.

April 28, 2016
Project No. 1598

Ms. Diane C. Stewart, Chairman
Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, Massachusetts 02347

The Crocker Building
Four Court Street, Suite 104
Taunton, Massachusetts 02780
Telephone: (508) 824-9279
Facsimile: (508) 824-9276

**Subject: MIDDLEBOROUGH - Fuller Street LLC - Earth Removal Permit Application
Fuller Street, Middleborough, MA
Response to Town Department Comments**

Dear Ms. Stewart:

Our office has received the following comment letters submitted to the Board in reference to the Fuller Street LLC Earth Removal Permit Application and has prepared the following responses for your consideration.

1. Town of Middleborough Building Commissioner correspondence to the Middleborough Board of Selectmen dated 4/4/16 in reference to the Fuller Street Earth Removal Permit.

Comment:

I have received the plans submitted by Richard R. Riccio III, P.E. of Field Engineering Co., Inc., dated: May 4, 2009 on behalf of Fuller Street Development, LLC for an earth removal permit for the above referenced property. I have no comment.

Response:

The comment is acknowledged. No further response necessary.

2. Town of Middleborough Abutter Frederick Storch correspondence to the Middleborough Board of Selectmen dated 4/11/16 in reference to the Fuller Street Earth Removal Permit.

Comment:

My name is Frederick Storch. I reside at 50 Fuller Street and have lived here for 22 years. My time here has been most enjoyable. This is until the so-called "cranberry bog" construction began several years ago, which I have now come to realize the creation of the cranberry bog was simply a front for what is actually a sand and gravel business. Since its conception, the noise from the trucks and equipment as well as the dust that is created and blows in the wind toward my house, is simply unbearable to the extent that I can no longer enjoy my home during its hours of business. I have, in fact, had a representative of the Town of Middleborough, Mr. Chris Peck, come by my home to listen to the mayhem.

This present situation is completely unacceptable to what amounts to depriving the enjoyment of home ownership so that individuals can make money selling dirt! To fully understand my position would be to come and sit by my swimming pool some afternoon. The true scope of my words would then be realized. My feeling is you would be mortified by the current situation.

The only solution which I can visualize is the cease and desist of the project or the installation of an acceptable sound barrier. I would have preferred to be present at this meeting, but I am out of the country this week.

Response:

The concerns noted by Mr. Storch with respect to the project related dust and noise impacts were clearly reflected by the Board and the residents in attendance at the 4/19/16 hearing. The applicant has acknowledged these concerns and is committed to the development of a comprehensive mitigation plan to minimize these impacts. Both the applicant and the operator are currently in discussions with Bayside Agricultural in expediting the preparation and planting of the Phase I cranberry bog areas. Additionally, we are looking at finishing the earthwork within the Phase I area to begin loaming and seeding wherever possible and other means and methods for dust control in addition to the irrigation system already in place.

As we develop this Comprehensive Mitigation Plan, the applicant will be reaching to the residents to brief them on the progress and ensure their concerns are adequately addressed.

3. Town of Middleborough Department of Public Works correspondence to the Middleborough Board of Selectmen dated 4/15/16 in reference to the Fuller Street Earth Removal Permit.

Comment 1.

I have reviewed the inspection documents from the existing earth removal permit. These inspection reports date back to 2009. These reports reflect minimal issues throughout the gravel removal process. The Selectmen's office has received complaints from abutters located on Fuller Street concerning dust, noise and the longevity of the earth removal. In addition there was a complaint concerning work being done within the 50 foot buffer zone. This issue was inspected by the applicant's engineer Outback Engineering and the Department of Public Works in August 2014. No violations were found.

Response:

As previously stated, the applicant is developing a comprehensive dust control and site stabilization plan in conjunction with our office and Bayside Agricultural. Refer to Response to Frederick Storch comment above.

Comment 2.

Our last inspection of the current earth removal was conducted at the end of March 2016. We found during that inspection that the applicant was utilizing a screen on site. This is not allowed under their current permit unless they are screening sand or loam for on-site cranberry bogs. If the applicant intends to proceed with utilizing a screen to separate materials then their permit would need to reflect this allowance. This is at the discretion of the Board of Selectmen.

Response:

Condition A.8. of the current Earth Removal Permit allows for the screening of sand and loam for the on-site cranberry bogs, gravel for on-site roadways, and loam for final on-site grading and seeding. To date there has been screening of gravel for the maintenance of the main access drive and stabilization.

Comment 3.

The applicant has installed a screen on the top of the slope located directly behind the abutters on Fuller Street. The screen has fallen in areas since the earth removal began. The rehangng of this screen may help reduce any future dust complaints.

Ms. Diane C. Stewart, Chairman
Middleborough Board of Selectmen
April 28, 2016
Page 3 of 3

Response:

The applicant is currently looking at the possibility of fine grading and establishing a loam and seed cover over the area in the vicinity of the screen. At the discretion of the board, the applicant would be happy to rehang the screen until the area in the vicinity of the screen is fully stabilized.

Comment 4.

The applicant should verify that all trucks involved in the earth removal have attached to the truck the required sticker reading "Town of Middleborough Permit No."

Response:

The operator will monitor each of the dump trucks involved in the earth removal have the required site sticker attached to the truck before they leave the site.

Comment 5.

The applicant should verify that the water system used to control the dust on the access/egress road is fully operational.

Response:

As indicated by the operator, the existing irrigation system is fully operational. As the comprehensive dust control plan is developed, modifications to the irrigation system may be required to ensure sufficient growth on new seeded areas and extended coverage over newly excavated areas.

Comment 6.

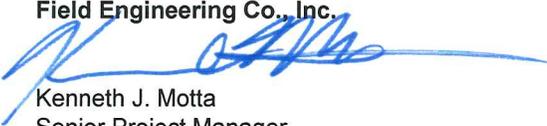
The culvert located on Fuller Street to the west of the earth removal was upgraded in the summer of 2015 as part of the Fuller Street roadway project. The 2009 plan proposed a 36" pipe culvert to be installed. Please clarify if this pipe is still required.

Response:

The stone box culvert under Fuller Street was replaced with two (2) - 42-inch diameter HDPE pipe culverts in 2015. A second 30-inch RCP culvert was also replaced with a 36-inch HDPE pipe culvert as specified on the original 2009 Earth Removal Permit Plans. A second 36-inch diameter HDPE pipe culvert will be needed under the existing access road on the Bayside property once the proposed bypass channel is constructed to the new cranberry bog reservoir.

If you have any questions or need additional information, please contact me at our Mattapoisett Office at (508) 758-2749.

Very truly yours,
Field Engineering Co., Inc.


Kenneth J. Motta
Senior Project Manager

cc: Elliot Schneider, Fuller Street Development LLC
Paul Redlon, Redlon and Sons, Inc.
Christopher Peck, Town of Middleborough DPW

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

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

Christopher Peck
D. P. W. Director

April 15, 2016

Ms. Diane Stewart, Chairwoman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: Fuller Street LLC- Earth Removal Permit Extension Review Letter

Dear Ms. Stewart,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by Field Engineering Co. Inc., on behalf of Fuller Street Development, LLC. As part of the submittal I received the following:

- Earth Removal Permit Application dated March 16, 2016, prepared for the applicant Fuller Street Development LLC., prepared by Field Engineering Co. Inc.
- Earth Removal Permit Project Plan dated March 18, 2016, prepared by Field Engineering Co. Inc., prepared for Fuller Street Development LLC.
- Proposed Cranberry Bog Project, prepared by Field Engineering Co. Inc., dated October 17, 2008 and last revised on May 4, 2009.

The Department of Public Works comments are as follows:

1. I have reviewed the inspection documents from the existing earth removal permit. These inspection reports date back to 2009. These reports reflect minimal issues throughout the gravel removal process. The Selectmen's office has received complaints from abutters located on Fuller Street concerning dust, noise and the longevity of the earth removal. In addition there was a complaint concerning work being done within the 50 foot buffer zone. This issue was inspected by the applicant's engineer Outback Engineering and the Department of Public Works in August 2014. No violations were found.
2. Our last inspection of the current earth removal was conducted at the end of March 2016. We found during that inspection that the applicant was utilizing a screen on site. This is not allowed under their current permit unless they are screening sand or loam for on-site cranberry bogs. If the applicant intends to proceed with utilizing a screen to separate materials then their permit would need to reflect this allowance. This is at the discretion of the Board of Selectmen.

3. The applicant has installed a screen on the top of the slope located directly behind the abutters on Fuller Street. The screen has fallen in areas since the earth removal began. The rehangng of this screen may help reduce any future dust complaints.
4. The applicant should verify that all trucks involved in the earth removal have attached to the truck the required sticker reading "Town of Middleborough Permit No."
5. The applicant should verify that the water system used to control the dust on the access/egress road is fully operational.
6. The culvert located on Fuller Street to the west of the earth removal was upgraded in the summer of 2015 as part of the Fuller Street roadway project. The 2009 plan proposed a 36" pipe culvert to be installed. Please clarify if this pipe is still required.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch Peck". The signature is written in a cursive, somewhat stylized font.

Christopher Peck
Director of Public Works



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

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

April 4, 2016

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

RE: W.R.P.D. Application for Earth Removal Permit, owner Fuller Street Development LLC for Fuller Street, Assessor's Map: 024 Lots: 5555.

Honorable Board,

I have received the plans submitted by Richard R. Riccio III, P. E. of Field Engineering Co., Inc. dated: May 4, 2009 on behalf of Fuller Street Development, LLC for an earth removal permit for the above referenced property.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

April 11, 2016

To the Town of Middleborough Selectman,

My name is Frederick Storch. I reside at 50 Fuller Street and have lived here for 22 years. My time here has been most enjoyable. This is until the so-called "cranberry bog" construction began several years ago, which I have now come to realize the creation of the cranberry bog was simply a front for what is actually a sand and gravel business. Since its conception, the noise from the trucks and equipment as well as the dust that is created and blows in the wind toward my house, is simply unbearable to the extent that I can no longer enjoy my home during its hours of business. I have, in fact, had a representative of the town of Middleborough, Mr. Chris Peck, come by my home to listen to the mayhem.

This present situation is completely unacceptable to what amounts to depriving the enjoyment of home ownership so that individuals can make money selling dirt! To fully understand my position would be to come and sit by my swimming pool some afternoon. The true scope of my words would then be realized. My feeling is you would be mortified by the current situation.

The only solution which I can visualize is the cease and desist of the project or the installation of an acceptable sound barrier. I would have preferred to be present at this meeting, but I am out of the country this week.

Respectfully yours,



Frederick Storch

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: Fuller Street Development LLC

Address of Applicant: 10 Owl Drive

Town or City: Sharon, MA 02067

Owner of Property: Fuller Street Development LLC

Location of Property: Fuller Street

Assessor's Parcel and Map Numbers Map 24 Parcel 5555

Map 33 Parcel 686

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: New

Request for an Extension of Time for existing permit. _____

Existing Permit Number: 09-1 (See Attached)

Parcel(s) Acreage: Approximately 80.97-acres

Estimated Number of Cubic Yards to be Removed: approx. 615,757

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

The applicant of record was issued an Earth Removal Permit (Permit No. 09-1) for 1,000,000 cubic yards back on 4/27/09. Subsequently the applicant has removed approximately 384,243 cubic yards. Under the new permit, the applicant proposes to remove the remaining 615,757 cubic yards.

3. Project Plan

Has a Project Plan being submitted with this Application? Yes

An Application for an Earth Removal Permit will not be accepted by the Board of Selectmen for a public hearing, unless submitted with this application.

4. Planning Information

a. **Proposed Traffic Route** from site to unloading of materials.

Fuller Street, to Plympton Street, to Route 44

b. Has a plan and Notice of Applicability (NOA) or Intent (NOI) been submitted to the Town of Middleborough's Conservation Commission? N/A

c. Has Order of Conditions by Conservation Commission been issued: If so what is project number and date of conditions : N/A

d. Provide a copy of the Order of Conditions so they may be attached to the permit.

e. Is there a Department of Environmental Protection – Water Management Act Registration or Permit for this property? No

Permit No. _____ Registration No. _____

f. Has a Farm Plan been completed? No Please provide a copy.

g. Expected Date of Project Completion: 2019

5. Engineering General Information

Engineering Firm Name: Field Engineering Co., Inc.

Engineer's Contact/Name : Kenneth J. Motta, Senior Project Manager

Street: 11D Industrial Drive - P.O. Box 1178

Town/City Mattapoisett, MA 02739

Phone Number: (508) 758-2749

7. Financial Obligations

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current?

_____yes X no

8. Authorization of Applicant

a. Have you authorized the engineer to speak on your behalf regarding project questions that may come up prior to the public hearing?

 X yes _____no

b. I have reviewed this Application Package and attached information and deem it to be correct.



Signature of Applicant

Elliot Schneider - Fuller Street Development LLC

Printed Name of Applicant

Date 3-16-16

Phone Number: (781) 784-6248

**EARTH REMOVAL PERMIT
PROJECT PLAN**

Project Location:

**Fuller Street
Assessor's Map 24, Lot 5555
Assessor's Map 33, Lot 686
Middleborough, Massachusetts**

Prepared for:

**Fuller Street Development LLC
10 Owl Drive
Sharon, MA 02067**

11D Industrial Drive
P.O. Box 1178
Mattapoisett, MA 02739
Tel. (508) 758-2749
Fax (508) 758-2749

The Crocker Building
4 Court Street, Suite 104
Taunton, MA 02780
Tel. (508) 824-9279
Fax (508) 824-9276

**Project No. 1598
March 18, 2016**

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- 1.5 Stormwater Management
- 1.6 Dust Control
- 1.7 Final Topsoil/Plantings

Appendices

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- 2.0 Town of Middleborough Assessors Map 24 Locus Map.....Appendix B
- Plymouth County Conservation District correspondence dated 11/10/08.....Appendix C
- Order of Resource Area Delineation (ORAD) SE File No. 220-949 dated 9/7/06 ...Appendix D
- Form 11 Soil Evaluation Form dated 10/20/08Appendix E
- MSHA Inspection Letter.....Appendix F
- Exported Earth Volume CalculationsAppendix G
- Original Earth Removal Permit No. 09-1 dated 4/27/09Appendix H

1.0 Site Description

The Fuller Street Cranberry Bog is a proposed agricultural project consisting of approximately 11.0 acres of cranberry bogs with associated reservoir on a 51.6 acre parcel of land located on the northerly side of Fuller Street in the Town of Middleborough. The project will also serve as an extension to an existing cranberry operation owned and operated by Bayside Agricultural, Inc., adjacent to the subject parcel. The proponent has been working with representatives of Bayside Agricultural on the coordination and operation of the two projects.

The Fuller Street LLC parcel is approximately 51.6 acres. About 18.9 acres of the total is currently under agricultural use with the balance of the area comprised of 17.8 acres of wooded upland and 14.9 acres of bordering vegetated wetland. The cranberry bog and reservoir will convert 18.9 acres of agricultural land and 7.1 acres of undeveloped woodland on the Fuller Street LLC parcel. The resultant total land alteration will be 26.1 acres. The remaining 25.5 acres of undisturbed land area has been placed under a Conservation Restriction in accordance with the Natural Heritage and Endangered Species (NHESP) mitigation program.

The site was the subject of an Earth Removal Permit No. 09-1 issued by the Board of Selectmen on April 27, 2009 and has been actively under construction since 2009. The original Permit was subsequently extended through the Massachusetts Permit Extension Acts of 2010 and 2012 and is due to expire on April 27, 2016. For informational purposes, a copy of the Earth Removal Permit No. 09-1 is submitted in Appendix H.

The horizontal limits of work and the scope of the project have not changed from the original project previously permitted by the Board of Selectmen. The new Earth Removal Permit the applicant is seeking is simply a re-instatement of the original permit. The maximum allowed one year renewal on the current Permit will not be sufficient time for the applicant to complete the project due to current market conditions, therefore, the applicant is requesting a new three (3) year permit with a one (1) year renewal option.

A portion of the site is within a 100-year flood hazard area Zone A as determined by FIRM Community Panel No. 25023C0336J dated July 17, 2012. Approximately 14.9 acres of the site have been identified as bordering vegetated wetland associated with Raven Brook. The boundaries of this wetland system have been reviewed and confirmed to be accurate by the Middleborough Conservation Commission under an Order of Resource Area Delineation (ORAD) SE 220-949 dated September 7, 2006. The ORAD was amended on May 20, 2012 and subsequently extended through the Massachusetts Permit Extension Acts of 2010 and 2012 and is due to expire on 9/7/16. The applicant has filed for an additional three (3) year extension with the conservation Commission and is currently under review.

The project has been designed completely outside of the 100-foot buffer zone to the bordering vegetated wetland system associated with Raven Brook as well as the 100-year flood hazard area. There are no project related impacts to any adjacent wetland resource areas, associated buffer zones and flood hazard areas.

1.1 Master Plan Zoning Consistency

The site is zoned Residence R (Rural) and also lies within a Water Resource protection District (WRPD Z4) based on the current Town of Middleborough Zoning Map revised through 5/14/01. Pursuant to Section IV of the current Zoning By-laws of the Town of Middleborough farming activities devoted to agricultural uses is permitted activity within a Residence R District. The principal uses allowed in the underlying district are also permitted uses within the WRPD Z4 overlay district pursuant to Section XII. H. of the Water Resources Protection District By-law

The primary goals of the Town of Middleborough Master Plan Report dated 3/23/01 and revised through 2/11/02 are the preservation of community based agricultural projects and the preservation of natural resources.

