

**HEARINGS, MEETINGS, LICENSES**

**5/4/15**



A hearing will be held by the Board of Selectmen on Monday, April 13, 2015 at 7:50 PM in the Selectmen's Meeting Room at the Town Hall, located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by Michael Gaetano, LLC, d.b.a. 360 Sports Pub for a new All Alcoholic Beverages Restaurant liquor license for property located at 360 Wareham Street, Middleboro, MA, Assessors Map 72, Lot 5571, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: April 2, 2015

Private party responsible for payment  
 Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074

Please bill the Town of Middleboro, c/o Board of Selectmen, 10 Nickerson Ave. Advertiser #300074

continued to 5.4.15 @ 7:15pm.



**TOWN OF MIDDLEBOROUGH  
HEALTH DEPARTMENT**

Robert E. Buker  
Health Officer

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

**MEMO**

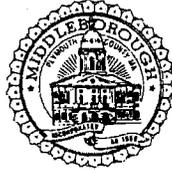
**TO: Jackie Shanley**

**FROM: Catherine Hassett**

**DATE: 4-8-15**

**RE: Michael Gaetano LLC, dba 360 Sports Pub  
360 Wareham Street Map 72 Lot 5571X**

**Please be advised that the Middleborough Health Department has not received any of the necessary applications required for a food establishment. In addition, a full inspection of this facility will be needed prior to opening. If you have any questions, feel free to contact this office.**



# Town of Middleborough

## CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

### MEMORANDUM

TO: Board of Selectmen  
Robert Whalen, Building Commissioner  
Robert Buker, Health Officer

FROM: Patricia J. Cassady, Conservation Agent 

DATE: April 8, 2015

RE: New Liquor License Application  
360 Wareham Street (Map 72, Lot 5571X)

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After reviewing the above-mentioned project I have a few comments:

- 1) There are no wetlands, Natural Heritage & Endangered Species Program mapping, or flood plain.
- 2) The property is partially in a Zone C surface water protection zone.

If there are any questions regarding this matter don't hesitate to contact me at 508-946-2406 or [pcssdy@middleborough.com](mailto:pcssdy@middleborough.com)

Thank you  
pjc



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

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

April 6, 2015

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

Subject: Application for New Liquor License at 360 Wareham Street, Assessors' Map: 072 Lot:  
5571X Zoned GU/W.R.P.D. Z2.

Dear Board,

I have reviewed the application for a new Liquor License submitted by Michael Gaetano LLC dba 360 Sports Pub located at 360 Wareham Street.

I offer the following:

The Middleborough Board of Selectmen meeting minutes for April 26, 2010 referencing liquor license for Shooters Steak House and Sports Bar.\*

The zoning violation notice dated May 16, 2013. \*

Both letters make reference to a property buffer which was proposed in 2010, but yet to be completed in 2013.

Will this be completed to alleviate the concerns of the abutters?

What will be the status of the outdoor patio area?

I ask this as we have received several complaints in the past with regard to the patio area. \*

I believe all the above items should be addressed before any license is issued.

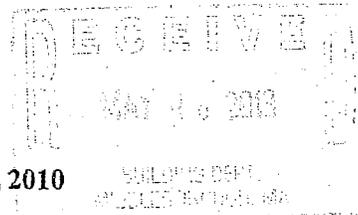
Respectfully submitted

Robert J. Whalen  
Building Commissioner

RJW/d

Middleborough Board of Selectmen  
Meeting Minutes

April 26, 2010



**HEARINGS, MEETINGS & LICENSES**

At 7:37 PM Chairwoman opened public hearing for Little John's Restaurant Group, Inc., d.b.a. Shooters Steakhouse and Sports Bar by reading aloud public hearing notice in which the applicant is requesting an All Alcoholic Beverages Liquor license, a Common Victualler license, and Entertainment and Automatic Amusement Device licenses.

Attorney Craig Medeiros addressed Board on behalf of his client, the applicant. He began by informing the Board that he would like to amend the application by requesting to decrease the total occupancy to 100 people. Proposed Manager John Hoban is TIPS certified. Chairwoman read aloud memo from Building Commissioner noting that he has no objections, but that licenses cannot be released until all inspections are complete. It was also noted that the Conservation Commission Agent also has no objections. Chairwoman read aloud letters of support from local business owners. Selectwoman Duphily indicated that she recently visited the proposed restaurant and made positive reference regarding her observations. Attorney Medeiros indicated that there will not be any outdoor seating after 8 PM.

Brian Dorr, 362 Wareham Street addressed Board and offered that he would like to see the buffer zone re-applied. His property abuts theirs where the parking lot is. There should be vegetation put in at upper part of parking lot due to light and noise.

Chairwoman noted that this application is regarding a liquor license. She asked if the buffer was there before. He answered that it was before Stephanie Koupelis owned it. Chairwoman indicated that she would like applicant/attorney to address the concerns raised by this abutter. Medeiros indicated that they would be happy to work with the abutter. In terms of entertainment, it will be based on demand, one or two times per week and self contained so it shouldn't affect the abutters. Owner/proposed manager, James Hoban addressed Board and offered that he has re-insulated the entire building so that the entertainment should be well contained within the premises. Virginia Murdock who lives across the street at 365 Wareham Street addressed the Board to say that her grandchildren have been awakened in the past when the doors open for those who smoke. Mr. Hoban offered his cell phone number if she ever has a problem. She asked what kind of entertainment they will have as there are a lot of small children in the area. She noted that the entertainment has been a problem with the past two owners citing that the noise was disturbing to the children.

Building Commissioner R. Whalen addressed the Board to clarify that the capacity for the entire building is an 89 person maximum capacity because of capacity of the size of the septic system. Chairwoman asked to hear any further questions/concerns. Hearing none, Chairwoman declared hearing closed.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve all licenses.

David Cavanaugh of the Herring Fisheries Commission addressed Board to say that the Commission has tightened up some of the wording to the Commission's bylaws.

Upon motion by Selectman Rullo and seconded by Selectman Duphily, Board voted unanimously to accept revised bylaws as presented.

Good afternoon ,

I am writing today to make another complaint against Shooters Sunday Entertainment !! There is NO need to have a band playing outside every SUNDAY at the volume that it is played at !! IT is so loud that the reverberations actually starts to go through your head !!!! Listen to what was recorded yesterday , and play that at full volume on your computer or laptop for 4 HOURS strait and let us know how you feel ?? Now multiply that times 100 . And add some bass that goes through your chest !!! Now you might get an idea of the disruption that is created by allowing this to go on and on and on .....

In the Middleboro Town bylaws , I believe it states that any Sunday entertainment should be "in keeping with GOD " ??? ( correct me if I'm wrong )

Their Sunday Entertainment license should be revoked !! or at least make them play inside with the doors closed .....

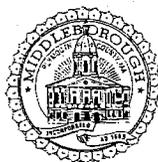
Also caught a guy on Saturday standing in our driveway pissing on our bushes !!! I chased after him with a 2x4 and he got away before I could get his plate number on the white ford pick up he was driving .....

The health dept. might want to make a surprise visit? Not sure why our driveway is the place to piss , but it seems like the go to place ? not shooters bathroom ??? This happens VERY frequently , we should NOT have to stand guard on our property 24 hours a day 7 days a week !!!!

When did shooters get a license to sell used cars in their lot ?? Or are they allowed to sell without a license?? I know the town could use the permit fee \$\$ .

Thank you for your attention this matter ,

Direct abutter .



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

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

May 16, 2013

Giacomo LLC  
James Hoban  
360 Wareham Street  
Middleborough, MA. 02346

SUBJECT: 360 Wareham Street, Assessor's Map: 072 Lot: 5571, Zoning Violation

Dear Mr. Hoban,

Your property referenced above is currently in violation and has been the subject of several complaints from the neighbors. Recent clearing of the trees between your property and the neighbors has resulted in a clear view of your operation from their yards.

This issue was discussed by your Attorney Craig Medeiros with the Selectmen at the Middleborough Selectmen's meeting held back on April 26, 2010. \* Attorney Medeiros indicated that you would work with the abutters to address their concerns with the property buffer. As of this date, nothing has been completed.

**Middleborough Zoning By-law requires: 5.6 LANDSCAPING AND SCREENING – GU, GUX and GUA DISTRICTS**

**5.6.1 General.** The following shall apply:

1. A landscaped buffer zone shall be provided not less than twenty (25') feet in depth along the street line and not less than fifteen (15') feet in depth along a side or rear lot line. Where commercial property abuts residential property, adequate screening will be provided in the side and rear landscaped buffer zones.
2. Earth berms, landscaping or screening shall be provided to control noise and dust, to prevent soil erosion, to provide shade, to screen from public view areas for waste disposal or outdoor storage and to protect the visual character and natural resources of the town. Earth berms where used should vary in width and height throughout their length in order to achieve topographical relief and to appear to occur naturally.
3. All land located between the street line and parking areas as required by Section 4.1.1 of this Bylaw shall be provided with attractive and durable landscaped areas consisting of natural vegetation, shrubs, mulches, evergreens and such other vegetation. Such landscaped areas shall be located in a manner which provides

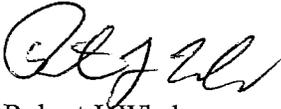
unobstructed lines of sight for vehicles entering and exiting the premises, consistent with Section 5.2 of this Bylaw.

Please contact this office within ten (10) days upon receipt of this notice to show how compliance will be met. Your cooperation will be expected and appreciated.

Please be advised that if you are aggrieved by this decision on account of a violation of any provisions of General Laws Chapter 40A or the Middleborough Zoning By-Law, you may appeal to the Middleborough Zoning Board of Appeals provided that you do so within thirty (30) days from the date of this notice.

Also please be advised if you would like to continue to sell used cars from your property you will need to obtain a Class II license from the Board of Selectmen.

Respectfully,



Robert J. Whalen  
Building Commissioner  
Zoning Enforcement Officer

RJW/d

\*See attached

Certified Mail #7012 1010 0001 5391 6270



*Mather*

**Town of Middleborough  
Massachusetts**

**BOARD OF SELECTMEN**

**APPLICATION FOR LICENSE  
(PLEASE TYPE OR PRINT CLEARLY)**

DATE March 6, 2015  
NAME OF APPLICANT Michael Gaetano LLC  
ADDRESS OF APPLICANT 360 Wareham St., Middleboro, MA 02346  
ASSESSORS MAP & LOT 072-5571X  
DAYTIME TELEPHONE \_\_\_\_\_

NAME OF BUSINESS 360 Sports Pub  
OWNER OF PROPERTY TO BE LICENSED Giacomo LLC  
ADDRESS OF PROPERTY TO BE LICENSED 360 Wareham St., Middleboro, MA 02346  
ASSESSORS MAP & LOT 072-5571X

**TYPE OF LICENSE REQUESTED (Check One)**

2 <sup>nd</sup> Hand Furniture _____	2 <sup>nd</sup> Hand Clothing _____
Class I License _____	Class II License _____
Class III License _____	Liquor License <u>X</u>
Common Victualler _____	Automatic Amusement _____
Entertainment _____	Other _____

Anticipated Start Date for Business April 15, 2015  
Hours requested: 8:00 AM - 1:00 AM Monday-Saturday and 12:00 noon-1:00 AM Sundays

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

Signature *Donald L. ...*

DATE OF HEARING \_\_\_\_\_ APPROVED/DENIED \_\_\_\_\_

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

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

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? yes

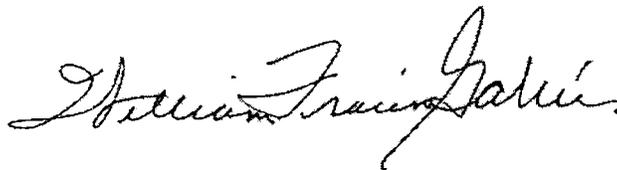
*Tax Title  
& FY 2015  
water lien*

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

October 06, 2009 1:18 PM

A large, cursive handwritten signature in black ink, reading "William Francis Galvin".A smaller, handwritten mark in black ink, possibly initials or a signature, located to the right of the main signature.