The Town of Middleborough Open Space and Recreation Plan dated 6/98 further supplements the master Plan by targeting the preservation of land adjacent to rivers, streams and ponds and supports the continued viability of agriculture and forestry land uses and further encourages viable farming enterprises. The project will preserve the wetlands and buffer zones adjacent to the Raven Brook and will serve as an expansion to an adjacent agricultural use.

The Southeast Regional Planning and Economic Development agency (SRPEDD) has developed a regional policy plan entitled, "Regional Land Use – Priority Development and Priority Protection Areas in Southeastern Massachusetts", dated 7/97. The Plan acknowledges the importance of agricultural use with respect economic and land use impacts and has specifically targeted farmlands as a Priority Protection Area. SRPEDD further encourages land uses that enable the region to optimize its natural, cultural, and historic resources such as cranberry bogs.

1.2 Buffer Areas

The adjacent land area along the southerly perimeter of the site is primarily low density residential use on Fuller Street. A 3.5 acre naturally vegetated buffer zone has been maintained along the southerly perimeter of the site adjacent to the existing residential uses. The buffer zone will serve as a visual screen and noise attenuation during the initial phases of the earth removal. The finish grade of the bogs will be an average of 10-30 feet lower than the elevation of the existing grades adjacent to the abutting properties. The elevation differential will further provide visual screening and sound attenuation to the adjacent residential uses.

The site bounded by the bordering vegetated wetland system associated with Raven Brook along the northerly perimeter. This system averages 250-feet in width and will serve as a naturally vegetated buffer in its current condition. A vegetated screen berm 5-feet in height has been provided along the westerly property line adjacent to the Bayside Agricultural parcel. The screen berm will provide wind attenuation and wildlife habitat plantings in accordance with the Natural Heritage and Endangered Species (NHESP) mitigation program.

1.3 Project Phasing/Traffic

The site currently has a 50-wide access corridor between two of the adjacent residential properties directly to Fuller Street. The applicant has elected not to utilize this access due to the proximity to the abutting residences and has pursued an agreement with Bayside Agricultural to utilize the existing access driveway through the Bayside Agricultural property. Vehicular traffic currently utilize the the existing route through the Bayside parcel from the existing curb cut on Fuller Street and along the existing bog access road to the rear of the Fuller Street LLC parcel. The existing driveway has been paved approximately 160 feet into the property from Fuller Street to minimize tracking of sediments on the public right-of-way. The existing bog access road has been fine graded and widened to a minimum width of 16-feet to accommodate the truck traffic.

The project was initially planned to be constructed in two phases. Phase I involved the earthwork activity associated with the construction of the reservoir and the first two bog cells east of the reservoir. Phase II will be the completion of the two remaining outer bog cells. It is estimated approximately 1,000,000 cubic yards of earthwork will be exported from the site upon the completion of the project. The earthwork activity associated with both Phases I and II has consistently progressed since the commencement of activities in May, 2006 and has yielded about 384,243 cubic yards of earth fill through 3/14/16 according to the applicants records. Refer to Appendix G for the itemized tabulation of exported earth fill volumes. It is estimated the balance of the excavation in the amount of 615,757 cubic yards will be substantially complete within next four (4) year period which translates to about 154,000 cubic yards per year or a maximum of 620 cubic yards per day based on a 5-day work week. The actual daily volumes will vary as a function of market demand but will unlikely be greater than the maximum projection of 620 cubic yards per day. Normal hours of operation will be 7:30 a.m. to 4:30 p.m. Monday through Friday excluding Saturdays, Sundays, and Town observed holidays. No earth removal equipment or material hauling trucks will not be started or run before 7:30 a.m. or after 4:30 p.m.

The average daily trip generation based on an estimated production rate of 620 cubic yards per day will be about 31 trips per day. The majority of truck traffic associated with the earth removal will exit the site at the existing Bayside curb cut and travel westerly on Fuller Street to Thompson Street and ultimately to the signalized intersection at Plympton Street / Route 44. The intersection sight distances and pavement widths along the route from Fuller Street to Route 44 are acceptable to accommodate the additional traffic volumes.

1.4 Project Water Demand

The 11.0 acre cranberry bog is divided into four (4) cells with an average of 2.8 acres per cell. Each cell will be sequentially flooded during harvest season thereby negating the need to flood the entire 11.0 acres at one time. The irrigation system will be a pop up sprinkler type system operated by an automatic temperature sensor controller to minimize withdrawal from the reservoir. The annual water demand for the bog irrigation system is estimated at about 66 acre-feet per year. Source water will be provided through a proposed 31 acre-foot on-site surface reservoir. The reservoir will be replenished through groundwater recharge and a bypass canal through the adjacent Bayside Agricultural property.

1.5 Stormwater Management

In its present condition, stormwater is currently contained within temporary sump areas within the excavation cells to avoid a centralized concentration of runoff. The overflows from these sump areas are directed to the excavated reservoir area where runoff is detained to allow for settlement of suspended solids. Treated runoff is then discharged into the existing cranberry bog irrigation ditch system on the Bayside Agricultural property.

A portion of the reservoir has been isolated by an earth berm and utilized for stormwater containment while the earthwork associated with the bog construction proceeds. Temporary bypass swales and diversion berms have been implemented and maintained during construction to convey stormwater discharges to the reservoir.

No stormwater discharge will be allowed toward the adjacent residential properties to the south. No untreated stormwater runoff will be allowed to discharge off of the property or towards any adjacent wetland resource areas.

1.6 Dust Control

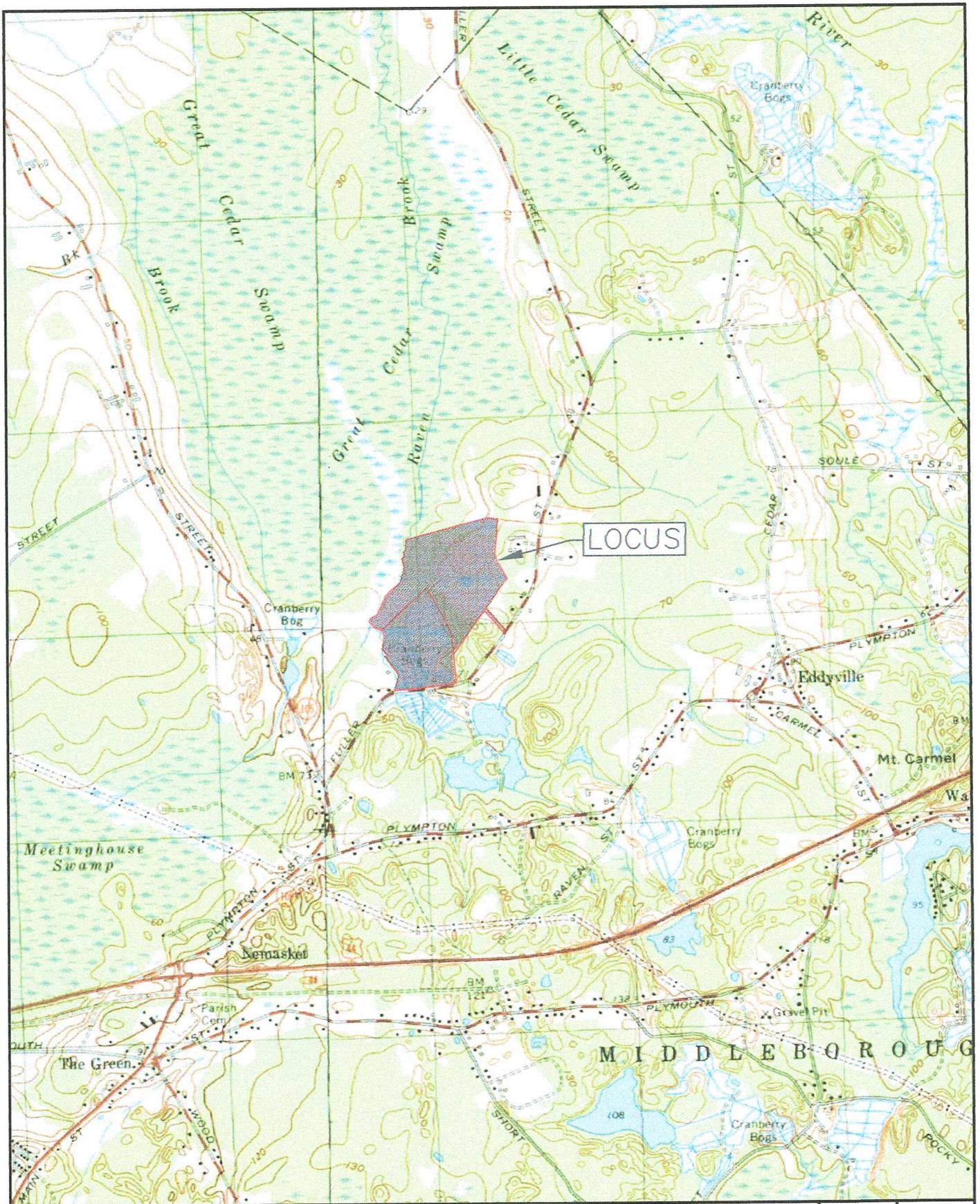
The haul road and loading areas will be watered on an as-needed basis or as directed by the representative for the Town for dust control. As an alternate, calcium chloride and/or sand will also be utilized as an alternate.

1.7 Final Topsoil/Plantings

A detailed slope planting plan is presented on the Permit Drawings. Final side slope grades will be no less than 3:1 and capped with 4-inches of loam and seeded. Temporary slope stabilization methods as described in the Slope Planting Plan such as jute matting, straw mulch, etc., may also be used until such time as the final slope plantings are done.

Appendix A

1.0 USGS Quadrangle Locus Map



1598-USGS

FIELD
ENGINEERING
CO., INC.
 CONSULTING ENGINEERS

11D INDUSTRIAL DRIVE
 P.O. BOX 1178
 MATTAPANSETT, MA 02739
 TEL: (508) 758-2749
 FAX: (508) 758-2849

THE CROCKER BUILDING
 4 COURT STREET SUITE 104
 TAUNTON, MA 02786
 TEL: (508) 824-9279
 FAX: (508) 824-9276

LOCUS MAP
FULLER STREET DEVELOPMENT LLC
 FULLER STREET
 MIDDLEBOROUGH, MASSACHUSETTS

Project No.	Date
1598	6/20/08
Scale	Sheet
1"=2083'	1 OF 1

Appendix B

2.0 Assessors Map 24 Locus Map

Appendix C

*Plymouth County Conservation District
correspondence dated 11/10/08*



PLYMOUTH COUNTY CONSERVATION DISTRICT
15 Cranberry Highway
West Wareham, Massachusetts, 02576

November 10, 2008

Elliot Schneider
Fuller Street Development, LLC
10 Owl Drive
Sharon, MA 02067

Mr. Schneider,

I am writing to let you know that once the cranberry bogs are planted I will be able to provide a farm plan for the property.
We cannot provide plans for proposed/planned bogs.

Once the bogs are complete please notify this office to start the plan process.

Sincerely,

Bill Kane
Certified Farm Planner
Plymouth County Conservation District

Cc:file

Appendix D

Order of Resource Area Delineation (ORAD)
SE File No. 220-94 dated 9/7/06



WPA Form 4B - Order of Resource Area Delineation

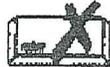
220-849

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. General Information

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Middleborough
1. Conservation Commission

2. This issuance is for (check one):

- a. Order of Resource Area Delineation Only
- b. Order of Resource Area Delineation Subject to Simplified Review
 - 1. Not Subject to Stormwater Policy
 - 2. Subject to Stormwater Policy
- c. Amended Order of Resource Area Delineation

3. To: Applicant:

AGS Development
c. Company

a. First Name 10 Owl Drive b. Last Name
d. Mailing Address
Sharon MA 02767
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

V.S. Haseotes and Sons c/o Cumberland Farms Inc./Lily Bertos
c. Company

a. First Name 777 Dedham Street #144B b. Last Name
d. Mailing Address
Canton MA 02021
e. City/Town f. State g. Zip Code

5. Project Location:

Fuller Street Middleborough
a. Street Address b. City/Town
Map 6 Parcel 2255
c. Assessor's Map/Plot Number d. Parcel/Lot Number

Latitude and Longitude (note: electronic filers will click for GIS locator):
e. Latitude f. Longitude

6. Dates: April 28, 2005 September 7, 2006 September 7, 2006
a. Date Notice of Intent filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Plan to Accompany an ANRAD in Middleborough, MA Land on Fuller Street Rev. 2/6/06 - 3
a. Title sheets
c. Title d. Date

Ball
9-20-06
11:24

FILE



B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. **Bordering Vegetated Wetlands**
2. **Other Resource Area(s), specifically:**

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. **Bordering Vegetated Wetlands**
2. **Other Resource Area(s), specifically:**

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. **Bordering Vegetated Wetlands**
2. **Other Resource Area(s), specifically:**

d. The boundaries were determined to be inaccurate because:

ELIA



C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

1. The project is not subject to the Stormwater Policy.
2. The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Determination of Applicability or Notice of Intent prior to any work because:

3. Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
4. The Buffer Zone contains existing slopes greater than an average of 15%.
5. Buffer Zone contains estimated rare wildlife habitat.¹
6. The site borders an Outstanding Resource Water.²

Stormwater

7. The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See Instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. _____

8. The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard #: _____

b. Standard #: _____

9. Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. Work is proposed within 50 feet of a resource area.

Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

¹ Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

² Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is not commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office.

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.00(7) within 30 days of the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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



F. Signatures and Notary Acknowledgement

Please indicate the number of members who will sign this form:

Five

Number of Signers

Patricia A. Delaney
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

Date

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth
On this 7th of

September 2006
Month Year

Before me, the undersigned Notary Public,

D. Jeffrey Erickson
Name of Document Signer

personally appeared

proved to me through satisfactory evidence of identification, which was/were
Personally Known

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Middleborough
City/Town

Conservation Commission



Rosemarie Correia
Signature of Notary Public
Rosemarie Correia

Periodic Name of Notary Public

12/28/12

My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



WPA Form 4B – Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

220-949
Provided by DEP

G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

Middleborough
Conservation Commission

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

To:

Middleborough
Conservation Commission

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

Fulter Street
Project Location

220-949
DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number

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

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B - Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

TD115029462309

P. 1

Kenny

DEP File Number

220-048
Provided by DEP

G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

Middleborough

Conservation Commission

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

To:

Middleborough
Conservation Commission

107744
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
25 SEP 2006 12:16PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 33405 Pg 272-278

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

Fuller Street
Project Location

220-048
DEP File Number

Has been recorded at the Registry of Deeds of:

County _____ Book _____ Page _____

for:

Property Owner

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

Book _____ Page _____

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number

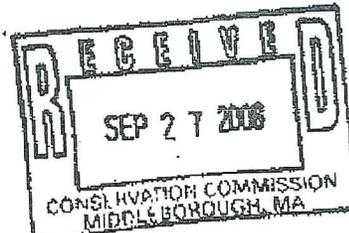
If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Page 7 of 7

440/JOM/06.000 - TBA 03/05



FILE

Appendix E

Form 11 Soil Evaluation Form dated 10/20/08

Location Address or Lot No. Fuller Street New Bog Project

On-site Review

Deep Hole Number: 1 Date: 10/20/08 Time: 9:30 AM Weather: Sunny, 50

Location (Identify on site plan): See Site Plan

Land Use: Cranberry Bog Use Slope (%): 0-5% Surface Stones: Few Surface Boulders

Vegetation: Wooded, Pines

Landform: _____

Position on Landscape (sketch on the back): Off Existing Bog Access Road In Vicinity of Proposed Reservoir

Distances from:

Open Water Body: >150 feet Drainage way: 0 feet

Possible Wet Area: >100 feet Property Line: >10 feet

Drinking Water Well: >100 feet Other: _____

DEEP OBSERVATION HOLE LOG*

Depth from Surface (Inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-14	A	Loamy Sand	10 YR 3/2		Friable, Very Dry
14-30	B	Loamy Sand	10 YR 5/6		Friable, Very Dry
30-60	C ₁	Sand	2.5 Y 5/6		Loose, Coarse
60-84	C ₂	Loamy Sand	2.5 Y 6/4	@ 84"	Damp, Wet, Some Cobbles
84-192	C ₃	Medium-Coarse Sand	2.5 Y 6/4		Saturated, Very Few Stones

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Glacial Outwash Depth to Bedrock: N/E

Depth to Groundwater: Standing Water in the Hole 120" Weeping from Pit Face: 84"

Estimated Seasonal High Ground Water: 84" (Mottle Depth)



Location Address or Lot No. Fuller Street New Bog Project

Determination for Seasonal High Water Table

Method Used:

- Depth Observed standing in observation hole 120 inches
- Depth weeping from side of observation hole 84 inches
- Depth to soil mottles 84 inches
- Ground water adjustment _____ feet

Index Well _____ Reading Date _____ Index Well Level _____
Number
Adjustment Factor _____ Adjusted Ground Water Level _____

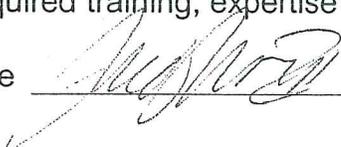
Depth to Naturally Occurring Pervious Material

Does at least four feet of naturally occurring pervious material exist in all areas observed throughout the area proposed for the soil absorption system? Yes

If not, what is the depth of naturally occurring pervious material? _____

Certification

I certify that on April 1999 (date) I have passed the soil evaluator examination approved by the Department of Environmental Protection and that the above analysis was performed by me consistent with the required training, expertise and experience described in 310 CMR 15.017.