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	KAREN M. HOBAN	3 LAKEWOOD DRIVE PLYMOUTH, MA 02360 USA
REAL PROPERTY	JILLIAN M. HOBAN	3 LAKEWOOD DRIVE PLYMOUTH, MA 02360 USA

9. Additional matters:

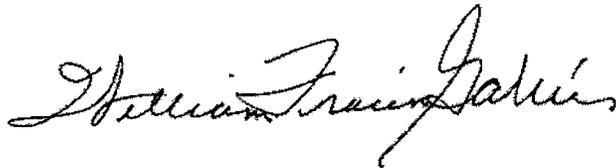
**SIGNED UNDER THE PENALTIES OF PERJURY, this 6 Day of October, 2009,**  
**KAREN M. HOBAN**  
*(The certificate must be signed by the person forming the LLC.)*

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

January 16, 2015 01:59 PM

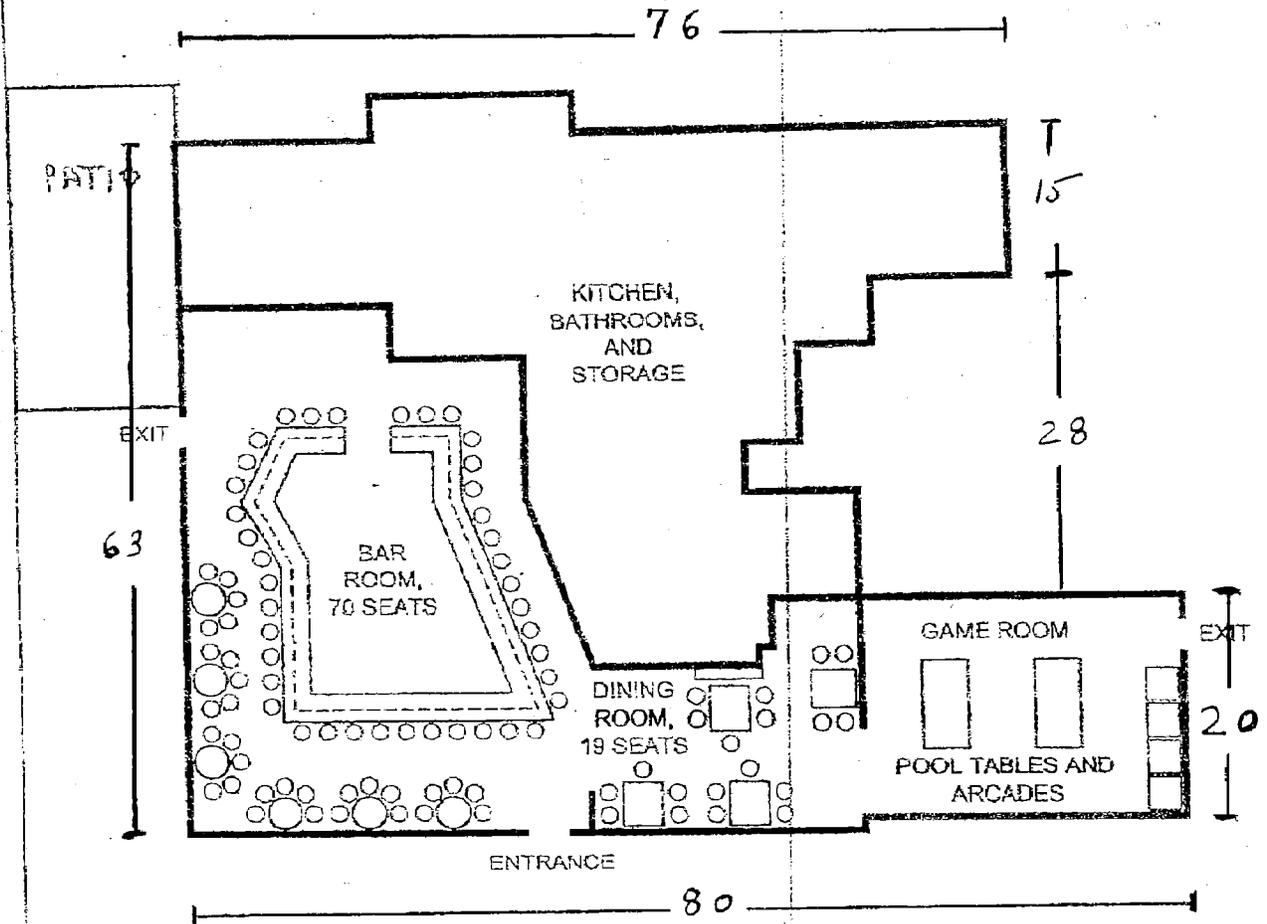
A handwritten signature in cursive script, reading "William Francis Galvin".

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

RESTAURANT SEAT LAYOUT

BAR ROOM.....70 SEATS  
 DINING ROOM.....19 SEATS  
 TOTAL.....89 SEATS



SHOOTER'S RESTAURANT  
SEAT LAYOUT

360 WAREHAM STREET  
 MIDDLEBORO, MA

PREPARED BY:  
 JC ENGINEERING, INC.  
 2854 CRANBERRY HIGHWAY  
 EAST WAREHAM, MA 02538  
 (508) 273-0377

SCALE: 1" = 15'

**8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:**

<b>Title</b>	<b>Individual Name</b> First, Middle, Last, Suffix	<b>Address (no PO Box)</b> Address, City or Town, State, Zip Code
REAL PROPERTY	RONALD A SAVIOLI	360 WAREHAM ST MIDDLEBORO, MA 02346 USA

**9. Additional matters:**

**SIGNED UNDER THE PENALTIES OF PERJURY, this 16 Day of January, 2015,  
RONALD A SAVIOLI**

*(The certificate must be signed by the person forming the LLC.)*

© 2001 - 2015 Commonwealth of Massachusetts  
All Rights Reserved

*Savioli*



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee: Michael Gaetano Business Name (dba): 360 Sports Pub

Address: 360 Wareham Street

City/Town: Middleborough State: MA Zip Code: 02346

ABCC License Number: (If existing licensee) Phone Number of Premise:

**2. MANAGER INFORMATION:**

A. Name: Ronald A. Savioli B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises: 50

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe: Ronald A. Savioli d/b/a General's Quarters, 570 MacArthur Blvd., Pocasset, Ma 02559 - From 11/1991 to 12/1992

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe: Ronald A. Savioli d/b/a General's Quarters, 570 MacArthur Blvd., Pocasset, Ma 02559 - From 11/1991 to 12/1992

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

July 1, 2006 to Present - Retired; 1984 to July 1, 2006 - Falmouth Police Officer, Town of Falmouth, 750 Main Street, Falmouth, MA 02540

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

*Ronald A. Savioli*

Date

March 6, 2015



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

### PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

#### 1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Michael Gaetano LLC	B. Business Name (dba)	360 Sports Pub		
C. Address	360 Wareham Street	D. ABCC License Number (If existing licensee)			
E. City/Town	Middleborough	State	MA	Zip Code	02346
F. Phone Number of Premise		G. EIN of License			

#### 2. PERSONAL INFORMATION:

A. Individual Name	Ronald A. Savioli	B. Home Phone Number			
C. Address	80 Blue Spruce Way				
D. City/Town	Mashpee	State	MA	Zip Code	02649
E. Social Security Number		F. Date of Birth	01/08/1958		
G. Place of Employment	Town of Falmouth (Retired Police Officer)				

#### 3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes  No

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

#### 4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Sole Ownership. Cash investment is coming from existing savings account

**IMPORTANT ATTACHMENTS (8):** For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

\*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	March 6, 2015
Title	Manager	(If Corporation/LLC Representative)	

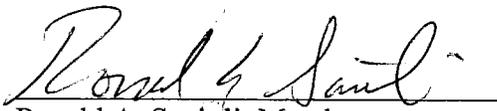
**ACTION BY WRITTEN CONSENT OF THE MEMBERS  
OF  
MICHAEL GAETANO LLC**

The undersigned, being all of the Members of **Michael Gaetano LLC**, a limited liability company duly organized under the laws of the Commonwealth of Massachusetts with a principal office at 360 Wareham Street, Middleborough, MA 02346, hereby consent to and adopt the following resolutions as of the date written below:

**VOTED:** That the undersigned, being all of the members of Michael Gaetano, LLC, designate and appoint **Ronald A. Savioli as Manager** of the premises at 360 Wareham St., Middleboro, MA 02346, to be known as "360 Sports Pub", and

**VOTED:** That the undersigned, being all of the members of Michael Gaetano, LLC, do hereby consent and vote that the **Manager, Ronald A. Savioli** is authorized in the name and on behalf of the corporation in his discretion to apply for an All Alcoholic Beverage Restaurant License for the premises at 360 Wareham St., Middleboro, MA 02346, to be known as "360 Sports Pub", and to prepare, execute and submit to the Town of Middleborough whatever applications, petitions, forms or other documents as may be required, and as he may deem expedient and proper in carrying out the purpose set forth herein; and

In witness whereof, the undersigned has executed this action by written consent of all of the Members effective on this 6<sup>th</sup> day of March, 2015.

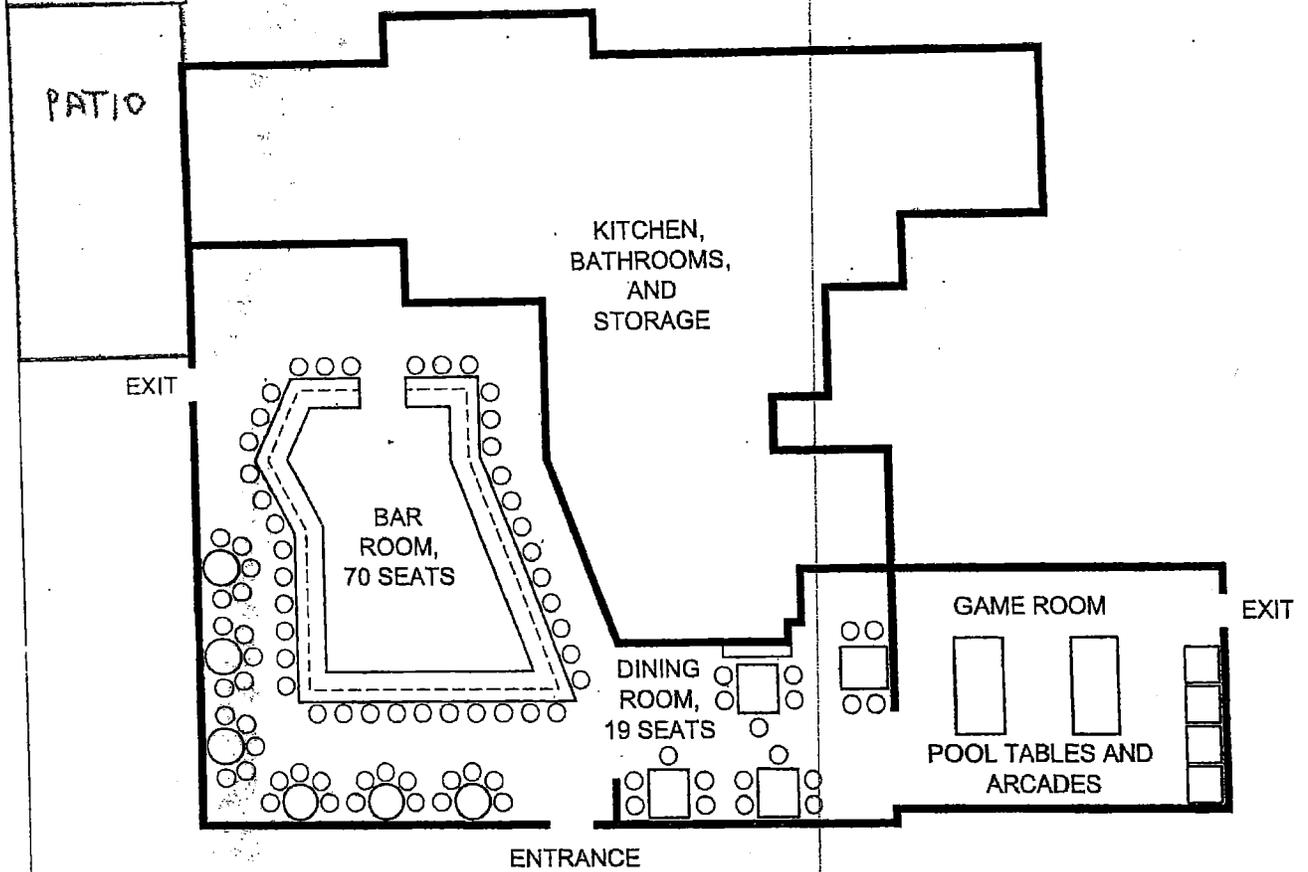
  
\_\_\_\_\_  
Ronald A. Savioli, Member

Witness   
\_\_\_\_\_



RESTAURANT SEAT LAYOUT

BAR ROOM.....70 SEATS  
DINING ROOM.....19 SEATS  
TOTAL.....89 SEATS



SHOOTER'S RESTAURANT  
SEAT LAYOUT

360 WAREHAM STREET  
MIDDLEBORO, MA

PREPARED BY:  
JC ENGINEERING, INC.  
2854 CRANBERRY HIGHWAY  
EAST WAREHAM, MA 02538  
(508) 273-0377

SCALE: 1" = 15'

## APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Middleborough

### 1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Michael Gaetano LLC

B. Business Name (if different) : 360 Sports Pub

C. Manager of Record: Ronald A . Savioli

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises: 360 Wareham Street

City/Town: Middleborough

State: MA

Zip: 02346

F. Business Phone:

G. Cell Phone:

H. Email:

I. Website:

J. Mailing address (if different from E.):

City/Town:

State:

Zip:

### 2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

**IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.**

### 3. TYPE OF LICENSE:

- \$12 Restaurant     \$12 Hotel     \$12 Club     \$12 Veterans Club     \$12 Continuing Care Retirement Community  
 \$12 General On-Premises     \$12 Tavern (No Sundays)     \$15 Package Store

### 4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wine & Malt Beverages Only     Wine or Malt Only  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

### 5. LICENSE CLASS:

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME: Robert J Mather, Esq.  
ADDRESS: 1 Lakeville Business Park, Suite 1A  
CITY/TOWN: Middleborough STATE: MA ZIP CODE: 02346  
CONTACT PHONE NUMBER: FAX NUMBER:  
EMAIL: rjmather@rjmatherlaw.com

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.

Property located at and more commonly known as 360 Wareham Street, Middleborough, MA 02346 as shown on the floor plan attached hereto.

Total Square Footage: 4432 s.f. Number of Entrances: 3 Number of Exits: 3  
Occupancy Number: 89 Seating Capacity: 89

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises? Final Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): LLC Other:

Name: Giacomo LLC Phone:

Address: 3 Lakewood Drive City/Town: Plymouth State: MA Zip: 02360

Initial Lease Term: Beginning Date 04/15/2015 Ending Date March 14, 2018

Renewal Term: one year Options/Extensions at: one at one Years Each

Rent: \$48,000.00 Per Year Rent: \$4,000.00 Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales? Yes  No

**IMPORTANT ATTACHMENTS (4):**

- 1. If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest with the Landlord must be disclosed in §10 and must submit a completed Personal Information Form attached to this application.
- 2. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.
- 3. If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

LLC

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

01/16/2015

State of Incorporation/Organization:

Massachusetts

Is the Corporation publicly traded?

Yes No **10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

**IMPORTANT ATTACHMENTS (5):**A. All individuals or entities listed below are required to complete a Personal Information Form.B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form.

Name	All Titles and Positions	Specific # of Stock or % Owned	Other Beneficial Interest
Ronald A. Savioli	Manager	100%	

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list said interest below:

Name	License Type	Licensee Name & Address
	Please Select	

\*If additional space is needed, please use last page.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
Ronald A. Savioli	Ronald A. Savioli d/b/a General's Quarters, 570 MacArthur Blvd., Pocasset, Ma 02559	11/1991 - 12-19	Not Renewed

*Handwritten:* 11/91 →

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended? Yes  No  If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

- 1. Are you a U.S. Citizen? Yes  No
- 2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

- 1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
- 2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
- 3. Is the License Manager or Principal Representative a U.S. Citizen?

**C.) Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

- 1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

- 1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
- 2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

A. Purchase Price for Real Property:	<input type="text"/>
B. Purchase Price for Business Assets:	<input type="text"/>
C. Costs of Renovations/Construction:	\$3,000.00
D. Initial Start-Up Costs:	\$7,000.00
E. Purchase Price for Inventory:	\$5,000.00
F. Other: (Specify)	<input type="text"/>
<b>G: TOTAL COST</b>	\$15,000.00
<b>H. TOTAL CASH</b>	\$15,000.00
<b>I. TOTAL AMOUNT FINANCED</b>	\$0.00

**IMPORTANT ATTACHMENTS (6):** Submit any and all records, documents and affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash must include a minimum of three (3) months of bank statements.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

Funding will be through existing savings/checking account at Rockland Trust Company - Account 89681503.

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

Name	Dollar Amount	Type of Financing
N/A		

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §19 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (7):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
RETURNED**

539 Wareham St.  
Robert Weir  
dca Sports Ltd.

\* History  
from the

Building department files.

\* Additional info for 3.23.15 Mtg.



Sandra L. Bernier  
Town Clerk  
and Accountant

Office of the Town Clerk  
Middleborough, Massachusetts 02346

December 2, 1986

To Whom It May Concern:

It is hereby certified that no notice of appeal was received by me during the twenty (20) days next, after the filing of this decision, dated November 12, 1986, for Pauline R. Grady.

Sandra L. Bernier  
Town Clerk & Accountant

TOWN OF MIDDLEBOROUGH

BOARD OF SELECTMEN

The Board set the 10th day of November, 1986 at 8:00 o'clock P.M. as the time, and the Selectmen's Room or Conference Room, Town Hall, Middleborough, Massachusetts, as the place of the public hearing upon said petition/appeal.

The following notice was published in the Middleboro Gazette in the issues of 10/30 & 11/6/86, and a copy of said notice was sent by mail to each of the interested parties and the owners of all property affected thereby, as they appear upon the most recent tax list:



The Middleborough Board of Selectmen will hold a public hearing on Monday, November 10, 1986 at 8:00 P.M. in the Selectmen's Room, Town Hall, to hear the petition of Frances J. Grady, 357 Linwood Street, Brockton, MA 02401 and Pauline R. Grady, 357 Linwood Street, Brockton, MA 02401, relative to their request to allow construction of a 20'x40'x12' building for the purpose of selling used vehicles in accordance with a Class II Dealers License for premises located at 539 Wareham Street as shown on Middleborough Assessors' Map R71, Lot 10-1. This is Water Resource Protection District B.

Anyone desiring to be heard on this matter should appear at the time and place designated.

Signed  
Board of Selectmen  
Joseph E. Walker  
Moushah C. Krikorian  
Dr. Stephen D. Morris  
John H. Nay  
Dennis R. Smith  
Oct. 30, Nov. 6, 1986

A hearing of said petition/appeal was held at the time and place specified.

There were five (5) members of the Board present, they being:  
Joseph E. Walker, Chairman, Moushah C. Krikorian, Dr. Stephen D. Morris,  
John H. Nay and Dennis R. Smith

There were four (4) members of the Board present.

It was explained to the appellant that he had the right to ask for a continuance until five (5) members of the Board could meet at everyone's convenience, or he could proceed with the four (4) members present, which would require a unanimous vote in his favor for the request to be granted. The appellant decided to continue/postpone his petition until the next meeting.

Members present:

*Received @ 3:40pm.*

*November 12, 1986*

*Eileen J. Gates*

*Asst. Town Clerk*

The following persons appeared in support of the petition/appeal.

The hearing was declared open. Eugene and Pauline Grady, petitioners, were present. Selectman Morris noted that the Board issued a Class-II Dealers license to the petitioners several months ago, and that there was a delay in building and that they then found out that they were under the Water Resource Protection District By-Law. Chairman Walker read a letter from the Conservation Commission (see attached). Town Manager stated that the Board has reviewed the plans, and asked the applicants to review the plans with the Board, specifically, the floor drains and the gas traps. Discussion ensued on the floor drains (2), gas traps, bails of hay near the wetlands and the stipulation of 10 cars on the Class II License. Town Manager noted that the site is near the Tispaquin Well and is adjacent to Spruce Street. He stated that it will be closer to the Spruce Street Well, once the well is developed. He stated that it is not in the recharge area of the well, its in the B District, which is outside the influenced area of the well. Chairman Walker asked if anyone would like to speak for or against the issuance of a Special Permit. No one spoke. The hearing was declared closed.

The following persons appeared in opposition thereto.

No one spoke in opposition.

The members of the Board voted thereon as follows:

On a motion made by Selectman Morris and seconded by Selectman Krikorian

Voted: to approve the petition of Eugene J. Grady, 357 Linwood Street, Brockton, MA. 02401 and Pauline R. Grady, 357 Linwood Street, Brockton, MA. 02401 relative to their request to allow construction of 30'x40'x12' building for the purpose of selling used vehicles in accordance with a Class II Dealers License for premises located at 539 Wareham Street as shown on Middleborough Assessors' Map R71, Lot 10-1.

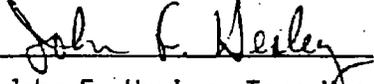
The vote was 5-0 in favor of the petitioners.

Walker, Krikorian, Morris, Nay and Smith all in favor.

The Board assigns the following as reasons for the foregoing finding, ruling, and decision:

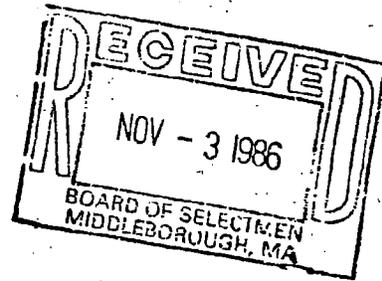
- (a) is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- (b) is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- (c) will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge areas, and
- (d) will not adversely affect any existing or potential water supply.

Respectfully submitted:

  
John F. Healey, Town Manager



Town of Middleborough  
CONSERVATION COMMISSION



November 3, 1986

Board of Selectmen  
Town Hall  
Middleborough, MA 02346

RE: WRPD Petition  
Eugene Grady

To the Honorable Board:

The Conservation Commission issued an Order of Conditions for this project Oct. 9, 1986. The filing adequately addressed the concerns this Board had for this type of operation in such close proximity to a wetland.

Very truly yours,  
*Ronald D. Burgess*  
Ronald D. Burgess  
Chairman

RDB:rc

BOARD OF SELECTMEN

MIDDLEBOROUGH, MASS.

PETITION  
FOR PUBLIC HEARING

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

Middleborough, Mass., 10-14.....1986

To the Board of Selectmen  
Middleborough, Massachusetts

I/We hereby petition your Board for a public hearing for a special permit which is subject  
to Board of Selectmen approval under the Water Resources Protection District By-law.

A. (Give location of property in question.)  
To allow

539 Wareham St.  
MAP LOCATION R-71 Lot 10B

Construction of 30'x40'x12' Building for the purpose  
of selling used vehicles in accordance with a  
CLASS II Dealer's license.

as shown on the attached plan.