Signature  Date 10/20/08



Appendix F

MSHA Inspection Letter

U.S. Department of Labor

January 11, 2016

Mine Safety & Health Administration
Thorn Hill Industrial Park
178 Thorn Hill Road, Suite 100
Warrendale, PA 15086



Mr. Mike Redlon
G. S. Redlon & Sons, Inc.
3 Shaw Street
Middleboro, MA 02346

Dear Mr. Redlon:

This letter is to verify that the Ravenbrook operation has been assigned the MSHA Identification Number designated below. The number is assigned to the operation located at or near Middleboro, MA.

Trade Name & Mailing Address: G. S. Redlon & Sons, Inc.
3 Shaw Street
Middleboro, MA 02346

Telephone Number: (508) 947-1495

Identification Number: 19-01258

As a mine operator, your company is accountable for the reporting requirements of 30 CFR, Part 50. Enclosed are Accident, Injury and Illness Reports (Form 7000-1) and Quarterly Employment Reports (Form 7000-2) with instructions. You will need to submit these when reporting accidents and hours worked at this operation. Electronically formatted forms and online filing may be accessed from our web site www.msha.gov.

A current issue of CFR 30, Parts 1 to 199 and/or 30 CFR 56 & 57, Federal Metal and Nonmetal Mine Safety and Health Regulations are available from the government printing office and commercial sources. A listing of these sources is enclosed and you may also view regulations online from our web site www.msha.gov under Statutory & Regulatory Information.

If you have any questions regarding your responsibilities under the Mine Safety and Health Act, or if we can be of assistance, please call (724) 772-2334.

Sincerely,

A handwritten signature in black ink that reads "Peter J. Montali". The signature is written in a cursive style with a large initial "P".

Peter J. Montali
Northeast District Manager for Metal
and Nonmetal Mine Safety and Health

MSHA:sv:01/12/16

Appendix G

Exported Earth Volume Calculations

10:01 AM
03/14/16
Accrual Basis

RAVENBROOK DEVELOPMENT, LLC
Sales by Item Summary
All Transactions

	Qty
Inventory	
2" Minus Gravel (2" Gravel)	178
3" GRAVEL SP (3" MINUS GRAVEL)	5,472
3/4" MINUS GRAVEL (3/4" MINUS GRAVEL SP)	72
GRAVEL TAILINGS SP (TAILINGS)	40
Loam GER	2,846
SAND SP (SCREENED SAND)	52,443.1
SCREENED LOAM SP (SCREENED LOAM)	7,684
Structural Fill	8,961
WH Bank Gravel	0.00
WH Fill structural	15,052
Total Inventory	92,748.10
Parts	
BANK GRAVEL (BANK GRAVEL)	2,551
BANK SAND (BANK SAND)	105,004
FILL	181,220
LOAM	46
PERC SAND (PERC SAND)	2,436
Tailings	238
Total Parts	291,495

389,243 yds

Appendix H

Original Earth Removal Permit No. 09-1 dated 4/27/09

44682

Fuller Street Development, LLC
Permit No. 09-1

Final Conditions for Earth Removal Permit
April 27, 2009

Name	Fuller Street Development, LLC
Street	Fuller Street, Middleborough, MA
Past Earth Removal Permit No.	NONE
New Earth Removal Permit No.	Permit No. 09-1
Zoning Map Description	Map 24, Lot 5555
Other Permits	Middleborough Conservation Commission Review Completed
Proposed Volume	Phase 1 1,000,000 cubic yards
	Total 1,000,000 cubic yards

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
26 MAY 2009 10:25AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 37242 Pg 98-105

*Mail 1
Mill Pond LLC
10 Owl Dr.
Sharon MA 02067*

ORDER OF CONDITIONS

BOARD OF SELECTMEN

General Information

The time line and proposed work for the Fuller Street Cranberry Bog Project shall be as outlined in the **Project Plan** required under this permit, and approved by the Town's Agent. The Project Plan outline can be found in Appendix A of the Earth Removal Application Package.

The Project Plan outlines the proposed construction sequence and time lines for the project. The project plan shall be updated annually for approval by the Board of Selectmen or their designated 'Agent' (Town's Agent).

The Earth Removal Permit holder shall submit to the Town's Agent for review and approval - a **Project Plan** that will outline the planned activities and goals for each quarter of the phased construction work for each year of the permit. The following sections are applicable under this permit:

- a. General Conditions
- b. Standard Conditions and Site Requirements
- c. Special Conditions
- d. Inspection Fees and Bonding

A. General Conditions

1. All phased construction work consisting of regrading shall be completed and required plantings shall be 'growing' prior to any application for a future earth removal permit or opening of new phases. No cutting, clearing or grubbing of areas not included under the Project Plan as 'phased' work shall be performed at the site.

If any aforesaid described work is done in unpermitted areas - without the written permission of the Town's Agent future earth removal requests may be forfeited.

The Town of Middleborough's Earth Removal Bylaw - as amended - should be reviewed by the project proponent to ensure that compliance requirements are met.

2. This permit is valid for **three (3) years** - or - for a lesser time approved by the Board of Selectmen at the time of application and hearing - and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen.

3. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is allowed Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until before 7:30 A.M and after 4:30 pm.

4. No operation at the site is allowed on Saturday, Sunday or Town Hall observed holidays, which are as follows:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

5. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the approved plan or at the direction of the Town's Agent. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place.

6. The permit holder is not permitted to spot excavate to remove better material here and there on the site. The project will be excavated in phases, as provided on the approved plan. Phases shall be planted, prior to excavation of the next phase. The Town's agent may allow partial excavation into the next phase provided that planting is performed during the growing season.

7. Excessive erosion is to be controlled as determined by the Board of Selectmen's Agent - working with the Town's Conservation Commission's Agent. During non construction periods, stockpiled materials may be required to be covered to prevent erosion from the site

8. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.

Any utilized screening plant shall be no larger than 150 to 200 yards per hour.

The permit holder shall provide a written description, time frame and proposed volume of material to be screened for approval by the Town's Agent.

9. Existing tree lines, natural land topography and vegetative buffer zones shall be maintained, a minimum of fifty feet (50 ft.) from all property lines. In the absence of tree lines on the property, then the natural vegetated buffer shall be maintained for the same distances and trees planted in order to screen the site.

B. Standard Conditions and Site Requirements

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Town's Agent and be in place prior to commencement of removal operations.
2. The Board of Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.
5. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee violates any condition of this permit.
6. The Town Manager or designee is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.
7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.
8. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Town's Agent to assist in dust control.
9. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the Board of Selectmen. The Board of Selectmen will hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
10. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
11. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as specifically approved by the Town's Agents and as allowed by state statute or regulation.

Fuller Street Development, LLC
Permit No. 09-1

12. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Board of Selectmen at a publicly scheduled hearing. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.

13. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.

14. Gates will be installed on the haul road to prevent unauthorized access to the property.

15. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Town's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".

16. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT No. 09-1."

17. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.

18. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.

19. The approved plan shall be modified to include the general location (no survey required) of any monitoring wells on the site.

20.. No standing trees are to be cut, trimmed or removed from the site, except for those areas shown on the approved plan. Violation shall result in a fine being imposed, in accordance with Earth Removal Bylaw §6, and/or revocation of this Permit.

If any tree needs to be trimmed, cut or removed, prior approval shall be provided by the Town's Agent.

21. No rock crushing is authorized. Any proposed rock crushing may be authorized by the Board of Selectmen following a public hearing on a request for an Earth Removal Permit modification.

22. Excessive noise levels, as determined by the Town's Agent, shall result in onsite equipment modification within one (1) week of notification.

23. De-watering operation plans shall be provided through a modification to the submitted Project Plan for review and acceptance by the Town's Agent.. De-watering may be limited during the summer months. Siltation barriers will be provided as required by the Town's Agent.

C. Special Conditions

1. Blasting on the site is discouraged. Special permission may be provided by the Board of Selectmen after a public hearing - prior to application of a blasting permit to the Town Fire Department.
2. A dewatering system, if required will be outlined in a modified Project Plan, for review and approval by the Town's Agent.
3. Monitoring wells may be required to determine groundwater levels that could impact adjacent residential overburden and bedrock wells.

If neighboring overburden wells are determined to be potentially affected by the dewatering operation, work will cease, monitoring wells shall be installed, and an evaluation made from a qualified hydrologist on the dewatering operation, prior to commencement of work. The Town's Agent shall determine if work will continue at the site - after consultation with the Board of Selectmen during a public meeting.

4. Monitoring well(s) for water levels, if required, are to be measured every seven (7) days, and the results kept in a daily log.
5. A copy of Bayside Agricultural inc. agreement to allow exit or entry access to the site is made a part of these conditions.
6. Conditions from the Middleborough Conservation Commission and Army Corp of Engineers is made a part of these conditions.
7. The site shall be evaluated for storm water drainage, and discharges, if permitted shall be to the Raven Brook or other site if approved by the Town's Agent.
8. Responses to field issues raised during the public hearing for the project as outlined in correspondence dated February 24, 2009 from Field Engineering Co., Inc. shall be made a part of these conditions.
9. If flooding along Fuller Street should occur, as a result of the earth removal operations, the permit holder will evaluate the site and provide corrective action upon consultation with the Town's Agent and Town Roadway Superintendent,
10. Trucks will not idle on Fuller Street at any time.
11. The permit holder will prepare a Farm Plan that meets standards set forth from

the United States governments - Natural Resource Conservation District (NCRS) and the Massachusetts Department of Food and Agriculture and provide to the Town's Agent upon project completion.

12. The permit holder will be responsible for maintaining the roadway to no less than present conditions after consultation with Highway Superintendent or designee every four (4) months or if conditions warrant immediate action.

The permit holder will be responsible for providing a video (cd) of existing conditions to the Highway Superintendent or designee of existing conditions for up to one hundred (100) feet from the egress in both directions. As noted on the plans, the driveway shall be paved a minimum of fifty (50) feet from Fuller Street onto the property.

D. Inspection Fees and Bonding

Inspection Fees

1. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board of Selectmen's Agent before the commencement of any earth removal activities.

The fee for this review is \$ 600.00, due and payable at the time the permit holder notifies the Board of Selectmen's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

2. Quarterly reviews must be performed by the Board of Selectmen's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit.

- a. The fee for each such review is \$ 600.00, due and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permitted project.
- b. This report, along with the **Project Plan** will be made available to the public at the Town Manager's Office, upon request.
- c. The Board's Agent will include with the quarterly review a written assessment and update of actual activities and goals that were provided under the **Project Plan**.

- d. The Boards' Agent will determine if the Project Plan is meeting the proposed activities and goals. If the Project Plan activities and goals are not met for three (3) consecutive quarters, the project permit shall be suspended and a hearing with the Board of Selectmen shall be held to determine if the permit shall be reissued.

Bond Requirements

1. A bond, or acceptable alternative surety, in the amount of \$50,000.00 will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.

Patrick E. Rogers, Chairman
BOARD OF SELECTMEN

Patrick E. Rogers 05.18.09
Date

Commonwealth of Massachusetts
County of Plymouth

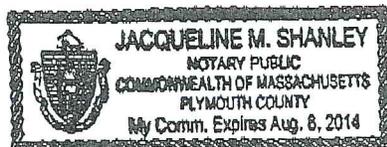
On this 4th day of May, 2009, before me the undersigned Notary Public, personally appeared _____

Patrick E. Rogers proved to me through satisfactory evidence of identification which was/were Personal Knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose(s).

Jacqueline M. Shanley
Signature of Notary

(Seal)

My commission expires 8-8-14





A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nicker-son Avenue, Middleborough, MA on **Monday, April 11, 2016 at 8:15 PM**, for the purpose of discussing an application filed by **GAF Engineering Inc. on behalf of W. L. Byrne, Inc.** for a **Earth Removal Permit** for property located off **Chestnut Street, Middleborough, Assessors Map 062, Lots 2726**. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN
March 31, 2016

The Middleboro Gazette Newspaper

Continued from April 11, 2016.

Atlantic is reviewing the full project along w/ response comments from GAF Engineering. Response from Atlantic will be by 5/13.

Need an extension of existing permit.
continued from 5/11/16



May 13, 2016

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

**Re: *Initial Engineering Review
Earth Removal Application
W.L. Byrne – Chestnut Street Cranberry Bogs and Reservoir
ADE Project #2518.46***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of the site plans and application materials for the above-referenced project relative to a request to construct cranberry bogs and expand an existing water supply/tailwater pond under the Earth Removal bylaw. The plans are revised dated 4/26/16 and are prepared by GAF Engineering, Inc. for W.L. Byrne, Inc.

We have the following comments:

1. Please provide a copy of the Conservation Commission Order of Conditions, if and when issued for the project.
2. The following items were checked off in the Plan Checklist submitted with the application, but could not be found in the information provided:
 - A.3 Water Resource Protection District – Not shown.
 - B.2 Property lines and names of adjacent property/abutters - Abutter names to the northwest and west are not shown.
 - B.4 Existing and proposed topographic contours - The proposed grading of Phase II and III is not shown.
 - B.7 Proposed buffer zones between property excavation and existing town streets - The distance from the closest point of Phase I to Rocky Meadow Street is not shown.
3. No information is provided on the plans for the existing access road. Are any improvements (safety or otherwise) needed to this road or at the site entrance at Thomas



Street/Chestnut Street to accommodate the size and volume of trucks entering/exiting the site?

4. The plan indicates 2:1 “temporary” slopes at Phase 2 and 3. What is considered “temporary”? Address stabilization and erosion control of these slopes, some of which may be over 30 feet high.
5. Please address what is proposed for the existing 24” culvert at the southwest corner of Bog Section 1.
6. De-watering plans, methodologies, details are not provided.
7. It is recommended that slopes steeper than 3:1 should be stabilized with an erosion control blanket. Please amend the appropriate notes on the Site Plan and in the Project Plan.
8. The SWPPP, if required, for construction activities and compliance with the NPDES program, when finalized, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.
9. Confirm the location of any private wells in the vicinity of these phases and address any potential impacts to adjacent private wells due to the enlargement of the reservoir.
10. The current, existing slopes in the vicinity of the Phase I reservoir are steeper than 3:1 and some appear steeper than 2:1. What is the condition of this existing slope? The plans show it to remain as is. Please address stabilization and erosion control of these existing slopes, some of which are over 25 feet high.
11. The plans are labeled “Progress Set – Not For Construction”. The final construction plans should be provided to Board prior to commencement of work to determine consistency with the approved progress set.
12. The following Appendix A – Project Plan requirements do not appear to be addressed in the Project Plan revised dated 4/25/16:
 - 7.d Proposed dewatering
 - 7.g Volume and location of materials to be kept on site
 - 7.j Criteria for excavation of ponds and water storage areas



*Board of Selectmen
Initial Engineering Review
Earth Removal Application
W.L. Byrne – Chestnut Street Cranberry Bogs and Reservoir
May 13, 2016 – Page 3*

Please call if you have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski', is written over the company name.

Richard J. Tabaczynski, P.E.
Project Manager

CC: GAF Engineering



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

May 17, 2016

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

Re: Response to Engineering Review
Earth Removal Application
W. L. Byrne Inc.
G.A.F. Engineering Job No. 14-8284

Honorable Selectmen,

Please find included herein responses to comments raised by Atlantic Design Engineers, Inc. with respect to the Earth Removal Permit Application submitted on behalf of our client W.L. Byrne Inc. Our responses are keyed to each comment raised and are as follows:

Comment: 1. Please provide a copy of the Conservation Commission Order of Conditions, if and when issued for the project.

Response: A Negative Determination of Applicability was issued for the project by the Conservation Commission. Copy Attached.

Comment: 2. A.3 Water Resource Protection District – Not shown.

Response: The Water Resource Protection District WRPD-3 is delineated on sheet ER-1. It is not shown on other drawing sheets for the sake of clarity.

Comment: 2. B.2 Property lines and names of adjacent property/abutters – Abutter names to the northwest and west are not shown.

Response: A limited number of abutters were noted on sheet ER-2. The Earth Removal Application Package contains Tax Maps with all abutting Properties with Lot numbers as well as a certified abutters list. One hundred and eighteen (118) abutters were notified by certified mail.

Comment: 2. B.4 Existing and proposed topographic contours – The proposed grading of Phase II and III is not shown.

Response: Existing Topography for all phases is shown on Drawings ER-1, ER-2 and ER-3. Tops and bottoms of 2:1 slopes are noted on the plans. This is done for the sake of clarity as drawing the interim slopes between phases creates a confusing and hard to understand grading concept.