B. State full Names and Addresses of last known abutting property owners, and the owners of land  
within 300 feet of the land which is the subject of this petition. Also state the owners of the  
land immediately across the street.

Respectfully submitted,

C.

Signature: Eugene J. Grady

Printed Name: EUGENE J. GRADY  
PAULINE R. GRADY

Address: 357 Linwood St.

BRACKTON, MASS. 02401

586-8957

REC	<u>Oct 15 1986</u>
TIME	<u>1:02 PM</u>
OFFICER	<u>RAW</u>
<u>Eugene J. Grady</u>	
<u>assistant town clerk</u>	
Town Clerk Office	

SELECTMEN'S MEETING  
January 30, 1989

Chairman Morris called the meeting to order at 7:07 P.M. Selectmen Morris, Nay, Walker and Smith were present. Selectman Krikorian was not in attendance at this meeting.

APPROVAL OF MINUTES

Upon motion made by Selectman Nay and seconded by Selectman Walker, the Board

VOTED: To approve the Selectmen's Minutes of January 23, 1989, as written. Unanimous Vote.

UNIQUE AUTO SALES CLASS II LICENSE

This is a hearing held on the request of William T. Perkins of Unique Auto Sales, Inc., located at 539 Wareham Street, Middleboro, MA., to increase the number of used cars allowed on the lot. Chairman Morris declared the hearing open. William Perkins and Richard A. Serino were present. Mr. Perkins informed the Board that they presently have are allowed 16 cars on their lot, and they would like that number increased to 40 cars. There are other lots in the area, and this increase would increase their potential. Chairman Morris read William Gedraitis, Building Inspector's letter into the record: "The site is in the General Use zoning district and also it is WRPD "B". It was the subject of a WRPD zoning hearing with your board on or about October of 1986, for which a special permit was granted. This is a new building. The occupancy was issued JUNE 9, 1988. At the time of the inspection there were 19 unregistered vehicles stored outside. The premises was very neat both inside and out. I feel the premises would be in compliance with the Middleborough Class II License Regulations, but I would not be in favor of such a substantial increase to 40 cars. The usable portion of the lot for parking is limited. Only a small area of this is paved with a system of catch basins and oil separator to help protect the environment. I would support a maximum of only 20 cars at this time. I would further suggest that any proposal for extending the formal parking area beyond the site plans on file and approved would require a new site design prepared by registered engineer to show compliance with Conservation regulations, WRPD regulations and the new General Use zoning site requirements." Mr. Perkins informed the Board that Mr. Grady still owns the property. There is a 10 ft. section behind the building that is paved in order to make it easier for the dumpster to be moved. Selectman Nay told Mr. Perkins to take care of the Board of Health problems as referred to in Doris Balonis' letter. Mr. Serino informed the Board that they use Tough Stuff to wash the cars, which is non-toxic. Mr. Perkins informed the Board that the covers of the septic tank and the floor drain tank have been graded over, due to insurance reasons. Upon motion made by Selectman Nay

Jan. 30, 1989  
Page 2

UNIQUE AUTO SALES CLASS II LICENSE (Cont.)

and seconded by Selectman Walker, the Board

VOTED: To continue this hearing to a indefinite date, until the Board of Health, Building Inspector and the Conservation Commission are satisfied.  
Unanimous Vote.

VOTE TO SIGN RESOLUTION

At last week's meeting the Board voted to dedicate the upcoming Town Report to the late Emilio N. Niro. The resolution reads as follows: "WHEREAS, the Board of Selectmen have received with deep sorrow the report of the passing of Wire Inspector Emilio N. Niro of Middleborough; WHEREAS, the Board of Selectmen endeavor to memorialize those Town Officials who have given generously of their time, wisdom, and loyal efforts; and WHEREAS, said Emilio N. Niro was a dedicated Wire Inspector of the Town of Middleborough from March 1, 1940 until his death on October 23, 1988 and was sincerely loved by all who knew the kindness and tranquility of his nature, his genuine efforts in defense of truth and fairness, and his devotion to all that meant a finer and more wonderful Middleborough; BE IT RESOLVED, therefore, that this report be spread on the records of the Town of Middleborough." Upon motion made by Selectman Nay and seconded by Selectman Walker, the Board

VOTED: To sign the Resolution.  
Unanimous Vote.

SIGN TAUNTON WATER AGREEMENT

The Town Manager informed the Board that there were changes in the Taunton Water Agreement since the Board voted to sign it last week. Some of the language has been negotiated with Taunton City Council. The Consumption to date and the future needs were taken into consideration. The Town Manager read the changes to the Board. The Board of Selectmen should ratify the changes. Upon motion made by Selectman Walker and seconded by Selectman Nay, the Board

VOTED: To sign the Taunton Water Agreement as modified, and redate the Agreement January 30, 1989.  
Unanimous Vote.

REQUEST FOR VIDEO GAMES

The Board received a request from Jack Shui-Ching Wong, Assistant Manager of China Wok, located at 64 E. Grove St. for a Sunday (yearly) license for two video games. The Board received a letter from Captain Arnold C. Salley of the Police Department, regarding this request. Captain Salley

*Bill*

Incorporated 1669  
326 Years of Progress



CRANBERRY CAPITAL  
OF THE WORLD



# Town of Middleborough

Massachusetts

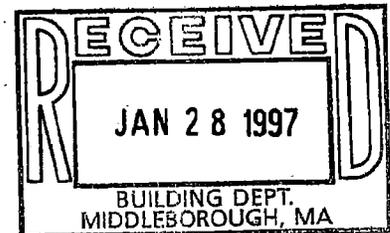
JOHN F. HEALEY  
Town Manager

(508) 947-0928

January 28, 1997

Sports Limited  
539 Wareham Street  
Middleborough, MA.02346

Attention: Robert Weaver



Dear Mr. Weaver:

As you know, your Class II license was not renewed on January 1, 1997 because of the failure on your part to abide by the conditions of your license (see attached letters dated January 9, 1997 and January 10, 1997 from the Building Inspector and Conservation Agent).

The Board does not intend to renew your license. If you address the issues raised by the attached letters by removing the salvage vehicles from the site, reducing the number of used vehicles ready for sale to 25 or less, cleaning up the site and complying with the Conservation Commission's Order, the Board will entertain a new application.

If you have any questions, you may reach me at Town Hall.

Very truly yours,

John F. Healey  
Town Manager

JFH:p  
enc.

- cc: Board of Selectmen
- William Gedraitis, Building Inspector
- Doris Balonis, C.H.O., Health Officer
- Rosemarie Correia, Conservation Agent
- Attorney Daniel F. Murray

Certified Mail: P256 392 868



## Town of Middleborough

Massachusetts

William J. Gedraitis  
Inspector of Buildings  
946-2426

January 9, 1997

Mr. John F. Healey  
Town Manager  
10 Nickerson Avenue  
Middleborough, MA 02346

Subject: Renewal of Class II License for "Sports Limited" located at 539 Wareham Street, Map R-71, Lot 10-1.

This is to confirm our previous discussions regarding the status of the Class II business referenced above. I offer the following:

My records indicate in 1986 a building permit was issued to Pauline Grady for a 30' x 40' building for used car sales.

The original class II license restricted the number of cars to limit of sixteen (16). In 1991 the business was sold to Lucien Sullivan Motor, Inc. and then in 1993 it was sold again to Sports Limited, with a twenty-five (25) car limit. This business is apparently run by Robert Weaver. As you know, on numerous occasions, during or after inspections, I informed Mr. Weaver that he should not exceed the twenty-five (25) car limit and he should not be parking and working on vehicles out front of the site, on the highway layout.

Also, most of the cars on the site look like junk or salvage vehicles from accident scenes. First impressions were that the place looks more like a motor vehicle junk yard which would require a Class III license.

Other issues of concern for this site include the floor drain/storage tank status, filing/record keeping for DEP waste handling and wetland issues, etc..

On my last inspection on January 3, 1997, there were at least sixty-seven (67) vehicles counted, most of which were salvage type. On a previous inspection in November, Mr. Weaver indicated to me that he was in the process of moving the business to a motor vehicle junk yard within two weeks.

January 9, 1997  
Mr. John F. Healey  
Page 2

In conclusion I recommend that the Class II license not be automatically renewed for the 1997 year until these issues are properly addressed.

Sincerely,



William J. Gedraitis  
Inspector of Buildings

cc: Robert Weaver, Treasurer of Sports Limited  
Johanna Wilson, President of Sports Limited  
RoseMarie Corriea, Conservation Agent  
Doris Balonis, R.N., Health Officer

WJG/c



Town of Middleborough

CONSERVATION COMMISSION

January 10, 1997

Board of Selectmen  
Town Hall  
Middleborough, MA 02346

RE: "Sports Limited" 539 Wareham St.  
Class II License Renewal

Honorable Board:

It was recently brought to our attention that the license to operate this business has expired.

This property was subject to careful review by the Commission in 1986 and a well thought out Order was issued to protect the adjacent wetland resource area. In the intervening years some problems arose but Mrs. Grady made an effort to correct them. In 1992 a Certificate of Compliance was issued that set forth conditions in the Final Order to continue (see attached).

There has been continuous storage of materials, vehicles and equipment in the stipulated areas. A few years ago our Agent visited the site with the Health Officer and Inspector of Buildings. It was noted that two parties were sharing the site and both had used the restricted areas in violation of the final order. For a short time the material was moved.

Today, the entire site has vehicles stored on it. This is, again, a violation of the final order and potential hazard to the environment. Until this problem is rectified the Commission would not recommend issuance of the Class II License.

Very truly yours,

*D. Jeffrey Erickson*  
D. Jeffrey Erickson, Chairman  
For the Commission

DJE:RC:rc

cc: Inspector of Buildings  
Health Officer

310 CMR 10.99

Form 8



Commonwealth  
of Massachusetts

DEP File No SE220-192  
(To be provided by DEP)  
 City/Town Middleborough  
 Applicant Eugene Grady

**Certificate of Compliance**  
**Massachusetts Wetlands Protection Act, G.L. c. 131, §40**

From Middleborough Conservation Commission Issuing Authority

To Eugene Grady/Pauline Grady 357 Linwood St. Brockton, MA 02401  
 (Name) (Address)

Date of Issuance 2/13/92

This Certificate is issued for work regulated by an Order of Conditions issued to Eugene & Pauline Grady dated 10/9/86 and issued by the Commission

1.  It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
2.  It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed: (If the Certificate of Compliance does not include the entire project, specify what portions are included.)
3.  It is hereby certified that the work regulated by the above-referenced Order of Conditions was never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Act may be commenced without filing a new Notice of Intent and receiving a new Order of Conditions.

.....  
 (Leave Space Blank)

4.  This certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on 10/24/86 (date) at the Registry of Plymouth Book \_\_\_\_\_ Page \_\_\_\_\_

5.  The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.)

- Transaction # 112182
1. No fill is to be placed within 20 feet of the Bordering Vegetated Wetland.
  2. There shall be no storage of materials, equipment or vehicles in the area consisting of the northern portion of the parking lot beyond the line continuing from the rear line of the building to the eastern property line. This also applies to the land to the west of the proposed paved parking area up the western property line.

Middleborough Conservation Commission

Issued by \_\_\_\_\_

Signature(s) Ronald D. Burgess Sr.

Ken Churchill  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_

When issued by the Conservation Commission this Certificate must be signed by a majority of its members.  
On this 13th day of February, 19 92, before me personally appeared Ronald D. Burgess Sr. to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Palmaria Corneia

Notary Public

2/20/92

My commission expires

Detach on dotted line and submit to the \_\_\_\_\_

To Middleborough Conservation Commission Issuing Authority

Please be advised that the Certificate of Compliance for the project at 539 Wareham St.