266 MAIN ST.

WAREHAM, MA

02571

TEL 508.295.6600

FAX 508.295.6634

gaf@gaf-eng.com

Comment: 2. B.7 Proposed buffer zones between property excavation and existing town streets- The distance from the closest point of Phase I to Rocky Meadow Street is not shown.

Response: The only buffer zone required by the Earth Removal Regulations is the 100' foot buffer to neighboring properties and is shown on drawings ER-1, ER-2 and ER-3. Sheet ER-2 and ER-3 indicate a distance of 275' feet from the closest point of Phase I to the rear property line of Lot 2184. Which by inspection is greater than 200' feet from a public way. The lot scales 270' feet in depth making the distance from the closest point of the Phase I excavation to Rocky Meadow Street in excess of 540' feet. The Earth Removal Regulations are silent on this issue however the typical Order of Conditions prohibit excavation closer than 200' feet to an existing public way. Unless specially permitted.

Comment: 3. No information is provided on the plans for the existing access road. Are any improvements (safety of otherwise) needed to this road or at the site entrance at Thomas Street/Chestnut Street to accommodate the size and volume of trucks entering/exiting the site?

Response: The existing access Road is in existence and is currently being used for the site access for the current (permit 11-1) The access Road is over one (1) mile long, and accesses Chestnut Street. The access Road is paved with bituminous concrete. It is and has been suitable to accommodate the size and volume of trucks using the site for many years.

Comment: 4. The plan indicates 2:1 "temporary" slopes at Phase 2 and 3. What is considered "temporary"? Address stabilization and erosion control of these slopes, some of which may be over 30 feet high.

Response: These slopes are considered temporary or interim as the slopes will be further altered in future phases of the earth removal. There are no plans to provide interim stabilization of these interim slopes as future earth removal permits will be necessary to complete the full build out.

Comment: 5. Please address what is proposed for the existing 24" culvert at the southwest corner of Bog Section 1.

Response: The 24" culvert is existing and the inlet portion has been filled and is not in use. The 24" culvert is to be abandoned in place as all tailwater from Cranberry Bog Sections 1,2, and 3 will be discharged to the reservoir via the flumes shown on sheets ER-2 and ER-3

Comment: 6. De-watering plans, methodologies, details are not provided.

Response: The tailwater pond will be excavated "wet" dewatering is not proposed.

Comment: 7. It is recommended that slopes steeper than 3:1 should be stabilized with an erosion control blanket. Please amend the appropriate notes on the Site Plan and in the Project Plan.

Response: There are no permanent sloped areas proposed as part of this permit application. Refer to limit of work line on sheets ER-1, ER-2, and ER-3.

Comment: 8. The SWPPP, if required, for construction activities and compliance with the NPDES program, when finalized, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.

Response: Will comply with to the degree applicable. A SWPPP is not expected to be required due to the nature of the project and its construction sequences.

Comment: 9. Confirm the location of any private wells in the vicinity of these phases and address any potential impacts to adjacent private wells due to the enlargement of the reservoir.

Response: There has been no adverse impact to neighboring domestic drinking water wells as result of the past excavation project. None are expected.

Comment: 10. The current, existing slopes in the vicinity of the Phase I reservoir are steeper than 3:1 and some appear steeper than 2:1. What is the condition of this existing slope? The plans show it to remain as is. Please address stabilization and erosion control of these existing slopes, some of which are over 25' feet high.

Response: The slopes are planned to remain "as is" some rill and gully erosion has occurred. These slopes will be reseeded in the fall of 2016.

Comment: 11. The plans are labeled "Progress Set – Not or Construction". The final construction plans should be provided to Board prior to commencement of work to determine consistency with the approved progress set.

Response: The drawings will be "Issued for Construction" once the earth removal permit is approved. Any plan changes or significant permit conditions will be incorporated into the drawings.

Comment: 12. The following Appendix A – Project Plan requirements do not appear to be addressed in the Project Plan revised dated 4/25/16.

Comment: 12. 7.d Proposed dewatering

Response: Construction dewatering is not proposed therefore the conditions of 7d do not apply.

Comment: 12. 7.g Volume and location of materials to be kept on site

Response: There is no material to be kept on site other than sand for agricultural maintenance purposes which is not applicable to the earth removal portion of the permit. All other material is to be removed from the site.

Comment: 12. 7.j Criteria for excavation of ponds and water storage areas

Response: The criteria for excavation of ponds and water storage areas is the need to provide adequate water supply for the cultivation of cranberries. The reservoir / tailwater pond has a capacity of 72 Ac-Ft which is equal to 5.3 Ac-Ft per acre of bog. Which is within the design parameters for cranberry bog water supplies.

We trust the foregoing adequately responds to the comments raised in the Engineering review. We look forward to addressing this project in further detail with the Board at the continued public hearing.

Very truly yours,



William F. Madden, P.E.

WFM/mas

Cc: Mr. Don Gallant



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

266 MAIN ST.
WAREHAM, MA
02571
TEL 508.295.6600
FAX 508.295.6634

gaf@gaf-eng.com

April 26, 2016

Town of Middleborough
Board of Selectmen
20 Centre Street
Middleborough, MA 02346

Re: Earth Removal Permit
W. L. Byrne Inc.
Chestnut Street
Middleborough, MA
G.A.F. Engineering Job No. 14-8284

Honorable Selectmen,

Please accept this correspondence as responses to written comments prepared by Karl Hayes dated April 4, 2016 relative to property located at 15 Woodslake Terrace and 7 Short Brook Avenue as well as to the Town of Middleborough Planning Director, Ruth McCawley Geoffrey dated April 10, 2016.

In addition, we have prepared the attached Dust Mitigation Plan in response to comments raised by Mr. & Mrs. Parsons of 116 Rocky Meadow Street at the public hearing held on Monday April 11, 2016. Also find attached the revised earth removal plan and project plan.

Correspondence from Karl Hayes dated 4/4/16

The 15 Woodslake Terrace and 7 Short Brook Avenue properties are located over one half mile feet from the proposed water supply source of the W.L. Byrne cranberry bog project (Refer to Figure 1). The water management system of the W. L. Byrne Cranberry Bog employs complete tailwater recovery where by all water, not used by plant uptake or lost to evapotranspiration, is returned to the water supply reservoir making the water usage virtually non-consumptive.

According to MASS GIS the ground surface elevation of the Woodslake Terrace property and 7 Short Brook Avenue property is roughly El. 113-114. The USGS quadrangle indicates the elevation of Woods Pond to be roughly El. 94.0 The USGS Plymouth Carver Aquifer Water Resource Investigation report 90-4204 indicates the altitude of the water table to be approximately elevation 95.0± in the area of the residential properties. Mr. Hayes does not note the depth of the wells. An expansive wetland system and Short Brook separates the residential properties from the cranberry property, placing them within a separate sub- watershed entirely. The surface water elevation of the W. L. Byrne water supply reservoir is El. 99.0 and bottom elevation is proposed to be El. 84.0 It is unlikely that this virtually non-consumptive water usage associated with cranberry cultivation will have an adverse short or long term impact on these wells because:

- Residential well is greater than one half (½) mile from the cranberry bog water supply reservoir and will not be influenced by the short term agricultural water usage.
- The maximum withdrawal from the reservoir will not drain water resulting in a reservoir elevation of less than El. 95 based on agricultural needs.
- The immediate area adjacent to the homes is rich in water resources noted by the expansive wetland systems to the north, south and east of the residential properties.

Correspondence from the Town of Middleborough Planning Director.

Comment 1:

There should be a project narrative including a better description of how this proposed 13.5-acre bog project fits into the larger proposal identified in an Environmental Notification Form in February 2016 for a state Water Withdrawal Permit. That application reflects a total of 55 acres of new bogs, 10 acres of water supply and 40 acres of dikes, slopes and other appurtenant areas on over 100 acres.

Response:

Excavation and removal of material in Bog Sections 1, 2 and 3 will be completed in 2017 as will the remaining excavation of the reservoir / tailwater pond. Bog sections 1,2 & 3 will be planted in 2018. Bog section 4 will be excavated in 2018 and planted in 2019. Bog section 5 will be excavated in 2019 and planted in 2020. A total of 21.9 acres of Bog is anticipated to be planted within the term of this permit, 13 acres will follow.

Comment 2:

It appears that this earth removal is a continuation of a previous 3-year permit, issued in 2011, since most of the area proposed for the reservoir and 3 new bogs has already been excavated to near finish grade of the bogs but the application reflects that it is for a “new Permit”. How do these new bogs to be added to the 73 acres that already exist relate to them and the previous E.R. permits?

Response:

The excavation required to build Bog sections 1, 2, & 3 was not completed during the term of the current permit term. This permit No. 11-1 is set to expire on May 9, 2016. The Selectmen may issue a permit for up to three (3) years duration with an additional extension of up to one (1) additional year. If the permit expires and the work is not complete a new permit must be applied for in the same manner as the initial permit. Refer to the Earth Removal Rules and Regulations.

Comment 3:

The permit should specify that no refining or screening of materials or crushing of stone for off-site use should be allowed on the site, as I believe that would be considered "manufacturing", a use not allowed in the Residence Rural District; the Building Commissioner would then be involved.

Response:

No on site screening or crushing is proposed as conditioned in the previous permits. It should be noted that screening of sand for use in agricultural practices be permitted as these are normal and customary agricultural practices. We consider screening to be a process as opposed to manufacturing.

Comment 4:

As with any earth removal proposed for agricultural use, there are legal and policy concerns that the Town should be aware of. The issue of Earth Removal being accessory or incidental to a permitted agricultural use (cranberry bog construction) is covered under the Massachusetts Supreme Judicial Court Case of Henry v. Board of Appeals of Dunstable which is explained in a letter from Town Counsel dated 12/1/94, previously supplied to the Board. The case, Old Colony Boy Scouts of America v. Zoning Board of Appeals of Plymouth, 31 Mass. App. Ct. 46 (1991) is a second case that relates to Earth Removal for the purpose of constructing cranberry bogs.

Response:

In Henry and Old Colony Boy Scouts both stood on grounds that the earth removals were exempt from local zoning because the earth removal was "accessory to an agricultural use". The state Zoning Act Ch. 40A section 3 creates an agricultural exemption from zoning for landowners who use their land for the primary use of agriculture, horticulture floriculture or viticulture and includes language which states that "No Zoning By-Law shall...unreasonably regulate or require a special permit for the use of land for the primary use of agriculture.

Unlike Henry and Old Colony, W. L. Byrne Inc. has applied for a Special Permit to remove sand and gravel from the premises. The underlying use of agriculture is allowed in the Rural Residential (RR) Zoning district.

The earth removal is necessary for the construction of the cranberry bogs and water supply reservoir and W.L. Byrne Inc. does not object to the need to file for the necessary earth removal permit or the Special Permit for activities in the Water Resource Protection District. W.L. Byrne has typically filed for and received the permits necessary for the continued development of the Cranberry Bog development.

We trust the following satisfactorily addresses the issues raised by the commenters. We welcome the opportunity to answer the concerns of the commenters. We look forward to further discussion on this project if needed at the continued selectmen hearing scheduled for May 9, 2016.

Very truly yours,



William F. Madden P.E.

WFM/mas

Enclosure:

Cc: W.L. Byrne, Inc.- Don Gallant

PROJECT PLAN

W. L. BYRNE, INC.
OFF CHESTNUT STREET
MIDDLEBOROUGH, MA
EARTH REMOVAL PERMIT 11-1
G.A.F. JOB NO. 14-8284

Project Purpose: Removal of sand and gravel associated with the construction of cranberry bogs.

Site Description: The site is presently used for cranberry cultivation and sand and gravel removal (Permit # 11-1). Over the years sand and gravel has been removed from the site and cranberry bog and water supply systems constructed.

Removal of earth is required for the construction of approximately 21.9 acres of cranberry bog, a 5.5-acre reservoir as well as additional work and staging areas.

Past Activities: The site has been subject to earth removal permits for many years. Over the last eight (8) years the earth removals and subsequent cranberry bog construction have taken place in substantial compliance with conditions for earth removal, issued by the Board of Selectmen.

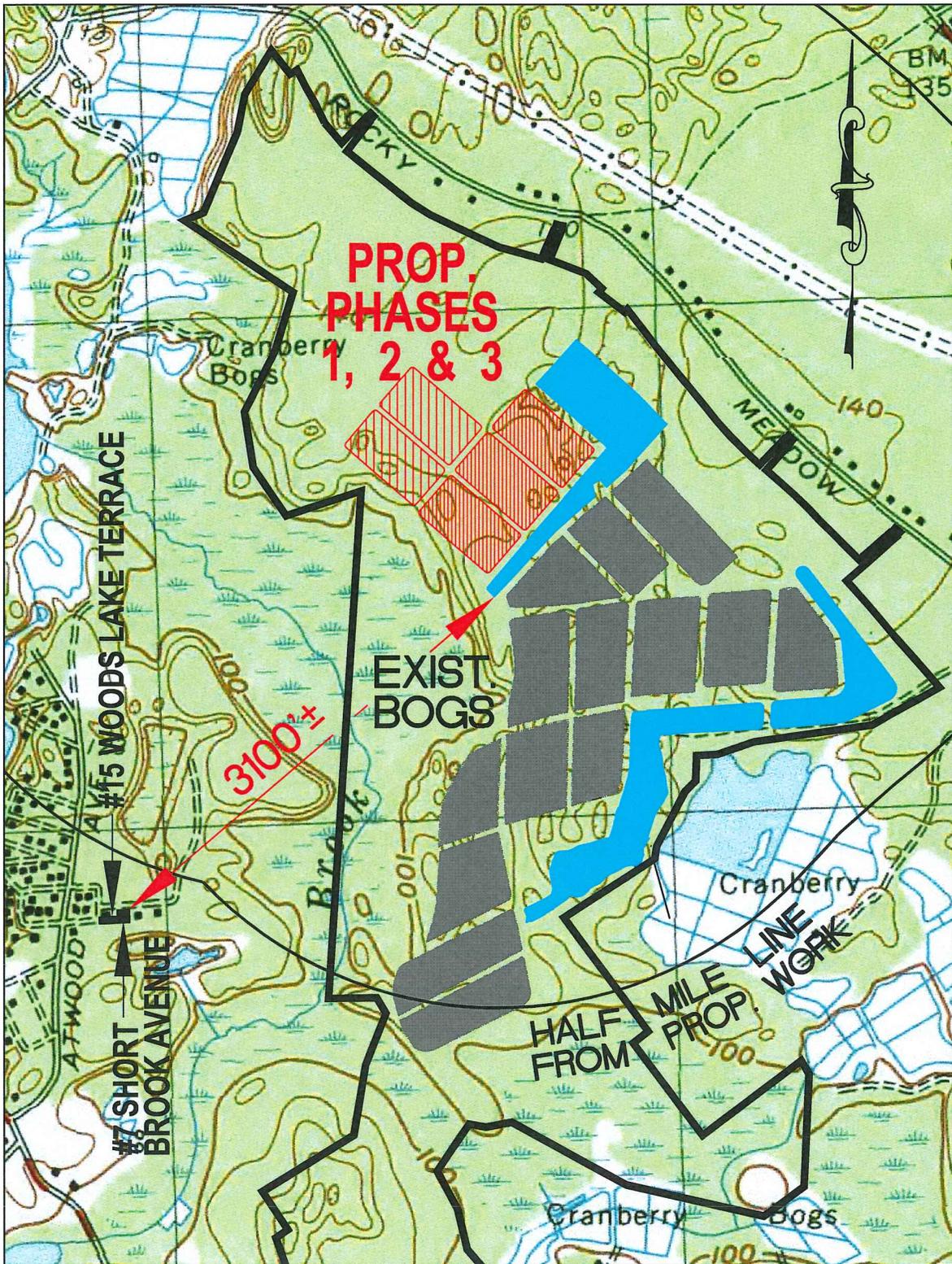
Proposed Activities: The project involves the removal of 642,650 cubic yards of material over a three (3) year time frame. It is expected that no more than 200,000 cubic yards of material will be removed in any years.

The earth removal activities will not take place within 100 feet of adjacent wetlands. The project is not subject to the provisions of the Wetland Protection Act (WPA).

The 100' foot, buffers to the residential properties and consists of an undisturbed vegetated buffer.

A 100' foot undisturbed vegetated buffer to the residential properties will be provided. No excavation will take place within 200' feet of a public way. Dust will be controlled by applying water from a water truck or other source. Erosion controls are not required as basins without outlets are being constructed. All side slopes will be graded at 3:1 horizontal to vertical finished with 4" inches of topsoil and seeded.

No screening or rock crushing is proposed.



SCALE: 1: 25000

U.S.G.S. LOCUS MAP

SOURCE: MASS GIS

W. L. BYRNE, INC.

MIDDLEBORO, MA



ENGINEERING, INC.

FIGURE 1

Board of Selectman
Town Of Middleborough

Date 04/05/2016

To whom it may concern:

I am writing in response to a Notice To Abutters that I received and was filed with you on March 15, 2016. My name is Karl Hayes and I OWN THE PROPERTY AT 15 Woodslake Terr. In Middleborough, I also represent Margaret Nash (My Aunt) who owns the property at 7 Short Brook Ave in Middleborough of which I am her power of attorney. We both oppose any more earth removal . I believe that this will eventually affect the wells in the area. I am currently in florida for the winter and did not plan to return until the end of the month or mid May. I hope you can bring this up at the meeting Monday night on my behalf.