File Number SE220-192 has been recorded at the Registry of Plymouth

and has been noted in the chain of title of the affected property on \_\_\_\_\_ IS \_\_\_\_\_

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_

If registered land, the document number which identifies this transaction is \_\_\_\_\_

Signature \_\_\_\_\_ Applicant

CRANBERRY CAPITAL  
OF THE WORLD



Phone: (508) 946-2405  
FAX: (508) 946-0058

**Town of Middleborough**  
**Massachusetts**

BOARD OF SELECTMEN

Marsha L. Brunelle  
Wayne C. Perkins  
Ellen O. Grant  
Stephen D. Morris  
James Wiksten

December 21, 1999

Sport's Ltd.  
Attn: Robert Weaver  
539 Wareham Street  
Middleborough, MA 02346

Dear Mr. Weaver,

The Board of Selectmen voted to renew your Class Two License for the new year and to add one new condition on your license.

Employee vehicles may not be parked on the street.

Previous conditions included no parking of car carriers and wreckers on the street. On Saturday, December 18, 1999, the Town Manager observed a car carrier on the street.

You are also reminded that all vehicles are to be parked behind the property line. At the time of the inspection several vehicles were parked with their 'noses' beyond the pole line.

In addition, you are advised to restore the men's room to full operation to avoid sewer gas entering the building and to remove the junk above the office ceiling to avoid collapse. Waste oil should be properly stored and disposed of in a legal manner. All junk cars and parts should also be removed from the site and disposed of properly.

Very truly yours,

Stephen D. Morris  
Chairman  
Board of Selectmen

cc: John F. Healey, Town Manager  
William Gedraitis, Building Inspector  
Sandra L. Bernier, Town Clerk

*Location*

CRANBERRY CAPITAL  
OF THE WORLD



Phone: (508) 946-2405  
FAX: (508) 946-0058

# Town of Middleborough

Massachusetts

**BOARD OF SELECTMEN**

- Emil A. Maksy, Sr.
- Pamela M. Desrosiers
- Keith Barnicoat
- Neil D. Rosenthal
- Steven P. Spataro

October 29, 1997

Mr. Robert Weaver  
539 Wareham Street  
Middleborough, MA 02346

Re: Class II License

Dear Mr. Weaver:

At a continued hearing held with the Board of Selectmen on Monday, October 27, 1997, the Board discussed whether to revoke the Class II License issued to Sports, Ltd., of 539 Wareham Street, Middleborough, MA. The purpose of discussing revocation was to hear evidence regarding the alleged violations of the twenty-five car limit stipulation attached to the Class II License.

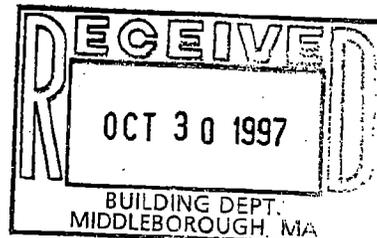
The Board voted to allow you to keep your Class II License. If there is a further violation of the stipulations attached to this License, another revocation hearing will be held.

Sincerely,

Pamela M. Desrosiers, Chairman  
BOARD OF SELECTMEN

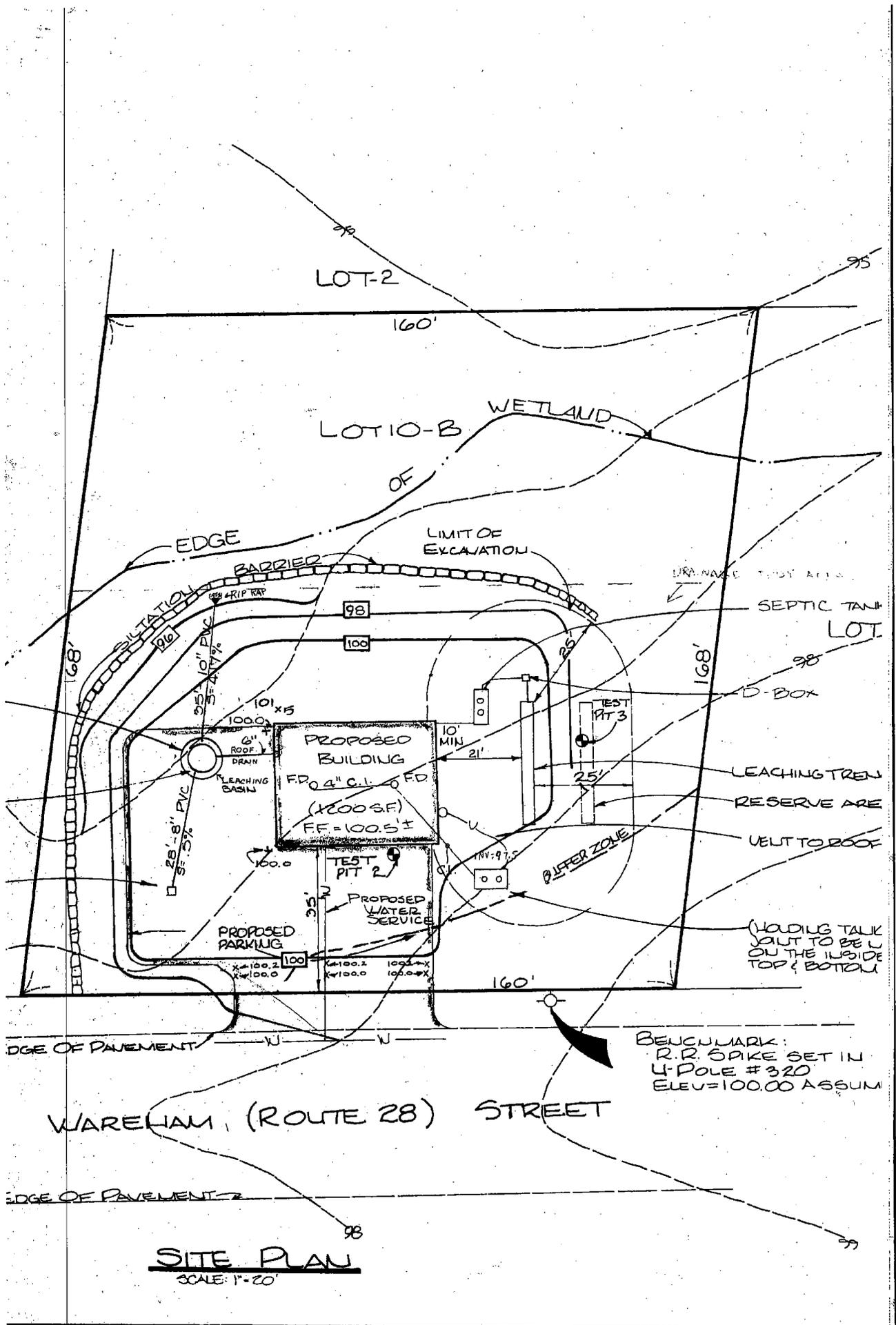
PMD:d

cc: Board of Selectmen  
John F. Healey, Town Manager  
William Gedraitis, Bldg. Insp.









LOT-2

LOT 10-B WETLAND OF

WAREHAM (ROUTE 28) STREET

PROPOSED BUILDING  
 FD 0.4" C.I. FD  
 (1200 SF)  
 FF=100.5±

PROPOSED WATER SERVICE

TEST PIT 2

TEST PIT 3

SEPTIC TANK LOT

D-BOX

LEACHING TRENCH

RESERVE AREA

VELT TO ROOF

BUFFER ZONE

LIMIT OF EXCAVATION

EDGE

BARRIER

SILTATION

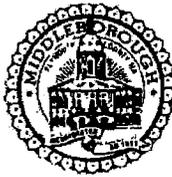
DRAINAGE TEST AREA

PROPOSED PARKING

(HOLDING TANK JOINT TO BE ON THE INSIDE TOP & BOTTOM)

BENCHMARK:  
 R.R. SPIKE SET IN  
 U-POLE # 320  
 ELEV=100.00 ASSUM

**SITE PLAN**  
 SCALE: 1"=20'



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 4, 2015 at 7:30 PM, for the purpose of discussing an application filed by Allen & Major Associates, Inc. on behalf of Hometown Oak Point LLC for a Special Permit under the Water Resource Protection District By-law to allow for the construction of a detention basin overflow spillway within 25' to a bordering vegetated wetland. This property is shown as Assessors Map 5, Lot 5665 Zoning District – Residence Rural, WRPD District Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

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

Publish: April 16 and 23, 2015

Private party responsible for payment

Town responsible for payment

# NOTICE TO TAX COLLECTOR

RECEIVED  
@ 9:19am  
MAR 26 2015  
TOWN CLERK

TO: JUDY M MACDONALD, TREASURER/COLLECTOR  
20 CENTRE STREET 3<sup>RD</sup> FLOOR  
MIDDLEBOROUGH, MA 02346

FROM: Board of Selectmen

DATE: March 25, 2015

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

Hometown Oak Point  
NAME OF APPLICANT/PETITIONER

Oak Point  
NAME OF PROPERTY OWNER

200 Oak Point Drive  
ADDRESS OF LOCATION FOR PERMIT USE

ADDRESS OF APPLICANT/PETITIONER

MAP 005	LOT 5665
---------	----------

Does Property Owner/Applicant/Petitioner owe Taxes and/or Municipal Charges, including Motor Vehicle Excise, Boat Excise, Personal Property Tax, Real Estate Tax, Farm Animal Excise Tax, Forest Products Tax, or any other municipal charges? NO (YES OR NO)

*V. M. Macdonald*



April 27, 2015

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

**Re: *Engineering Review***  
***WRPD Application – Oak Point – Detention Basin #15 Reconstruction***  
***ADE Project #2518.37***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our engineering review of site plans for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans are dated 3/9/15 and are prepared by Allen & Major Associates, Inc. for Hometown Oak Point LLC.

The proposed work related to reconstruction of the existing basin outlet and spillway is permissible under the WRPD bylaw Section 8.2.9.3.d.iii as it can be considered reconstruction of a drainage outfall where no alternative is feasible. This Section of the by law, however, specifically excludes the detention basin itself from being permissible in the 25 foot zone. Therefore, the Board will need to make a determination relative to allowing the proposed regrading and rip-rap of the existing basin slope. We feel it may be in the best interest of the WRPD to allow the proposed work for the following reasons:

1. Considering the existing basin slope presently encroaches into the 25 foot zone and removing/relocating it outside the zone would potentially cause more impact to the wetland during construction.
2. The rip-rap work is an improvement over existing conditions in terms of erosion control and stabilization of the existing slope.

We also offer the following for consideration of the Board:

- Additional erosion control measures/haybales are recommended along the areas of slope reconstruction.
- Further disturbance to the 25' zone beyond the top of slope/limits of work shown on the plan is to be avoided (re: machinery not allowed in the remaining portion of the no work zone).

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

Sincerely,

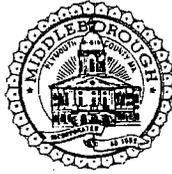
**ATLANTIC DESIGN ENGINEERS, INC.**



Richard J. Tabaczynski, P.E.  
Vice President

cc: Allen & Major Associates, Inc.

P.O. Box 1051  
Sandwich, MA 02563  
(508) 888-9282 · FAX 888-5859  
email: [ade@atlanticcompanies.com](mailto:ade@atlanticcompanies.com)  
[www.atlanticcompanies.com](http://www.atlanticcompanies.com)



# Town of Middleborough

## CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

### MEMORANDUM

TO: ✓ Board of Selectmen

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

FROM: Patricia Cassidy, Conservation Agent 

DATE: April 15, 2015

RE: W.R.P.D. Application – Allen & Major Associates, Inc. on behalf of Oak Point LLC,  
Assessor's Map 5, Lot 5665, Zoning District – Residential Rural, WRPD District Z4.

---

I have reviewed the above-mentioned application and have a few comments for the Board:

- 1) The Conservation Commission issued an Order of Conditions under DEP File # SE220-1220 on February 13, 2015. This permit is valid till February 13, 2018.
- 2) The type of activity that is proposed: work in the 25-foot no disturb zone for the reconstruction of basin 15 which includes a dissipater with rip rap at the outlet in this 25-foot no disturb zone is exempt under the WRPD Bylaw under H3.d.iii – “Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation and hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc...”
- 3) The Commission was very concerned with the amount of water coming from the Oak Point development at this location and impacting the wetlands on adjacent property. The water has been impacting the wetlands for quite some time. An example of this impact is evident because a culvert in the adjacent power line easement needed to be replaced since the old one with two pipes had washed out. The water from Oak Point through these wetlands eventually ends up in the Nemasket River and to the Taunton River. It was important to the Commission that this issue with water run-off from the site be addressed. If it is not addressed it is a violation of the Massachusetts Wetlands Protection Act and the Federal Clean Water Act.

If you have any questions regarding this matter don't hesitate to contact me at 508-946-2406 or via e-mail at [pcssdy@middleborough.com](mailto:pcssdy@middleborough.com).

pjc



*Town of Middleborough*  
Massachusetts

PLANNING DIRECTOR  
Ruth McCawley Geoffroy

Planning Board

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

MEMORANDUM

To: Board of Selectmen  
Cc: Conservation Commission  
Health Officer  
Building Commissioner  
From: Ruth McCawley Geoffroy, Planning Director *RMG*  
Date: April 29, 2015  
Re: **WRPD Application, Oak Point, Detention Basin #15 Outfall Modification**

This memo is in response to your request for Planning Department review and comment for the above referenced WRPD Application for modification of the Detention Basin #15 drainage outfall at the Oak Point Adult Mobile Home Park.

The Planning Board, on April 14, 2015, approved the amendment of Oak Point's Definitive Phase VII Section 1 and Section 2 Site Plan approvals which includes modification of the outfall structure from Detention Basin #15 which is the subject of this WRPD application. Section 8.2.9 (3)(d)(iii.) of Middleborough's Zoning Bylaw allows a Special Permit to be issued for alteration within 25' of a wetland if the alteration is for the "installation of drainage outfalls or outlet swales..." This modification to the outlet structure of Detention Basin #15 meets this requirement and it is the Planning Department's recommendation that a Special Permit be granted.

With respect to the Drainage Report attached to the WRPD Application, attached please find a letter from the Middleborough Planning Board dated August 21, 2014 to Stephen Braun of Hometown Oak Point restating the Planning Board's reason for requiring mitigation for Watershed 8. The Board was concerned that information contained within the narrative of a number of Oak Point drainage reports was continuing to misrepresent the Planning Board's Special Permit requirements for drainage design. Condition #5 of the Special Permit requires that post-development runoff from the Oak Point property (site) not exceed pre-development runoff. The Board became aware that this was not being complied with as Watershed 8's (8A) post development runoff rate leaving the Oak Point property was 279 cfs while the pre-development runoff rate was 153 cfs significantly increasing drainage discharge to Thomas, Foye and other abutting properties.

Condition #6 of the Special Permit requires a second analysis of runoff to be done for the culverts leaving the streets surrounding the Oak Point project (drainage basin) where water may back up onto abutting properties if culverts cannot pass the increased runoff volume. The Oak Point project proponents had continually told the Planning Board that the only place where runoff impacts had to be analyzed was at the surrounding streets while the Special Permit and MA Wetlands Protection Act required that it be mitigated at the property line. As a result, by using the surrounding streets as the sole design point, Oak Point's drainage mitigation has been occurring on the abutting properties. The recent drainage mitigation improvements approved by the Planning Board, part of which is the subject of the WRPD Application, contains and mitigates all of Oak Point's Watershed 8A drainage on their own property.



*Town of Middleborough*  
Massachusetts

PLANNING DIRECTOR  
Ruth McCawley Geoffroy

Planning Board

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

August 21, 2014

Mr. Stephen Braun, Co-president  
Hometown America  
150 N. Wacker Drive  
Suite 2800  
Chicago, Illinois 60606

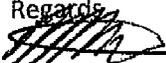
Stephen,

It has come to my attention that the most recent Oak Point drainage report from Allen & Majors dated August 7, 2014, continues to erroneously identify the purpose of the drainage mitigation analysis and the source of the request for such analysis being considered on watershed 8.

For the record, the Middleborough Planning Board has asked that you evaluate the function and level of stormwater mitigation being provided for runoff leaving the Oak Point property along the power lines adjacent to Summer Street, specifically from the area now referenced as watershed 8A. The function and level of mitigation should be compared to the standards set in Oak Point's 3<sup>rd</sup> Amended Special Permit, specifically Conditions #5 and #6. As previously discussed in recent Planning Board meetings, there are two design points required by the Special Permit: Condition #5's design point is at the boundary of the Project Site, i.e. the Oak Point property line; and, Condition #6's design point is at the downstream culvert control at Summer Street which culvert and street forms the enclosed drainage basin. It has become apparent from Nitsch Engineering's review of the project, that only Condition #6 has been addressed by Oak Point's drainage design, resulting in a significant increase in post development runoff to adjacent properties as compared to pre-development conditions which are a violation of both the 3<sup>rd</sup> Special Permit as well as the Wetlands Protection Act.

The Planning Board appreciates the level of cooperation that Hometown America, the new owner of the Oak Point project, has given to the Planning Board in an effort to address the Special Permit conditions. As you are aware, these conditions not only protect abutters from flooding but are designed to comply with the Massachusetts Wetlands Protection Act. The Planning Board looks forward to continue working with your team to appropriately address the treatment of Oak Point's drainage mitigation deficiencies.

Regards,

  
Michael J. Labonte, Chairman  
Middleboro Planning Board

Cc: Middleboro Planning Board  
Middleboro Conservation Commission  
Middleboro Board of Selectmen  
Middleboro Town Manager



**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 28, 2015

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

RE: W.R.P.D. Application for a special permit for Oak Point LLC, Basin 15, off Green Street, Assessor's Map: 055 Lot: 5665, RR/WRPD Z4.

Honorable Board,

I have reviewed the plan submitted by Philip L. Cordeiro, Registered Professional Engineer of Allen & Major Associates, Inc. dated: March 9, 2015 for a special permit under the Water Resource Protection District By-law to allow the construction of a detention basin overflow spillway within 25' of a bordering vegetated wetland.

I have no comment.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner

RJW/d

**RECEIVED**  
 9:19am  
**MAR 26 2015**  
 TOWN CLERK

**PETITION APPLICATION FOR A WRPD SPECIAL PERMIT**

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

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

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

Street address: Off Green Street  
 Map & Lot 5-5665  
 Zoning District Residence Rural  
 (General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)  
 WRPD District Z4  
 (Z1, Z2, Z3, Z4)

**B. To allow for:**

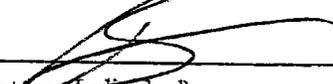
Construction of a detention basin overflow spillway within 25' to a bordering vegetated wetlands.

**(As shown on the attached plan)**

*Example: To allow for an addition of 12' x 20' to the building at 1234 Nickerson Avenue, Map #, Zoning district, WRPD District (A or B), presently used as a residence for the purpose of a dental office by the owner occupant. There will be a maximum of three employees.*

**C. Submitted by:**

Stephen Braun, COO, Hometown Oak Point  
 Printed full name (Individual)

  
 Signature (Individual)

200 Oak Point Drive, Middleborough, MA.  
 Address

508-947-3535  
 Daytime telephone

Allen & Major Associates, Inc.  
 Printed company name/engineering firm

  
 Signature (company/engineering rep.)

pcordeiro@allenmajor.com  
 Email address

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405  
Fax: 508-946-0058

**Town of Middleborough**  
**Massachusetts**  
**Board of Selectmen**

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

DATE March 9, 2015  
NAME OF APPLICANT Hometown Oak Point  
ADDRESS OF APPLICANT 200 Oak Point Drive, Middleborough, MA.  
ASSESSORS MAP & LOT 5 Lot 5665  
DAYTIME TELEPHONE 508-947-3535

NAME OF BUSINESS Oak Point  
OWNER OF PROPERTY TO BE LICENSED Same  
ADDRESS OF PROPERTY TO BE LICENSED Same  
ASSESSORS MAP & LOT 5 Lot 5665

*TYPE OF LICENSE REQUESTED (Check One)*

2<sup>nd</sup> Hand   
Class I Automobile Dealer License   
Class II Automobile Dealer License   
Class III Automobile Dealer License   
Entertainment

WRPD   
Earth Removal Permit \_\_\_\_\_  
Liquor License \_\_\_\_\_  
Junk Dealer \_\_\_\_\_  
Other \_\_\_\_\_

Anticipated Start Date for Business: N/A  
Days & Hours of Operation: N/A

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?  
If yes, explain:

No

Signature [Handwritten Signature]

DATE OF HEARING: \_\_\_\_\_

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

**Dear Treasurer/Collector:**

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

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? \_\_\_\_\_

## CHECKLIST FOR SITE PLANS

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

No.	Description	Initial	N/A
1.	One (1) electronic copy of the site plans must be filed with the Board of Selectmen's office via <a href="mailto:jshanley@middleborough.com">jshanley@middleborough.com</a> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Seven (7) paper copies of the site plan must be filed with the Town Clerk's office, along with seven (7) paper sets of the petition application (see top of "Petition Application" form).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a.	Show locus to reasonable scale (use corner of the site plan page).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Show existing and proposed street lines, number & name.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Show existing and/or proposed building, including accessory buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Show driveway and driveway openings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Show natural waterways (if any).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Show distance from structure to wetlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.	<input type="checkbox"/>	<input type="checkbox"/>
h.	Show setback dimensions or distances from street and abutters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i.	Show the footage for all lines of the property and the total area (either in square footage or acreage).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j.	Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k.	Show details for work done or proposed for any component outlined in No. 1(j) (above).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

## CHECKLIST FOR PROJECT WRITTEN NARRATIVE

No.	Description	Initial	N/A
1.	Provide a written narrative explaining how you see the project complying with the WRPD bylaws and regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	If your petition requests alterations or additions to a building, or structure, you should bring detailed plans which show the proposed alterations or additions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers, or oil, that the appropriate methods have been provided to contain any spillage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	<input checked="" type="checkbox"/>	<input type="checkbox"/>



ALLEN & MAJOR  
ASSOCIATES, INC.

10 Main Street  
Lakeville, MA 02347  
Tel: (508) 923-1010  
Fax: (508) 923-6309

March 9, 2015

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

RE: A&M Project #1830-01B  
WRPD Application  
Oak Point  
200 Oak Point Drive  
Middleborough, MA

Dear Chairman Frawley and members of the Board of Selectmen:

On behalf of our Client, Hometown Oak Point LLC, Allen & Major Associates is submitting this application for a Special Permit under the Water Resource Protection District bylaw. The application requests permission to reconstruct the outboard slope of an existing onsite detention basin. Reconstruction of its steepness requires the slope to extend into the twenty-five (25) foot no work buffer to a bordering vegetated wetlands. The Oak Point property is located with Water Resource Protection District Z4 as illustrated on the Town of Middleborough Zoning Map.

Oak Point is an adult manufactured community permitted under special permit by the Town of Middleborough Planning Board to construct up to 1,150 home sites. Each phase of the development requires a definitive site plan application to be reviewed and approved by the Planning Board prior to construction. Each phase provides for the appropriate stormwater management systems to mitigate the increase in the rates of runoff for the development. Where appropriate, Orders of Conditions have been obtained by the Town of Middleborough Conservation Commission for work that occurs within one hundred (100) feet of a delineated resource area. Certificates of Compliance have been obtained from the Commission for previous phases of the work.