Sincerely Karl Hayes

4/7/16 Telephone Notes:

- * Both properties have shallow wells
- * Installed in 1940's
- * Concern that work will cause wells to dry up
- * Has concerns with water quality
(did have it tested and it came back ok)



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

April 10, 2016

Diane Stewart, Chairwoman
Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Re: Earth Removal Permit, W. L. Byrne, Chestnut St. Cranberry Bog

Honorable Board,

The Planning Department is in receipt of an Earth Removal Application for the W. L. Byrne, Chestnut St. Cranberry Bog proposing to excavate 639,000 c.y. of gravel from an area adjacent to existing cranberry bogs for the construction of 13.5 acres of cranberry bogs and a 5.5 acre water supply/tailwater recovery reservoir, approximately 15' deep. Earth removal is proposed to last 3 years. The Board of Selectmen have asked for comments on this proposal and the following are respectfully submitted.

1. There should be a project narrative including a better description of how this proposed 13.5 acre bog project fits into the larger proposal identified in an Environmental Notification Form in February 2016 for a State Water Withdrawal Permit. That application reflects a total of 55 acres of new bogs, 10 acres of water supply and 40 acres of dikes, slopes and other appurtenant areas on over 100 acres.
2. It appears that this earth removal is a continuation of a previous 3 year permit, issued in 2011, since most of the area proposed for the reservoir and 3 new bogs has already been excavated to near finish grade of the bogs but the application reflects that it is for a "new permit". How do these new bogs to be added to the 73 acres that already exist relate to them and the previous E.R. permits?
3. The permit should specify that no refining or screening of materials or crushing of stone for off-site use should be allowed on the site, as I believe that would be considered "manufacturing", a use not allowed in the Residence Rural District; the Building Commissioner would then be involved.
4. As with any earth removal proposed for agricultural use, there are legal and policy concerns that the Town should be aware of. The issue of Earth Removal being accessory or incidental to a permitted agricultural use (cranberry bog construction) is covered under the Massachusetts Supreme Judicial Court case of Henry v. Board of Appeals of Dunstable which is explained in a letter from Town Counsel dated 12/1/94, previously supplied to the Board. The case, Old Colony Boy Scouts of Am v. Zoning Board of Appeals of Plymouth, 31 Mass. App. Ct. 46 (1991) is a second case that relates to Earth Removal for the purpose of constructing cranberry bogs.

If you have any questions or wish to discuss this matter further please do not hesitate to contact me.

Sincerely,


Ruth McCawley Geoffroy, AICP
Middleborough Planning Director

DUST MITIGATION PLAN

1.0 GENERAL

It is proposed to progressively develop the site by expanding the existing cranberry operations. The progression of activities in general consist of:

- Land clearing, grubbing and stumping.
- Stripping and stockpiling of topsoil and subsoil for future use on site.
- Excavation & removal of mineral soils from the site.
- Grading and constructing cranberry bogs in shape and form.
- Planting of cranberry vines.
- Provide temporary slope stabilization with unsuitable material.
- Cover slopes with topsoil & seed with a cover crop.

2.0 DUST SOURCES AND CONTROL

Complete elimination of dust originating at the site is difficult although preventive measures can be taken to reduce these factors to negligible amounts.

Dust emissions from the site consist of fine soil particles which move by air currents. Heaviest particles will fall out within a half (1/2) mile radius of the activating source. However, wind velocities determine the dust carrying range and direction of predominant particle movement. Other off site sources of dust over which W.L. Byrne has no control include that which originates from traffic on Rocky Meadow Street, truck traffic on Rocky Meadow street, other neighboring land uses.

Operational areas on site which produce dust are categorized in the following order of importance:

2.1 HIGH USE VEHICLE ROUTES

High use vehicle routes within the site can be primary contributors to dust emissions. These roads and areas are non-surfaced which allow soil breakdown by heavy earth moving equipment and trucks hauling material.

2.2 EARTH REMOVAL PROCESS

Earth removal process is the secondary contributor of dust. The operational process of excavating and loading operations are contributors of dust emittance

2.3 THE EXCAVATION AREA

The finished excavation area produces the least amount of dust as this surface contains surface moisture sufficient to prevent dust. Surface slopes which lack moisture contribute as a minor source of dust.

3.0 DUST MITIGATION CONTROL

In order to mitigate dust concerns on site the following dust control practices, currently being utilized on site, will be continued and expanded as follows:

3.1 SURFACE WETTING

The truck route (high use vehicle routes) in the area of pit excavation will be wetted by the use of an on-site water truck. The water truck will wet soil surfaces in the areas utilized by trucks and equipment on an as-needed basis throughout a typical work day. Surface wetting is a practical and easily employable methodology used in minimizing dust emissions.

3.2 MODIFICATION OF EARTH REMOVAL PROCESS.

In each phase excavation and loading of material will proceed in a southwest to northeast direction. By doing so the face of the excavation and loading process will be shielded from areas directly facing residences on Rocky Meadow Street.

3.3 MAINTAIN VEGETATIVE COVER TO THE MAXIMUM PRACTICAL DEGREE

Land clearing for Phase II (7.9 Acres) will not take place until the Phase I removal is completed. Phase III (5.5 Acres) will not be cleared until the Phase II excavation is complete. Land clearing will be limited to that area necessary to provide access to areas which will provide one year's excavation. The conservation of the wooded area for that longest term possible will assist in absorbing dust and noise.

3.4 CONTINRENCY PLAN

In the event dust emissions emanate from the active face of excavation, temporary moveable surface mounted irrigation sprinklers will be placed at the top elevation of excavation. These sprinklers will be put in operation intermittently during the term of the excavation activities. Water will be supplied from the existing water supplies and pumping systems.



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

March 7, 2016

Town of Middleboro
Board of Selectman
Town Hall
Middleboro, MA 02346

Re: Earth Removal Permit Application
W. L. Byrne, Inc.
Chestnut Street (Map 062, Lots 2726)
Existing Earth Removal Permit #11-1
G.A.F. Job No. 10-7652

Dear Members of the Board,

On behalf of our client, W. L. Byrne, Inc., G.A.F. Engineering, Inc. respectively submits an Application for Earth Removal in the Town of Middleboro at the above referenced site.

G.A.F. Engineering, Inc. has enclosed for your review eleven (11) copies of the following Supporting documentation, along with the filing fee in the amount of \$300.00.

1. Earth Removal Permit Application
2. Application for License
3. Copy of Earth Removal Permit #11-1
4. Copy of Deed
5. Copy of Water Management Registration No. 9P4-4-25-182.04
6. Certified Abutters List
7. Assessor's Location Map
8. Locus Map
9. Traffic Route Map
10. Site Plans and Checklist
11. USDA NRCS Farm Plan

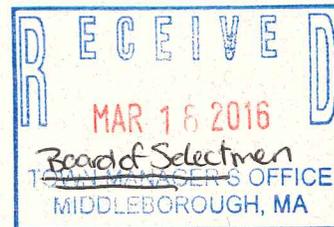
Thank you for your anticipated consideration of this request and should the Board have any questions, please feel free to contact our office.

Very truly yours,


William F. Madden, P.E.

WFM/mas

Cc: W.L. Byrne, Inc.
Middleborough Conservation Commission
Enc.



266 MAIN ST.
WAREHAM, MA
02571
TEL 508.295.6600
FAX 508.295.6634

gaf@gaf-eng.com

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: W.L. Byrne, Inc.

Address of Applicant: PO Box 410, 210 WOOD STREET

Town or City: MIDDLEBOROUGH, MA

Owner of Property: W.L. BYRNE, INC.

Location of Property: CHESTNUT Street

Assessor's Parcel and Map Numbers Map 062 Parcel 2726

Map _____ Parcel _____

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: NEW APPLICATION

Request for an Extension of Time for existing permit. _____

Existing Permit Number: 11-1

Parcel(s) Acreage: 479 Acres

Estimated Number of Cubic Yards to be Removed: 639,000 Cubic Yards

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

Construction of Cranberry Bogs

3. Project Plan

Has a Project Plan been submitted with this application? YES

An Application for an Earth Removal Permit will not be accepted by the Board of Selectmen for Public Hearing, unless submitted with the application.

4. Planning Information

a. Proposed traffic Route from site to unloading materials.

Beginning at the entrance of the site at the intersection of Thomas Street and Chestnut Street, then proceed westerly on Thomas Street to Sachem Street. Turn right on to Sachem Street to Wood Street and the Byrne facility.

b. Has a plan and Notice of Applicability (NOA) or Intent (NOI) been submitted to the Town of Middleboro's Conservation Commission? YES

c. Has Order of Conditions by the Conservation Commission been issued: if so what is project number and date of conditions: NO

d. Provide copy of the Order of Condition so they may be attached to permit.

e. Is there a Department of Environmental Protection-Water Management Act Registration or Permit for this property? YES

Permit No. 9P4-25-182.04 Registration No. 425182.29

f. Has a Farm Plan been completed? YES Please provide a copy. Enclosed

g. Expected Date of Project Completion: 3 Years

5. Engineering General Information

Engineering Firm Name:	G.A. F. Engineering, Inc.
Engineer's Contact Name:	William F. Madden, P.E.
Street:	266 Main Street
Town/City:	Wareham, MA 02571
Phone Number:	508-295-6600

7. Financial Obligations

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current?

_____ yes X no

8. Authorization of Applicant

a. Have you authorized the engineer to speak on your behalf regarding project questions that may come up prior to the public hearing?

X yes _____ no

b. I have reviewed this Application Package and attached information and deem it to be correct.

William F. Madden

Signature of Applicant

WILLIAM F. MADDEN, P.E.

Printed Name of Applicant

Date 3/7/14

Phone Number: 508-295-6600

**Conditions for Earth Removal Permit
May 9, 2011**

Name	W. L. Byrne, Inc.
Street	Chestnut Street, Middleborough, MA
Past Earth Removal Permit No.	98-6, 02-05, 06-7
New Earth Removal Permit No.	Permit No. 11-1
Zoning Map Description	Map 62, Lot 2726
Other Permits	DEP Water Management Act Permit #9P4-25-182.04 / Registration #425182.29
Proposed Volume	Total 881,200 cubic yards

CONDITIONS

BOARD OF SELECTMEN

General Information

The time line and proposed work for the W. L. Byrne, Inc. project shall be as outlined in the **Project Plan** required under this permit, and approved by the Town's Agent. The Project Plan outline can be found in Appendix A of the Earth Removal Application Package.

The Project Plan outlines the proposed construction sequence and time lines for the project. The project plan shall be updated annually for approval by the Board of Selectmen or their designated 'Agent' (Town's Agent).

The Earth Removal Permit holder shall submit to the Town's Agent for review and approval, a **Project Plan** that will outline the planned activities and goals for each quarter of the phased construction work for each year of the permit. The following sections are applicable under this permit:

- a. General Conditions
- b. Standard Conditions and Site Requirements
- c. Special Conditions
- d. Inspection Fees and Bonding

A. General Conditions

1. All phased construction work consisting of re-grading shall be completed and required plantings shall be 'growing' prior to any application for a future earth removal permit or opening of new phases. No cutting, clearing, or grubbing of areas not included under the Project Plan as 'phased' work shall be performed at the site.

If any aforesaid described work is done in unpermitted areas, without the written permission of the Town's Agent, future earth removal requests may be forfeited.

The Town of Middleborough's Earth Removal Bylaw, as amended, should be reviewed by the project proponent to ensure that compliance requirements are met.

2. This permit is valid for **three (3) years**, or for a lesser time approved by the Board of Selectmen at the time of application and hearing and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen.

3. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is allowed Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until before 7:30 A.M and after 4:30 pm.

4. No operation at the site is allowed on Saturday, Sunday or Town Hall observed holidays, which are as follows:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veterans' Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

5. All excavated areas not part of the bogs will be top-soiled and planted per the specification on the approved plan or at the direction of the Town's Agent. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place.

6. The permit holder is not permitted to spot excavate to remove better material here and there on the site. The project will be excavated in phases, as provided on the approved plan. Phases shall be planted, prior to excavation of the next phase. The Town's agent may allow partial excavation into the next phase provided that planting is performed during the growing season.

7. Excessive erosion is to be controlled as determined by the Board of Selectmen's Agent, working with the Town's Conservation Commission's Agent. During non-construction periods, stockpiled materials may be required to be covered to prevent erosion from the site.

8. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.

Any utilized screening plant shall be no larger than 150 to 200 yards per hour.

The permit holder shall provide a written description, time frame, and proposed volume of material to be screened for approval by the Town's Agent.

9. Existing tree lines, natural land topography, and vegetative buffer zones shall be maintained a minimum of fifty feet (50 ft.) from all property lines. In the absence of tree lines on the property, then the natural vegetated buffer, shall be maintained for the same distances and trees planted in order to screen the site.

B. Standard Conditions and Site Requirements

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Town's Agent and be in place prior to commencement of removal operations.
2. The Board of Selectmen, Conservation Commission, Town Manager, or their Agents shall be free to inspect the premises at any time during normal working hours with, or without, prior notice to the permit holder.
3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.
5. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee, violates any condition of this permit.
6. The Town Manager or designee is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.
7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.
8. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Town's Agent to assist in dust control.
9. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the Board of Selectmen. The Board of Selectmen will hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
10. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
11. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as specifically approved by the Town's Agents and as allowed by state statute or regulation.

12. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Board of Selectmen at a publicly scheduled hearing. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.
13. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.
14. Gates will be installed on the haul road to prevent unauthorized access to the property.
15. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Town's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".
16. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH **PERMIT No. 11-1**".
17. A copy of this Earth Removal Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.
18. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.
19. The approved plan shall be modified to include the general location (no survey required) of any monitoring wells on the site.
20. No standing trees are to be cut, trimmed, or removed from the site, except for those areas shown on the approved plan. Violation shall result in a fine being imposed, in accordance with Earth Removal Bylaw §6, and/or revocation of this Permit. If any tree needs to be trimmed, cut, or removed, prior approval shall be provided by the Town's Agent.
21. No rock crushing is authorized. Any proposed rock crushing may be authorized by the Board of Selectmen following a public hearing on a request for an Earth Removal Permit modification.
22. Excessive noise levels, as determined by the Town's Agent, shall result in onsite equipment modification within one (1) week of notification.

23. De-watering operation plans shall be provided through a modification to the submitted Project Plan for review and acceptance by the Town's Agent. De-watering may be limited during the summer months. Siltation barriers will be provided as required by the Town's Agent.

C. Special Conditions

1. All access to and from the permitted property will be as follows:

Entering: At the intersection of Thomas Street and Chestnut Street

Exit: At intersection of Thomas Street and Chestnut Street then proceed westerly on Thomas Street to Sachem Street. Turn right onto Sachem Street to Wood Street and the Byrne facility

2. Trucks will not idle on **Chestnut** Street at any time.

3. The permit holder will be responsible for maintaining the roadway to no less than present conditions after consultation with Highway Superintendent or designee every four (4) months or if conditions warrant immediate action.

D. Inspection Fees and Bonding

Inspection Fees

1. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board of Selectmen's Agent before the commencement of any earth removal activities.

The fee for this review is **\$1,600.00, due** and payable at the time the permit holder notifies the Board of Selectmen's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

2. Quarterly reviews must be performed by the Board of Selectmen's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit.

a. The fee for each such review is **\$1,600, due** and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permitted project.

b. This report, along with **the Project Plan** will be made available to the public in the Selectmen's Office, upon request.

- c. The Board's Agent will include, with the quarterly review, a written assessment and update of actual activities and goals that were provided under **the Project Plan**.
- d. The Boards' Agent will determine if **the Project Plan** is meeting the proposed activities and goals. If **the Project Plan** activities and goals are not met for three (3) consecutive quarters, the project permit shall be suspended and a hearing with the Board of Selectmen shall be held to determine if the permit shall be reissued.

Bond Requirements

1. A bond, or acceptable alternative surety, in the amount of **\$50,000.00** will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.

Alfred P. Rullo, Jr., Chairman
BOARD OF SELECTMEN

Date

Commonwealth of Massachusetts
County of Plymouth

On this 9th day of May, 2011, before me the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification which was/were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose(s).

Signature of Notary

(Seal)
My commission expires _____



The Town of Middleborough Board of Selectmen, acting in its capacity as the Board of Health, will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, May 2, 2016 at 7:45 PM**, to examine whether odors discharged from a composting facility operated at 88 River Street in Middleborough (Assessors Map 002, Lot 5463) constitute a nuisance, source of filth and/or cause of sickness injurious to the Public Health, pursuant to MGL Chapter 111, Section 122-125A. Anyone wishing to be heard on this matter should appear at the time and place designated.