Construction is currently underway on units located within "Phase 7 Section 2" of the development permitted in 2006. Stormwater runoff from this area is collected via a closed drainage system and is routed to a series on onsite detention basins that retain the stormwater and slow the peak rates of runoff to match the pre-development conditions of the property. The detention basins within Phase 7 Section 2 drain westerly where they connect into and drain through the closed drainage systems constructed as part of "Phase 7 Section 1" of the project. The collective topography of Sections 1 and 2 slope westerly reaching a low point adjacent to the Middleborough Gas and Electric power line easement. At the base of this slope exists a vegetated wetland system which drains via intermittent stream channels that flow across the easement and ultimately into the Nemasket River, tributary to the Taunton River, at Summer Street. Detention basin 15 is located at the base of the slope mitigating stormwater runoff.

As part of a stormwater re-analysis conducted in 2014, minor alterations are requested to detention basin 15. These alterations have been reviewed, and approved, by the Planning Department, the Town's consulting engineer, Nitsch Engineering, and the Conservation Commission under Order of Conditions SE220-1220 dated February 13, 2015.

The proposed alteration to basin 15 includes a rebuild of the outboard slope of the basin adjacent to the wetland area. The slope will be regraded and treated with rip-rap for permanent stabilization. The proposed work is a retrofit to the basin and cannot be accomplished with the constraint of the 25 foot no touch WRPD wetland buffer. At its deepest point adjacent to the outfall, this application requests construction approximately 15 feet into the buffer. The depth of the encroachment tapers northerly and southerly along the outboard slope of the basin. The total area of the work is approximately 1,250 square feet. Erosion and sediment barriers will be established as part of the work as specified under the Order of Conditions.

Based on the reviews conducted to date, it is A&M's understanding that the Planning Department and Conservation Commission are in support of this encroachment.

Application under the WRPD bylaws requires the following:

- a. Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewerage disposal facilities.

Included with this application, is a site plan entitled "Detention Basin 15 Mitigation Plan", sheet C-1 dated March 9, 2015. This plan illustrates the extent of the reconstruction of basin 15. The home sites, driveways, and other infrastructure are all existing conditions and are not part of the WRPD special permit application.

- b. Pre and post development drainage characteristics for surface runoff and groundwater recharge, including calculations for all drainage designs;

The extent of the construction proposed in the WRPD does not require a pre- and post-development rate of runoff analysis. As part of the review by the other Town departments, the rates of runoff for the project have been submitted, reviewed, and approved. These can be provided if determined to be required compliance with the bylaw.

- c. Location of and distance to the public supply wells effected by the subject site;

There are no public water supply wells in the vicinity of this project that will be affected. An old stone well has been located on the plans, but this well is not in use.

- d. Soil characteristics underlying the site and within the area between the site and the public supply wells;

Subsoil profiling was done in the vicinity of detention basin 15 at the original time of permitting in 2006. In general, the site is a sandy loam with an underlying layer of silty sand that restricts groundwater flow.

- e. provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare

The reconstruction of the onsite basin will further provide stormwater containment that will reduce offsite flows. This will help to prevent offsite erosion and flooding. During construction, best management

practices will be used to prevent erosion including silt fence and haybale barriers. A&M believes that no additional provisions are necessary.

- f. A stormwater management plan as outlined by DEP Stormwater Management Standards and any additional requirements of the Town of Middleborough.

A copy of the stormwater management information submitted to the Conservation Commission has been reproduced and attached hereto.

- g. A plan with calculations for any spill containment structures required herein;

A copy of the long term pollution prevention plan submitted to the Conservation Commission has been reproduced and attached hereto.

- h. Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Districts or otherwise impact the water resources of the Town;

The reconstruction of the basin 15 slope requires an encroachment of 1,250 square feet into the buffer zone. This work will require the removal of some existing vegetation, but will not reduce the overall quality and quantity of water available in the WRPD.

- i. Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site.

The outboard slope of the basin follows the natural grade of the topography. Lessening the steepness and providing a rip-rap stone surface treatment will help maintain long term slope stabilization. No changes in the drainage patterns will result due to this project.

- j. Methods to prevent against loss of recharge such as preservation of ground cover, infiltration of pollution, alternative runoff, minimization of laws, making area of natural vegetative areas.

The 1,250 square feet of slope extension will reduce the existing natural vegetative cover that exists onsite. However, groundwater recharge is likely to be unaffected. The soils directly adjacent to the wetland systems on the Oak Point property are generally silty and have very low infiltrative/recharge capacity. This is true of the soils adjacent to this work.

- k. The SPGA may require additional information including but not limited to calculations, on-site testing, groundwater monitoring, groundwater modeling, etc. necessary to evaluate impacts from the proposed project.

To be determined upon Board review.

Additional considerations for WRPD applications as listed on the "Checklist for project written narrative":

5. The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of ground cover.

The proposed project is the minimum alteration necessary to the basin as requested by other Town departments. The in situ soils for the Oak Point property are very restrictive and do not allow for infiltration of site runoff. The definitive site plans for all phases of the project have been reviewed and approved by the Planning Board and provide for basins that mitigate the peak rates of runoff with no provision for infiltration. The stormwater regulations, prior to 2008, did not require stormwater recharge for Class D soils.

6. The submittal contains a statement that there will be no removal of soil closer than 4 feet to the ground water table as determined through the Title V Soil Evaluation methods.

There will be no removal of soil closer to 4 feet of groundwater.

11. The submittal contains a statement that if there is to be storage of hazardous wastes, sludge, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.

There will be no storage of hazardous materials of any nature on this property. Deicing chemicals are required to be sodium free based on the site special permit and Orders of Conditions.

12. The submittal contains a statement that outside stored material will have no impact to the groundwater.

During construction, only earthen materials will be stored outside. These will not have an impact on the groundwater quantity or quality. No hazardous materials will be stored on site.

A&M believes that this application is in keeping with the provisions of the special permit requirements, which determine that the project is:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

If you have any additional questions, or require anything further, please feel free to contact our office.

A&M Project #1830-01B

March 9, 2015

Very truly yours,

**ALLEN & MAJOR ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read 'P. Cordeiro', with a long horizontal flourish extending to the right.

Philip Cordeiro, P.E.  
Project Manager

CC: Stephen Braun – Hometown Oak Point (via electronic copy)  
A&M File: 1830-01B