Diane C. Stewart
Stephen J. McKinnon
John M. Knowlton
Allin Frawley
Leilani Dalpe
BOARD OF SELECTMEN
April 21, 2016

The Middleboro Gazette Newspaper

Continued from May 2, 2016

Continued from May 9, 2016

Odor Survey Plan

Date 3/18/2016
 Weather CLEAR SUNNY

Inspector D CONNICH

Reason for Survey 3/17/16 COMPLAINT

Location	Time	Odor Intensity	Odor Type	Comments
RTE 105 RIVER ST INT.	9:15	2	COMPOST	MANGROVE ON FIELDS BUT ODOR COMPOST
" "	9:21	2	COMPOST	ODOR WITH SHIFTING WIND 3 SECONDS ON 20
DRIVE RIVER ST		0		FLAP WINDSOCK - WEST WIND
	9:27			EQUIP MOVING AT A PLUS
	9:29			EQUIP NOT MOVING
RTE 105 RIVER ST INT	9:32	1		
" "	9:34	2	COMPOST	2 FOR 10 SECONDS
" "	9:36	2		HALIFAX POLICE STOPPED
				CONFIRMED "LEAFY/SWEET ODOR"
RT FIELD - WEST END	9:51	2		ON 4 OFF
" " EAST END	9:54	0		
83 RIVER ST	9:57	0		EQUIP AT D-PLUS MOVING

SECONDS OFF

DRIVE

9:21-9:33 # 103 RIVER ST WOMAN W/CHILD IN YARD

9:51 MIDDLEBOROUGH POLICE AT NEW HOUSE ON RIVER ST - ELEC WORK - CONFIRMED ODOR

Date 3/18/2016

PPSE 2

Odor Survey Plan

Inspector D CONNICKWeather CLEAR SKYReason for Survey 3/17/2016 COMPLAINT

Location	Time	Odor Intensity	Odor Type	Comments
FIELD WEST END	10:00	2	COMPOST	3 SECONDS WIND SHIFT FROM WEST TO NW
POLE #8 ACROSS FROM GATE	10:04	2	"	CAN SEE A PLUS EQUIP OPERATING THIS
" "	10:10	2	"	FEW SECONDS ON & OFF WITH WIND SHIFT
POLE #7, QLEC BOX	10:14	2	"	ON & OFF W/ WIND SHIFT
RIVER ST 9/105	10:20	2	"	" "
"	10:26	2	"	" "
RIVER ST 8/105	10:55-11:00			WAITED 5 MINUTES

10:10 R HIGH CAME BY IN ORANGE PAPER TRUCK - CALLED SITE TO STOP OPERATING
AND SPRAY DEODORANT

10:25 BOB? REQUESTED I CHECK DUBURN ST

10:26-10:55 DROVE RIVER ST 4 AUBURN ST, WALKED SITE, ASKED PILES ON AUBURN ST, NO ODOR

3/18

Odor Survey Plan

Date 3/17/16Inspector D CONNICKWeather SUNNY 66°Reason for Survey COMPLAINT

Location	Time	Odor Intensity	Odor Type	Comments
A PLUS DRIVE	3:32	0		WIND FROM SW
105	3:33	0		FLAG & WIND SOCK
P → #9 THOMPSON	3:40	3	MANURE	STANDING NEXT TO FRESH MANURE SPREAD ON LAWN ADJACENT TO ST. FOR 100'
HALIFAX LINE	3:44	0		
#42 THOMPSON	3:49	0		
#80 MINI FARM	3:54	0		
HALIFAX LINE	4:02	1-2		FEW BRIEF WIFFS 1-2 SECONDS
AT RIVER ST	4:07	0		
#42 THOMPSON	4:16	0		
AT RIVER ST	4:28	0		
DROVE RIVER ST	4:33	0		FLAG & WIND SOCK WIND SW
DROVE 105 NORTH	4:35	0		

1) MANURE ODOR NEAR #9 30N AREA, 1-2 ACROSS STREET EACH PASS

P - PARK AT INTERSECTION OF THOMPSON & RIVER ST
(105)

WALK TO #80 & BACK, THEN #42 & BACK

3/18

Odor Survey Plan

Date 3/17/16

Inspector D CONNOR

Weather SUNNY 66°

Reason for Survey COMPLAINT

Location	Time	Odor Intensity	Odor Type	Comments
R PLUS DRIVE	3:32	0		WIND FROM SW
105	3:33	0		FLAG & WIND SOCK
P → #9 THOMPSON	3:40	3	MANURE	STANDING NEXT TO FRESH MANURE SPREAD ON LAWN ADJACENT TO ST. FOR 100'
HALIFAX LINE	3:44	0		
#42 THOMPSON	3:49	0		
#80 MINI FARM	3:54	0		
HALIFAX LINE	4:02	1-2		FEW BRIEF WHIFFS 1-2 SECONDS
AT RIVER ST	4:07	0		
#42 THOMPSON	4:16	0		
AT RIVER ST	4:28	0		
DROVE RIVER ST	4:33	0		FLAG & WIND SOCK 1 WIND SW
DROVE 105 NORTH	4:35	0		

1) MANURE ODOR NEAR #9 30N ARGA, 1-2 ACROSS STREET. EACH BOES

P - PARK AT INTERSECTION OF THOMPSON & RIVER ST
(105)

WALK TO #80 & BACK, THEN #42 & BACK

Odor Survey Plan

Date 3/18/2016

Inspector D CONNICK

Weather CLEAR SUNNY

Reason for Survey 3/17/16 COMPLAINT

Location	Time	Odor Intensity	Odor Type	Comments
RTE 105 RIVER ST INT.	9:15	2	COMPOST	MANURE ON FIELDS BUT ODOR COMPOST
" "	9:21	2	COMPOST	ODOR WITH SHIFTING WIND 3 SECONDS ON 20 SECONDS OFF
DRIVE RIVER ST		0		FLAG WIND SOCK - WEST WIND
	9:27			EQUIP MOVING AT A PLUS
	9:29			EQUIP NOT MOVING
RTE 105 RIVER ST INT	9:32	1		
" "	9:34	2	COMPOST	2 FOR 10 SECONDS
" "	9:36	2		HALIFAX POLICE STOPPED
				CONFIRMED "LEAFY/SWEET ODOR"
DT FIELD - WEST END	9:51	2		ON 4 OFF
" " EAST END	9:54	0		
83 RIVER ST	9:57	0		EQUIP AT A-PLUS MOVING

DRIVE

9:21-9:33 # 103 RIVER ST WOMAN W/CHILD IN YARD

9:51 MIDDLEBOROUGH POLICE AT NEW HOUSE ON RIVER ST - ELEC WORK - CONFIRMED ODOR

MEMORANDUM

From: Dan Connick, MassDEP SERO 508-946-2884

To: File

Date: April 29, 2016

RE: Inspection at A Plus Waste & Recycling

In response to a complaint regarding burial of unscreened compost at the front (south side) of A Plus, D Connick inspected A Plus at approximately 3:40 PM on April 29, 2016. No activity was observed to be occurring on site. The gate was open. The front area of A Plus was observed from River Street and from the paved area on site adjacent to the southwest corner of the building. Compost was observed to have been spread in several areas. No plastic or large wood pieces or stones were observed on the surface.

Odor Survey Plan

Date 3/20/2016

Inspector D CONNICK

Weather HIGH 30S WEST WIND TO NW WIND

Reason for Survey COMPLAINT

Location	Time	Odor Intensity	Odor Type	Comments
ON RIVER ST @ 20 MPH	10:10 AM			ODOR NEAR ENTRANCE
ON AUBURN ST @ 10 MPH				PARK @ NORTHEAST AUBURN ST
WALK SOUTH ON AUBURN	10:19	0-1	COMPOST?	BETWEEN 2 GATES TO A PLUS
				ODOR ON & OFF 15 SECONDS MAX, SOME
WALK RIVER ST TO #87 & BACK TO GATES	10:31	0, 1		FEW WHIFFS OF COMPOST 2 SECONDS
WALK TO 87 RIVER ST	10:44	2	PIS ODOR	ON & OFF 2-3 SECONDS W/ WIND SHIFT
WALK TO PULP #7	10:51	0		NO ODOR FROM FARM TO EAST
WALK TO #91 ACROSS FROM HOLE IN A PLUS WALL	10:54	1-2	COMPOST	WHEN WIND CALM (BLOCKED BY BLADES?)
WALK RIVER ST TO WEST TO A PLUS DRIVE	11:02	2-3	PIGS, TRASH	MET WOMAN GOING EAST SAID "SMELL THAT"
WALKED AUBURN ST & RIVER ST NEAR DRIVE				ODOR ONLY NEAR A PLUS ENTRANCE & AUBURN & RIVER ST
WALKED UP TO 30' FROM PIS PEN	11:08	4	STAGS PIG/ TRASH ODOR	

1) 9:50 CALL FROM D, TO GO TO SITE, LEAVE @ 9:55

WALK @ AUBURN ST 11:11 0-1

COMPOST

SLIGHT COMPOST ODOR
WHEN WIND SHIFTED 2-3 SECONDS
NEAR A PLUS NORTH GATE

DRIVE AUBURN ST & RIVER ST, LEFT AREA 11:

SITE SPECIFIC ODOR SURVEY PLAN -

DATE 3/13/16
 WEATHER Sunny, 55-60, N wind

INSPECTOR Mark Decker
 REASON FOR SURVEY Complaint
 (routine inspection, response to complaint)

LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS	
81 River Street	1218-19	2	Sour, leaves	NNW wind variable (Tray Full NNE) Odors very intermittent 2-5 speeds	
81 River Street	1220-1222	0		N, variable 10-15	
81 River Street	1223	1	leaves, grass	NNW variable 10-15, very intermittent not objectionable	
81 River Street	1225	1	leaves, grass	N, NNW variable 10-15 Not objectionable	
Auburn/River Street	1226	2	Sour, grass leaves, animal manure, piss	NNE variable 10-15 mph	X
Upwind pig pen	1227-28	1-2	Sour, grass leaves		X
down wind immediately down wind of 22150	1231-1232	2-3	Pig odors, grass very distinct	odor, easily distinguishable from south sewage	X
immediately down wind of 1000 pit	1234-34	1	earthy, lean		X
1/2 between 83-85	1235-37	2	pig odors	NNE directly downwind of P155 first time for odor at off site location	X
85 River	1238-39	0		East wind 5-10	
87 River	1240-42	0		N, NNE 5-10, directly downwind of wind sock	
1/2 way 85-87 River	1243	0		NNE 1 minute	
85 River	1244	0		East wind 5-10 mph, NNE	
83 River Street	1245-49	1	leaves, grass	NNE 10-10 mph	
Auburn/River Street	1250-1252	1	leaves, grass		

④ Ashed [redacted] since I had been there how strong of odor 0-5, "3-4 trashy" [redacted]

SITE SPECIFIC ODOR SURVEY PLAN -

DATE 3/13/16
 WEATHER Sunny, 55-60, E wind

INSPECTOR M. Debers
 REASON FOR SURVEY Complaint
 (routine inspection, response to complaint)

LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS
Auburn/River	1253	1	leaves, soil	east, ENE, NNE variable 5-10
81 River Street	1255-57	0		east wind 5-10 mph
Auburn/River	1258-1pm	1		NNE 5-10 mph, wind speed dropping
83 River Street	100-103	2	animal, pig odor, distinct, rotten	pig S distinctly NNE
85 River Street	104-105	1	leaves, grass	N, NNE 5-10 mph
Auburn/River	106-107	2	animal, pig odor, distinct	NNE
Leave Site	108			
Thompson/River	109	1	smoke, brush	smoke
Auburn	116-118	0		dead end of growth of A-PLUS
Auburn/River	130	0		NNE wind
83 River Street	131-133	1	leaves, grass	NNE wind 5-10 mph
85 River Street	134	1	leaves, grass	not objective odor, NW, N, NNE
85 River Street	135-136	1	leaves, grass	NNE - 10 mph steady 10 mph not objective odor
85 River Street	139-142	1	animal, pig odor, distinct, animal	NNW 5 mph, NW, WNW
Auburn/River	143-147	1	leaves, grass	N, NNE

⑤ [REDACTED]
 Auburn/River 145-146 2 animal, pig S NNE, east 5-10

COMMONWEALTH OF MASSACHUSETTS
Department of Environmental Protection
Southeast Regional Office
Lakeville, Massachusetts

PROJECT FILE: A-PLUS
88 River Street Middleborough

NOTE TO FILE

Prepared by: Mark Dakers

Contact: Ron High

Organization/Phone:

Date: 3/2/16

Re: Re-inspection

On Wednesday, March 2, 2016, MassDEP staff (Doug Coppi and Mark Dakers) conducted an inspection of Aplus (or "Facility") to assess the width dimension of a compost windrow to determine if the windrow was in compliance with ACOP-SE-15-4003 ("ACOP") and two Notices of Violations ("NOVs") that were recently issued to the Facility.

MassDEP entered into ACOP-SE-15-4003 (ACOP) with Aplus on January 19, 2016 which required the Facility to reduce windrow sizes to no greater than 12-15 feet in height and 18-24 feet in width within 30 days of the effective date of the ACOP (i.e., January 19, 2016). On February 24 and March 1, 2016, MassDEP issued two separate Notices of Violations, stating the Respondent did not comply with the provisions of Section III, Paragraph 8C (a) of the ACOP, in regard to the width of the windrows. On February 29, 2016, MassDEP inspected the Site and determined that the width of one windrow had not been reduced to the width size of 24 feet as required.

As a result of the inspection, MassDEP staff determined that the windrow's width dimension met the requirements of the ACOP.

- Wind sock
- Wind North only, light variable N-NE
 - No Litter visible (complaint)

SITE SPECIFIC ODOR SURVEY PLAN -

DATE 3/8/2016 Tuesday
 WEATHER Sunny, clear 40°

INSPECTOR Mark Dehes
 REASON FOR SURVEY Weather - wind direction & complaints
 (routine inspection, response to complaint)

LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS
88 River St./ Auburn	915	2	Sour, unpleasant	NNE approx 5
83 River Street	920	2	"	downward pigs - do not use
85 River Street	922	1	compost, leaves, grass	N wind 5 mph - intermittent
87 River Street	933	0	—	N wind 4.5 mph, NNEC rate variable
85 River Street	935-936	1	very light sour	intermittent odors
83 River Street	938-940	2	Sour unpleasant	NNE approx 5 mph
85 River Street	941	0	—	NNE 5 mph
<u>on site</u> Between Pilsan & Corns St	942-944	2	Sour unpleasant	do not use for determinates
83 River Street	945	1	—	
841 River Street	946	0	—	Sign Surprise Farm - milk & goats
86 River Street	947-948	1	very light	NNE 4.5 mph, intermittent odors
88 River Street/Auburn St	949-952	2	Sour unpleasant	NNE-N 5 mph - 10 mph
83 River Street	953	2	"	Smoke from stove on buildings visible, slight acrid odor
83 River Street	954-10 ⁰⁰	1	—	Wind shifting NW-N-NE-N etc spoke to resident 83 River
88 River Street/Auburn	10 ⁰⁰ -10 ⁰³	0	—	

(1)

SITE SPECIFIC ODOR SURVEY PLAN -

DATE 3/8/2016
 WEATHER clear, sunny, light N wind
5 mph

INSPECTOR Mark DeKors
 REASON FOR SURVEY Weather & complaint
 (routine inspection, response to complaint)

LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS
83 River Street	1030	0	—	Calm
85 River Street	1031	0	—	Wind NNE 0-5 mph
87 River Street	1032-33	0	—	Wind NE 0-5 mph
85 River	1034	0	—	" "
83 River	1035	1	—	" "
83 River	1036	2-3	Sour, rancid	Wind NE, NNE 5-10 mph
88 River/Auburn	1037	0		Wind N 5-10 mph
88 River/Auburn	1038	1	Sour	Wind NNE 5-10 mph
Onsite	1039	2	Sour	By building door
(Left site 1105) Onsite	1104	2	Sour	" "

Wind 5-10 mph NNE


Auburn

River

SITE SPECIFIC ODOR SURVEY PLAN -

DATE 3/9/2016
 WEATHER cd 30F
Light Snow

INSPECTOR Mark Dakers
 REASON FOR SURVEY Response to Complaint & weather
 (routine inspection, response to complaint)

LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS
Auburn Street (entrance to back)	553	2	Sour leaves, grass	Wind 5-10 N-NE
83 River Street	600	2	Sour, wet leaves, grass	Wind 5-10
83 River Street	613	2	Sour	Wind 5-10
83 River Street	621	2-3	Sour	obj. noticeable, slightly irritating Wind 5 mph (broad)
85	625	2	Sour	Wind 5
89	627	2	"	Wind 5
85	629	2	"	Wind 5
1/2 way 83-85	631	3	Sour	Wind 5, slightly irritating throat
83	632	3	Sour	Wind 3-5, irritating throat
Auburn Street (A Plus entrance)	635	3	Sour	Wind NNE 5-10, irritating
"	638	3	Sour	irritating, NNE 5
83 River	642-43	2	Sour	5-10
85 River	645-48	2	Sour	5-10
89	650-652	2-3		N 5
87	654-656	3		N < 5, irritating throat
85	657-700	2		N < 5
1/2 83-85 way	700-702	3		NNE 5-10, irritating throat
Auburn Street / A Plus entrance	702-705	2		NNE 5-10, "
"	705-707	2		NE 5-10

COMMONWEALTH OF MASSACHUSETTS
Department of Environmental Protection
Southeast Regional Office
Lakeville, Massachusetts

PROJECT FILE: A-PLUS
88 River Street Middleborough

NOTE TO FILE

Prepared by: Mark Dakers

Contact: Ron High

Organization/Phone:

Date: 3/1/16 2:20 pm

Re: Response to a Complaint

On Tuesday, March 1, 2016, MassDEP Solid Waste Management Section (MassDEP) received a resident complaint that indicated that Aplus Waste and Recycling Services ("Aplus" or "Facility" or "Site") was conducting operations in violation of MassDEP's Administrative Consent Order With Penalty, ACOP-SE-15-4003 ("ACOP") and two Notices of Violations (i.e. February 24 and March 1, 2016) or ("NOVs"). The resident stated an Aplus Packer Truck was entering and leaving the Facility.

MassDEP entered into ACOP with Aplus on January 19, 2016 which required the Facility to reduce windrow sizes to no greater than 12-15 feet in height and 18-24 feet in width within 30 days of the effective date of the ACOP (i.e., January 19, 2016). On February 29, 2016, MassDEP inspected the Site and determined that the width of one windrow had not been reduced to the width size of 24 feet as required. As a result, MassDEP issued the March 1, 2016 NOV which stated that pursuant to Section III, Paragraph 8D of the ACOP, Aplus was not to accept additional organic material for its composting operations until the Facility met the requirements of the ACOP.

At 2:20 pm, on March 1, 2016, MassDEP staff (Mark Dakers and Doug Coppi) arrived to the Site to investigate the complaint reported to MassDEP on March 1, 2016. Based on its investigation and discussions with Aplus Staff, MassDEP determined that Ron High conducted a pickup of cardboard material with the Facility's Packer Truck for a customer in the morning and then returned to the Facility. MassDEP staff inspected the Packer Truck and observed cardboard inside the vehicle. Aplus staff stated that the cardboard was to be delivered to an off-site recycling facility. The handling of cardboard is allowed under Solid Waste Regulations pursuant to 310 CMR16.03(b)4 and under a General Permit (i.e. 310 CMR 16.04). MassDEP conducted an inspection of the Facility's composting operations and did not observe any new organic material at the Site (i.e. uncovered vegetable material). No violations of the ACOP were identified.

COMMONWEALTH OF MASSACHUSETTS
Department of Environmental Protection
Southeast Regional Office
Lakeville, Massachusetts

PROJECT FILE: A-Plus

NOTE TO FILE

Prepared by: Colleen Ferguson

Contact: Ron High

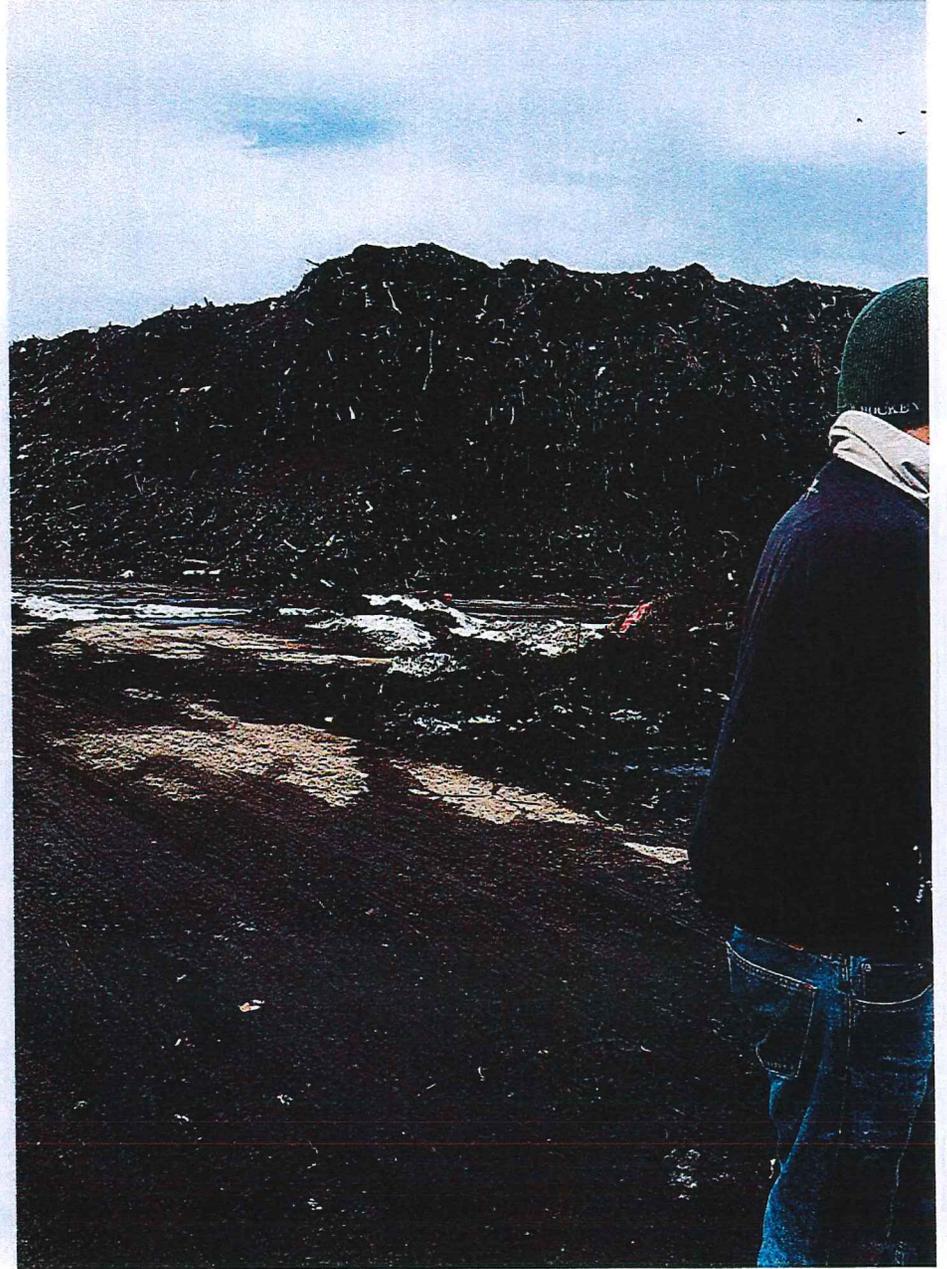
Date: April 13, 20016

Re: Site Visit

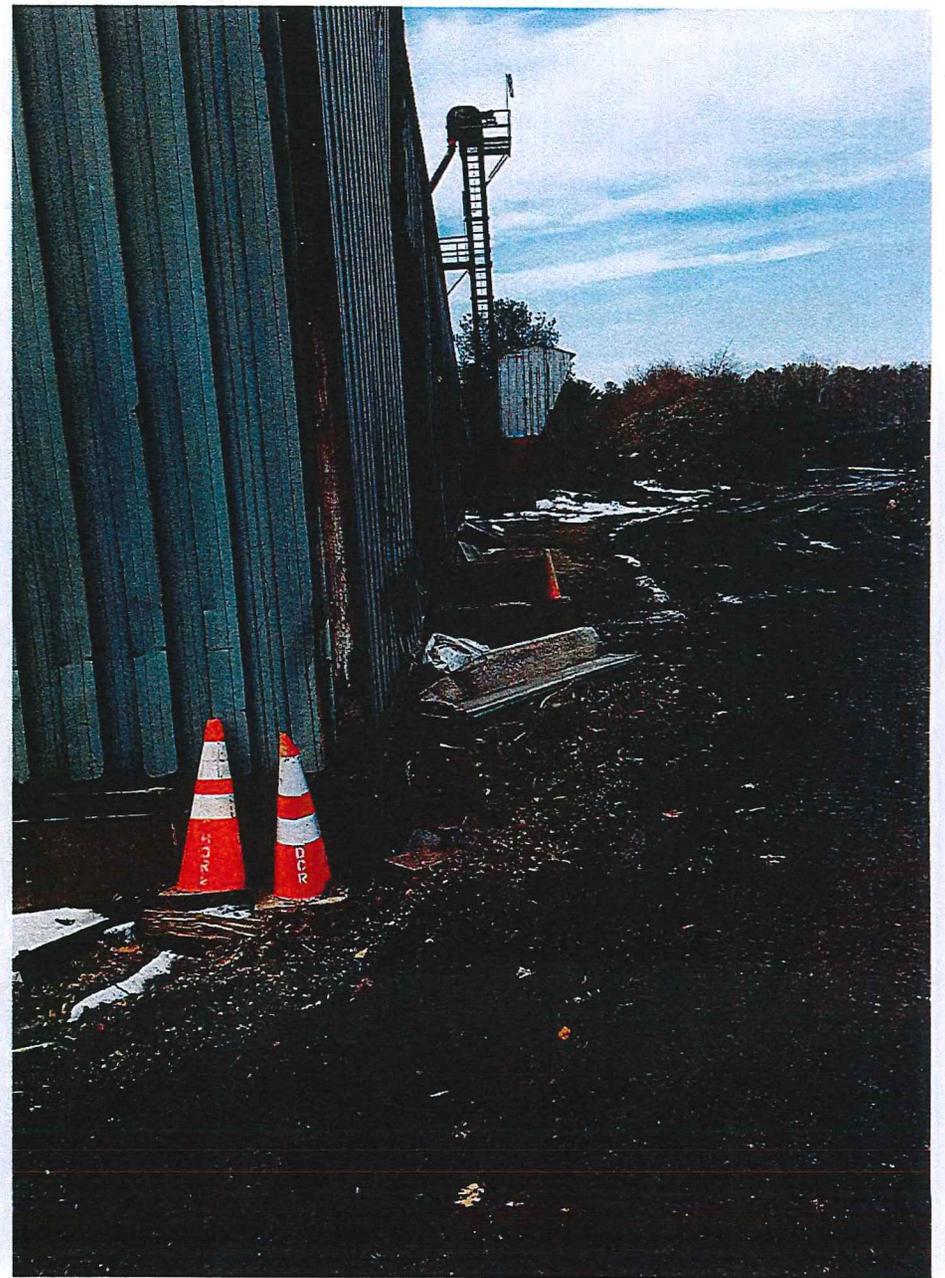
MassDEP inspector Colleen Ferguson and Solid Waste Section Chief Mark Dakers visited 88 River Street in Middleboro for a Site inspection and met Ron High and Lou Tasiopoulos. The inspection was to determine if maintenance work was needed to prevent odors at the Site. At the front of the Site were two large piles of finished compost. The pile closest to the road has been screened. Temperature readings from this pile indicate that composting is finished. During inspection of the remainder of the Site, inspectors observed and photographed water ponding around existing windrows and material between the windrows that needs to be reincorporated into the existing windrows.

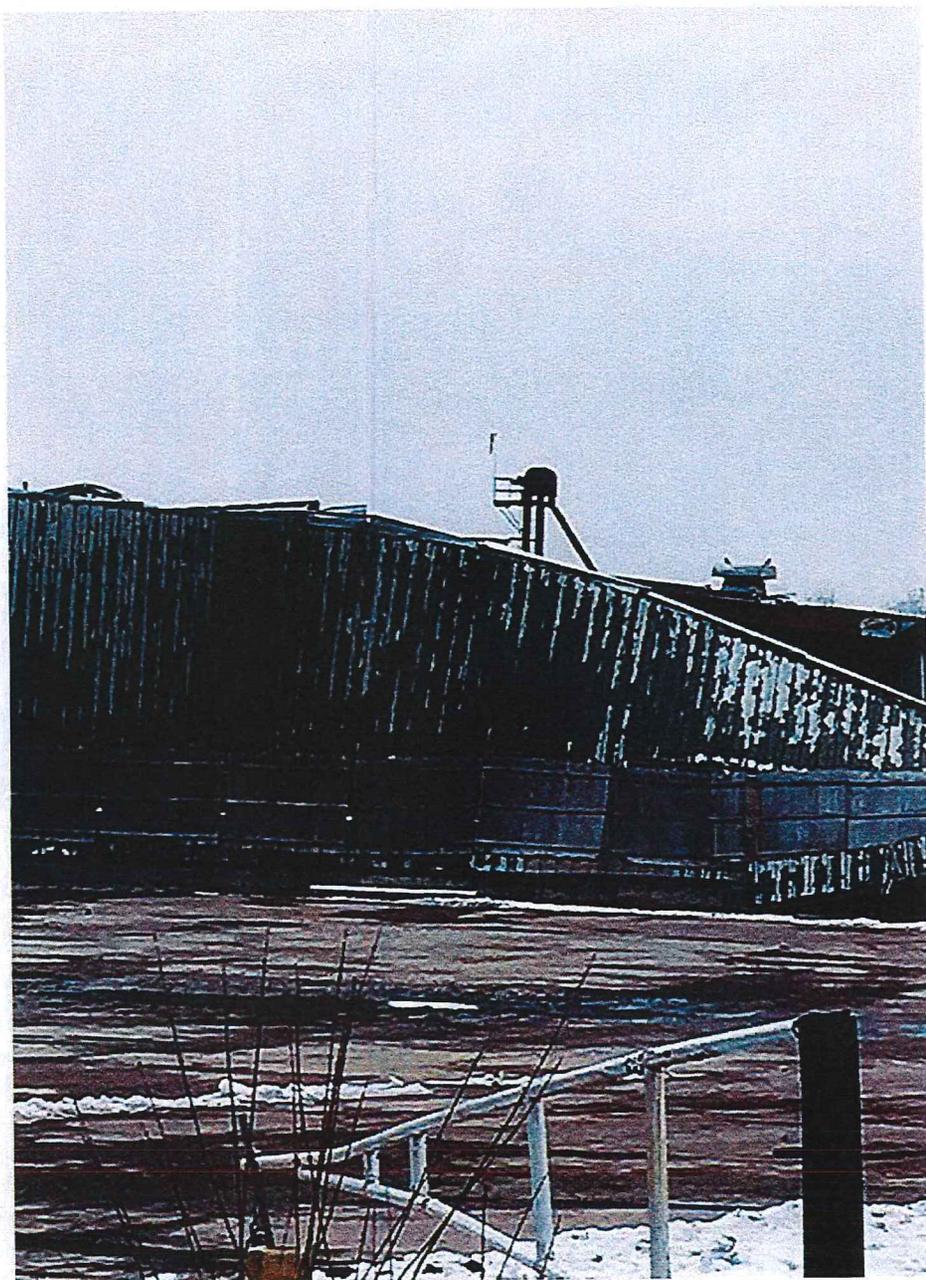
No off-site odors were observed during this visit by inspectors.

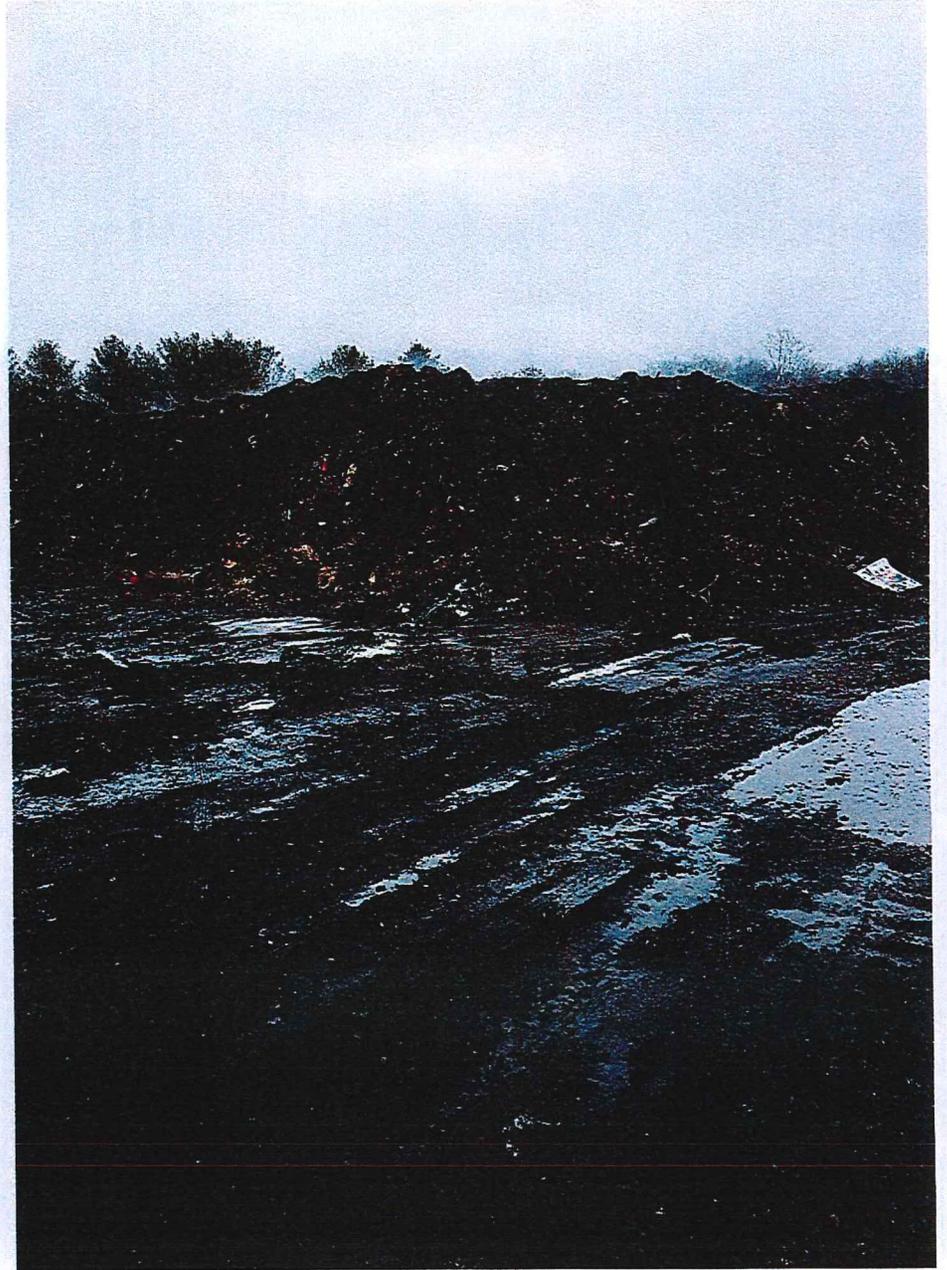
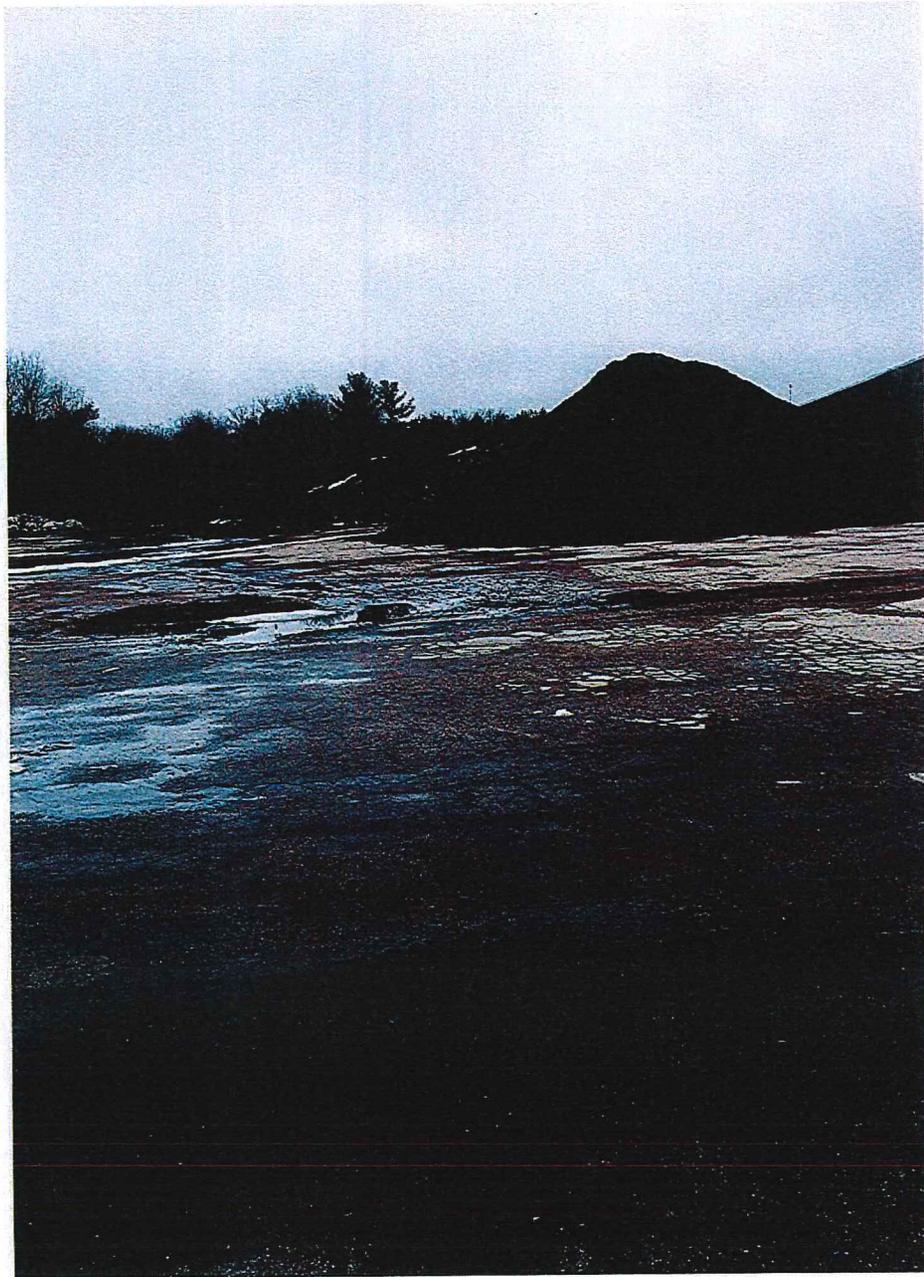
A-Plus 4/13/15











✓ IN FMP

SITE SPECIFIC ODOR SURVEY PLAN - ADIUS WASTE AND RECYCLING
88 RIVER ST MIDDLEBORO

DATE 3/9/16 1:45 PM
WEATHER SUNNY, BREEZY

INSPECTOR COPII / THAKOR
REASON FOR SURVEY RESPONSE TO COMPLAINT
(routine inspection, response to complaint)

LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS
14 THOMPSON ST / HALIFAX	1:50	0		SE WINDS, BREEZY
42 THOMPSON ST. / HALIFAX	1:52	0		
14 THOMPSON ST. / HALIFAX	1:55	0		VARIABLE WINDS SE, SW
12 THOMPSON ST / HALIFAX	1:58	0		SW WINDS, LIGHT
MIDDLEBORO / HALIFAX SIGN	2:02	0		↓
2 THOMPSON ST. / HALIFAX	2:04	0		
RIVER ST. / RT 105 JUNCTION	2:07	0		

NOTES: ① LEFT RIVER ST 105 JUNCTION @ 2:10

② DETECTED LIGHT MANURE LIKE ODOR JUST SW OF RIVER ST. NEAR LOLAN'S FARM ON DRIVE BACK TO OFFICE. THE FARM IS LOCATED APPROXIMATELY .8 MILES SW OF RIVER ST (121 THOMPSON ST - MIDDLEBORO VILLAGE). THE ODOR WAS FIRST DETECTED ~~WHEN~~ ^{AS} STAFF ~~DROVE~~ ^{PASSED} THE "LOLAN'S FARM" SIGN ON WEST SIDE OF THOMPSON ~~STREET~~ STREET.

✓ EN FIVE

Miles 59992
Time 10:10

APIUS 88 RIVER ST MIDOKORO

Route 1020-1015 685242 SMOKE FROM FACILITY'S WOOD STOVE

Odor Survey Plan

Inspector Doug Coppi

Date 3/11/16

Weather Cloudy Breeze, SWS, Cold

Reason for Survey RESPONSE TO COMPLAINT

Location	Time (AM)	Odor Intensity	Odor Type	Comments
ENTRANCE TO APIUS - 88 RIVER	10:20 / 10:50	2 / 2	COMPOST	NE WINDS
83 RIVER ST.	10:23 / 10:48	3 / 2	COMPOST	NE WINDS, ALSO SMELL BURNING ^{SMELL}
85 RIVER ST	10:27 / 10:46	1 / 2	COMPOST	STRONG VARIABLE WINDS EAST, NE WINDS
87 RIVER ST.	10:30 / 12:12	1 / 1		NE WINDS
89 RIVER ST.	10:33 / 12:15	0 / 1		NE WINDS
91 RIVER ST	10:36 / 12:20	1 / 0		VARIABLE WINDS
W RIVER ST. EAST END OF FACILITY	10:40 / 12:22	0 / 0		EAST WINDS
84 RIVER ST.	10:53 / 11:16	2 / 2	COMPOST	NE WINDS, REDUCED
(3RD MEAS) ENTRANCE TO 88 RIVER	11:13 / 11:57	2 / 2	COMPOST	NE WINDS,
(3RD MEAS) 83 RIVER ST.	11:18 / 12:08	1 / 0		
(3RD MEAS) 85 RIVER ST.	11:21 / 12:10	0 / 0		VARIABLE WINDS
84 RIVER ST.	12:02	2	COMPOST	NE WINDS

11:30. NO ODORS UP/OR DOWNWIND FROM PIGS

NOTES:

- ① FACILITY OPERATING ITS STOVE DURING ODOR SURVEY.
- ② LEAVE SITE AT 12:43, 59999 MILES

COMMONWEALTH OF MASSACHUSETTS
Department of Environmental Protection
Southeast Regional Office
Lakeville, Massachusetts

PROJECT FILE: Aplus

NOTE TO FILE

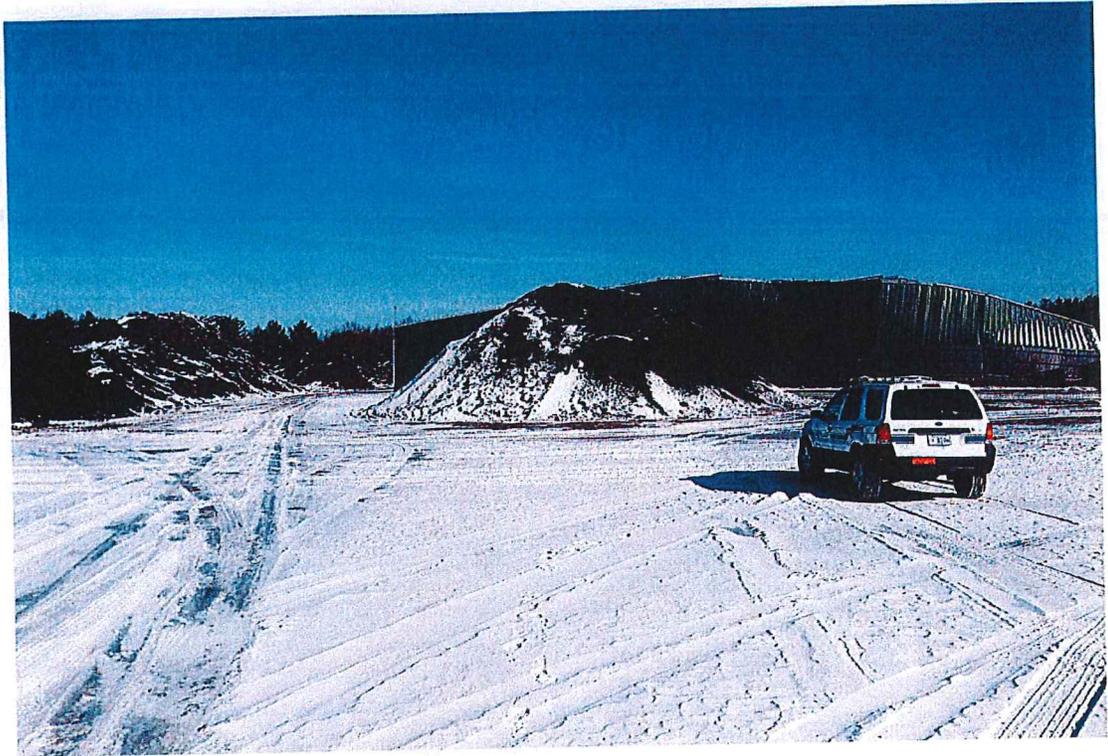
Prepared by: Doug Coppi
Contact: Ron High
Organization/Phone:
Date: January 22, 2016
Re: Re-inspection

On January 22, 2016, MassDEP staff (Doug Coppi) conducted a re-inspection of the Facility (or "Aplus") to determine if Aplus completed its relocation of Sam White and Sons tailings to the active compost windrows as required by MassDEP on January 20, 2016. As a result of the inspection, MassDEP staff determined that all Sam White and Sons tailings were combined into the windrows as required.

APIUS 1/22/16
PHOTOS







COMMONWEALTH OF MASSACHUSETTS

Department of Environmental Protection
Southeast Regional Office
Lakeville, Massachusetts

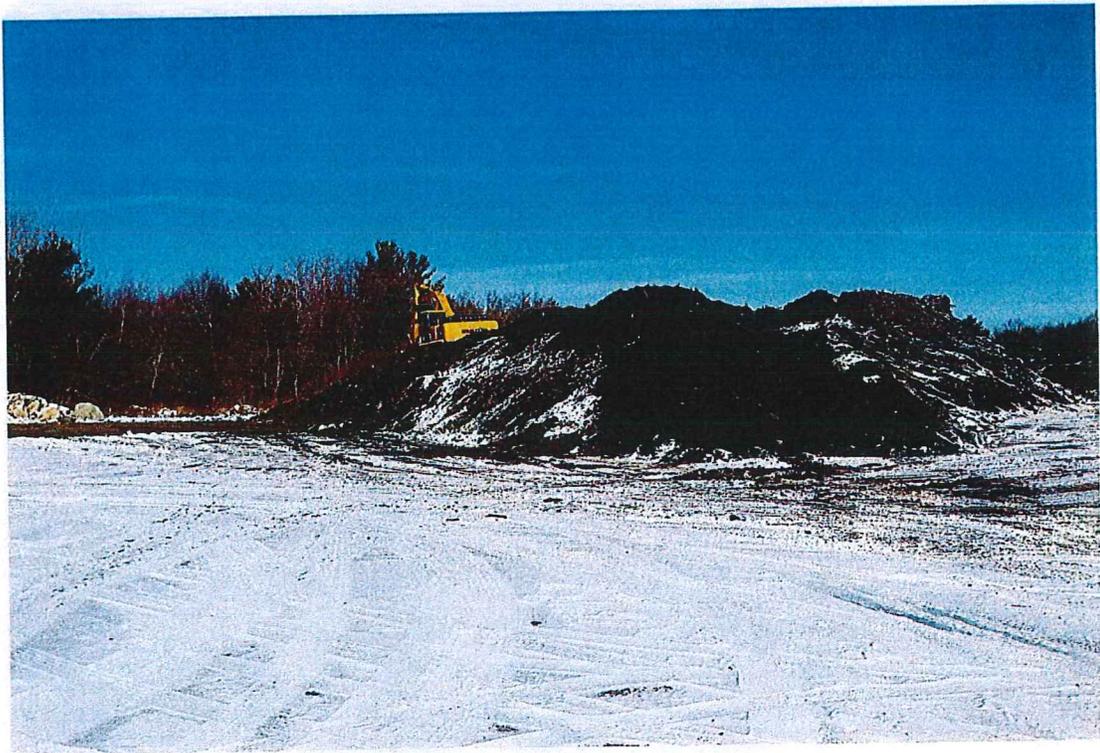
PROJECT FILE: APlus

NOTE TO FILE

Prepared by: Doug Coppi
Contact: Ron High
Organization/Phone:
Date: 1/20/16
Re: Response to a complaint

A complaint was received by MassDEP indicating Sam White and Sons tailings (tailings- which were initially placed adjacent to the large pile of unscreened finished compost on the western side of the property) were being mixed in with the finished compost piles. (Note; Preceding the complaint, Aplus was instructed by Mark Dakers, Solid Waste Section Chief, to incorporate the tailings into its compost windrows). In response to the complaint, MassDEP Solid Waste staff visited the Site to verify the complaint and assess the status of the screened and unscreened finished compost piles on the property. Staff observed the tailings had been removed from its original location and appeared to have been pushed up onto the adjacent unscreened finished compost piles. It appeared Aplus staff was in the process of transporting the tailings from that area to the windrow operational area to be incorporated into the windrows at a later time. Ron High stated this in conversations with MassDEP staff during the visit.

APWS 1/20/16
PHOTOS





SITE SPECIFIC ODOR SURVEY PLAN - ~~Colby Drive~~ A-Plus

DATE 1/29/18
 WEATHER 78° - overcast
No wind

INSPECTOR Colleen Ferguson
 REASON FOR SURVEY Complaints
 (routine inspection, response to complaint)

	LOCATION	TIME	ODOR INTENSITY	ODOR TYPE	COMMENTS
1	Corner of 105	10:12	0		
2	A bit further	10:13	3	fruity spice	As field
3	X from A-Plus 71	10:15	3	"	
4	88 River Street	10:25	0		
5	85 River Street	10:29	0		
6	87 River Street	10:30	0		
7	89 River Street	10:32	0		
8	71 River Street	10:33	0		
9	X Gate keep out basket	10:35	3		
10	meter box	10:37	3-4	fruity/organic	
11	X from field/reaction	10:40	2-3		
12	Electric meter box/10	10:41	3-4		
13	Gate / 9	10:42	3		
14	X - hole in building	10:44	3		
15	91 River	10:44	1-2		

	Time	Order
87 River	10:46	0
87 River	10:47	0
88 River	10:47	0
83 River	10:48	0
87 River	11:12	1-2
Q gate	11:13	3-4

9703
 $\frac{1}{2}$

Date 3/11/18

Odor Survey Plan

Inspector C. FergusonWeather overcast 58°Reason for Survey Complaint

Location	Time	Odor Intensity	Odor Type	Comments
Auburn St.	12:22	2	Compost/rotten	- Oil burner smell
85 River	12:27	1-2	Compost	Comes & goes
81 "	12:30	0-2	" "	
AT Field	12:33	0		
91 River	12:36	0		
Auburn St.	12:42	0-1	Compost/rotten	Eggs smell too
Auburn St.	1:02	1-2	Compost/rotten	Eggs
85 River	1:05	0		
96 River	1:08	0		
87 River	1:10	0		
Auburn St.	1:13	0		

FMR # 459738