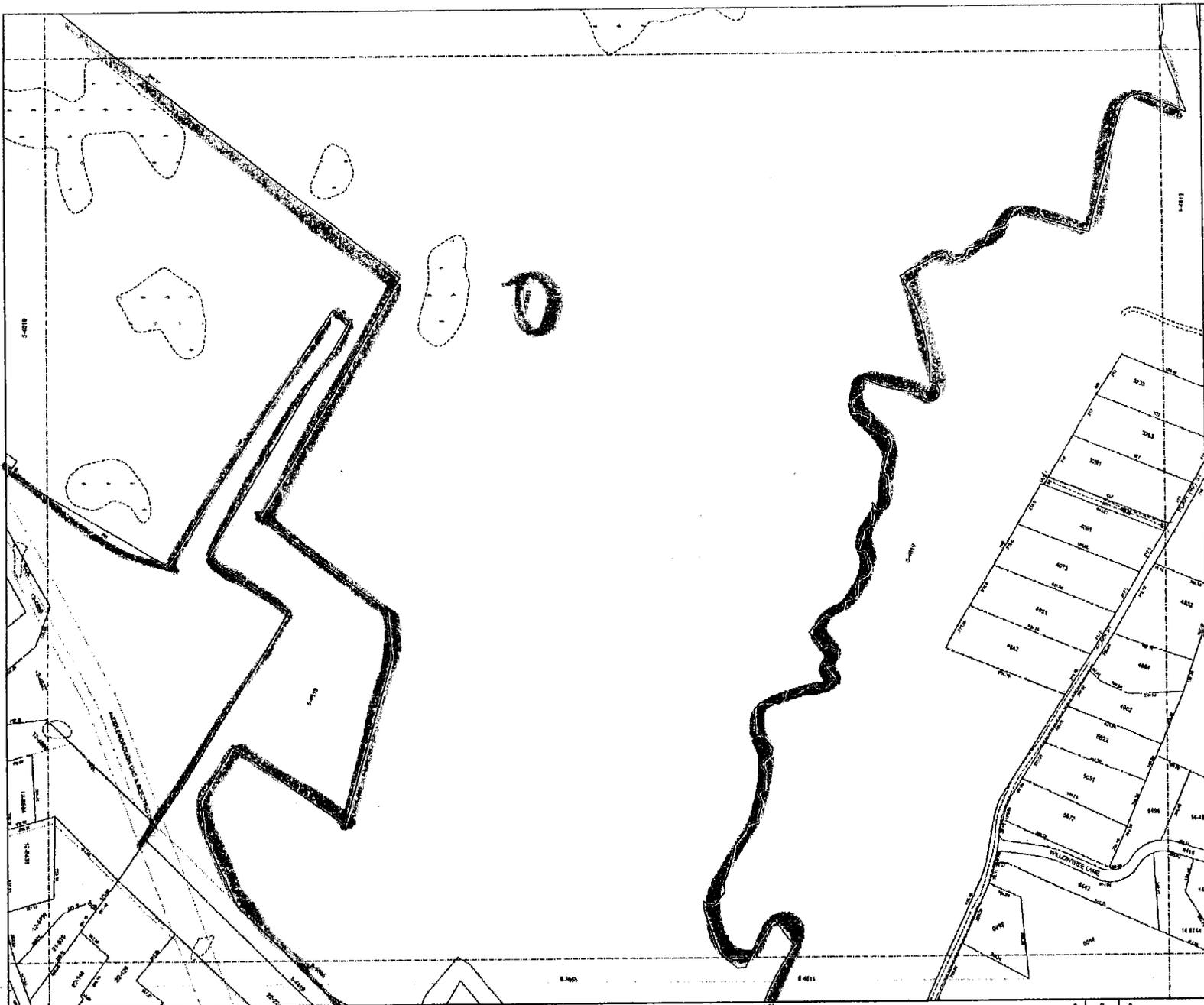
enclosure





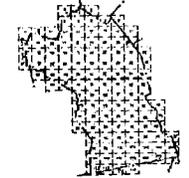




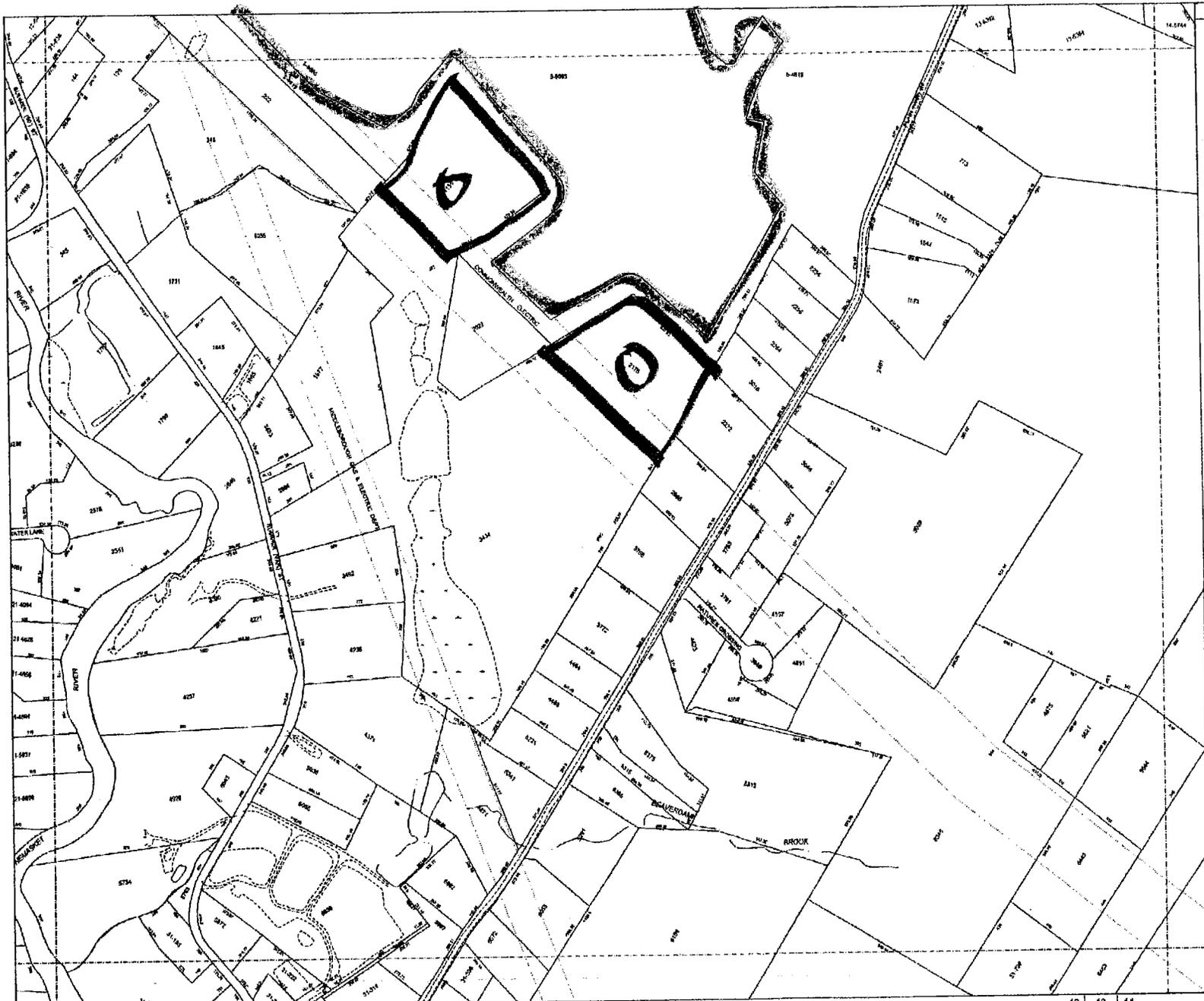


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<p>COMMENTS:</p> <p>THIS MAP WAS PREPARED BY THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS, AND IS NOT TO BE USED FOR VOTING PURPOSES.</p> <p>APRAL PHOTOGRAPHY DATED APRIL 23, 1987</p> <p>CONTROL AND ACQUISITION OF LAND AND INTERESTS, AND OF RIGHTS IN, IN CONNECTION WITH THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS.</p>		<p>TOWN OF MIDDLEBOROUGH</p> <p>PLANNING DEPARTMENT</p> <p>100 STATE STREET</p> <p>MIDDLEBOROUGH, MASSACHUSETTS 01545</p>	
<p>SCALE: 1" = 100'</p> <p>CONTINUED ON SHEET 14 AND 22 (REVERSE SHEET)</p>		<p>2 2 2</p> <p>12 14</p> <p>21 22 23</p>	
<p><b>TOWN OF MIDDLEBOROUGH</b></p> <p>PLYMOUTH COUNTY, MASSACHUSETTS</p>		<p><b>TAX MAP 13.</b></p>	

**Access Path Designation:**  
 Designation of a way as an Access Path is solely for F-811 and building address purposes. Designation of a way as an Access Path shall not be construed as a determination that the way is a public way, a way shown on an approved subdivision plan, a street as defined in the Town of Middleborough Zoning By-Laws, a way for purposes of the Subdivision Control Law or a way or street for any other purpose.







**Access Path Designation:**  
 Designation of a way as an Access Path is solely for E-911 and building address purposes. Designation of a way as an Access Path shall not be construed as a determination that the way is a public way, a way shown on an approved subdivision plan, a street as defined in the Town of Middleborough Zoning By-Laws, a way for purposes of the Subdivision Control Law or a way or street for any other purpose.

**TOWN OF MIDDLEBOROUGH**  
 PLYMOUTH COUNTY, MASSACHUSETTS



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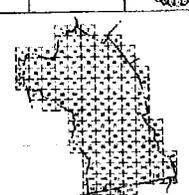
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**COMMENTS:**  
 THESE PLANS ARE FOR TAX ASSESSMENT PURPOSES ONLY. THE REQUIRES SHOWN ARE NOT TO BE USED FOR ANY OTHER PURPOSES, AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES.  
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**TIME:** 10:00 AM  
**PROJECT:** TAX MAP 22  
**SCALE:** 1" = 200'  
**DATE:** 11/15/2022  
**TIME:** 10:00 AM  
**PROJECT:** TAX MAP 22  
**SCALE:** 1" = 200'

**COMMENTS:**  
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**TAX MAP 22**

**DRAINAGE REPORT**

*Site Redevelopment – Oak Point, Marlborough MA*

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**Section 1.0**

**Drainage Report**

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## **DRAINAGE REPORT**

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*Site Redevelopment – Oak Point, Marlborough MA*

### **• INTRODUCTION**

The purpose of this drainage report is to provide an overview of the proposed stormwater management system retrofit for the site development known as Oak Point Phase 7, Section I & II. The project is considered a redevelopment project as the proposed scope of work is designed to provide improved stormwater management as a stormwater retrofit project.

Per the Special Permit of Record and the Stormwater Management Report submitted under DEP File No. 220-961, the Watershed 8 Drainage Basin is the area encompassed by River Street, Thompson Street, Summer Street and Plain Street. In the existing condition Watershed #8 totaled 276.3 acres which discharged under Summer Street through Culvert 25. This culvert was the permitted design study point for the evaluation of the stormwater runoff for this contributing Watershed #8 area. The flow path was generally westerly from the highpoint in the southwesterly quadrant of the site to the design point at Summer Street. The permitted existing conditions watershed plan (WS-1 revised through 12/19/06) is included in this report for reference.

In the approved drainage design for Phase 7, Section I & II, in the proposed conditions, Watershed #8 had been broken into nine sub-basin areas. The first sub-basin was the developed area of Phase 6 that drains to Detention Basin #12. The second sub-basin was the developed area of Phase 6 that drains to Detention Basin #13. The third sub-basin was the developed area of Phase 7 Section 2 that drains to Detention Basin #14A. The fourth sub-basin was the developed area of Phase 7 Section 2 that drains to Detention Basin #14B. The sixth sub-basin was the developed area of Phase 7 Section 2 that drains to Detention Basin #19. The seventh sub-basin was the developed area of Phase 4, 6, and 7 (Sect. 1 and 2) that drains directly to Detention Basin #15. The eighth sub basin was the area of Phase 7 Section 1 that drains to Detention Basin #16. The ninth sub-basin area was the remaining undeveloped area that flows overland directly to the design point at Summer Street. The permitted proposed conditions watershed plan (WS-2 revised through 12/19/06) is included in this report for reference.

The Middleborough Planning Department has asked that an evaluation of pre-existing and post construction watershed runoff be evaluated and compared for a newly determined study point. This study was determined to be the recently constructed culvert within the utility company easement abutting the project area. This Watershed area, consisting of approximately 82 acres has been labeled Watershed 8A, which is part of the larger Watershed 8 originally used during the permit process for stormwater runoff evaluation.

Watershed 8A, which consists of the third sub-basin which is the developed area of Phase 7 Section 2 that drains to Detention Basin #14A, the fourth sub-basin which is the developed area of Phase 7 Section 2 that drains to Detention Basin #14B, the sixth sub-basin which is the developed area of Phase 7 Section 2 that drains to Detention Basin #19, the seventh sub-basin which was the developed area of Phase 4, 6, and 7 (Sect. 1 and 2) that drains directly to Detention Basin #15 and the eighth sub basin which is the area of Phase 7 Section 1 that drains to Detention Basin #16 via Detention Basin #17. The goal was to compare the pre-existing condition Watershed Area #8A to the as-built condition Watershed 8A to verify its conformance with the design flows at this study point. As well five sub-study points were evaluated at pre-determined locations per the request of the Town of Middleboro. These sub-study areas consist of watershed areas which contribute to wetland resource areas and are labeled 8A-1, 8A-2, 8A-3, 8A-4 & 8A-5.

## **DRAINAGE REPORT**

### *Site Redevelopment – Oak Point, Marlborough MA*

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Based on our evaluation for the new study points associated with Watershed 8A, additional stormwater controls are necessary to mitigate stormwater runoff at the primary study point and at each of the sub-study areas for Watershed 8A. The proposed work consists of the reconfiguration of the closed drainage system, incorporation of a new Detention Basin 15A and the reconfiguration of Detention Basin 16.

#### **• SITE CATEGORIZATION FOR STORMWATER REGULATIONS**

The proposed stormwater management improvements for Phase 7, Section I & II at Oak Point are considered a redevelopment under the MA DEP Stormwater Management Standards. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural stormwater best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

Redevelopment is defined to include

- Development rehabilitation, expansion and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious area; and
- Remedial projects specifically designed to provide improved stormwater management, such as stormwater retrofit projects.

#### **• WATERSHED**

The site is located within the Taunton River Watershed and is nearby one of the headwaters of the drainage basin, namely, the Nemasket River. The Taunton River Watershed is the second largest watershed contained entirely in Massachusetts and is approximately 562 square miles in area. As shown in Exhibit 1 on, the watershed encompasses all or portions of 40 cities and towns in southeastern Massachusetts. The topography of the watershed ranges from flat lowlands to low rolling hills, typically of the glaciated landscape of southern New England. The Nemasket flows northward from its source before joining the Taunton River near the Bridgewater/Middleborough border.

## DRAINAGE REPORT

Site Redevelopment – Oak Point, Marlborough MA

EXHIBIT 1: TAUNTON RIVER WATERSHED

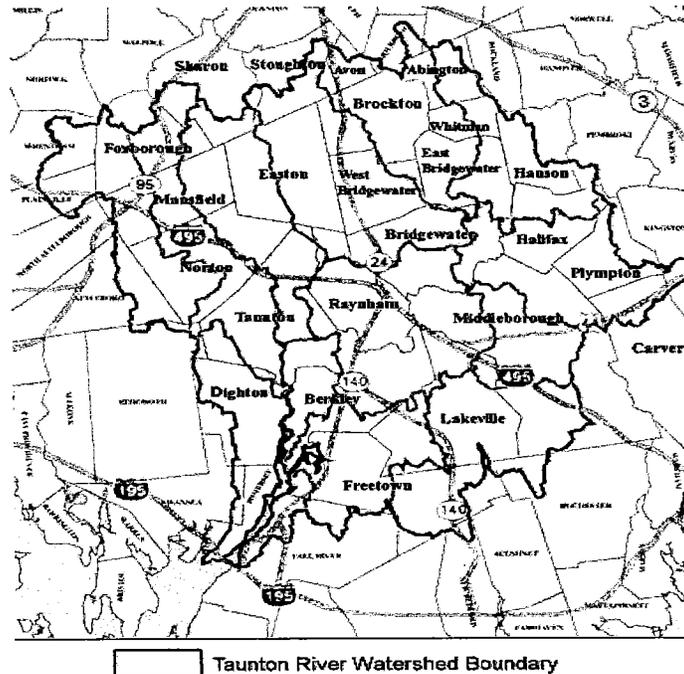


Image Source: Taunton River Watershed Alliance

### • PRE-EXISTING SITE CONDITIONS

In the Pre-Existing Condition (prior to any development) the site topography for Watershed 8/8A generally sloped from approximate current intersection of Waverly Road and Green Street toward the existing power line easement. This watershed area was wooded with light to heavy underbrush. Please reference the Pre-Existing Watershed Plan for the contributing area and historic site topography.

## DRAINAGE REPORT

Site Redevelopment – Oak Point, Marlborough MA

### EXHIBIT 2: PRE-EXISTING AERIAL PHOTO



Image Source: Google Earth

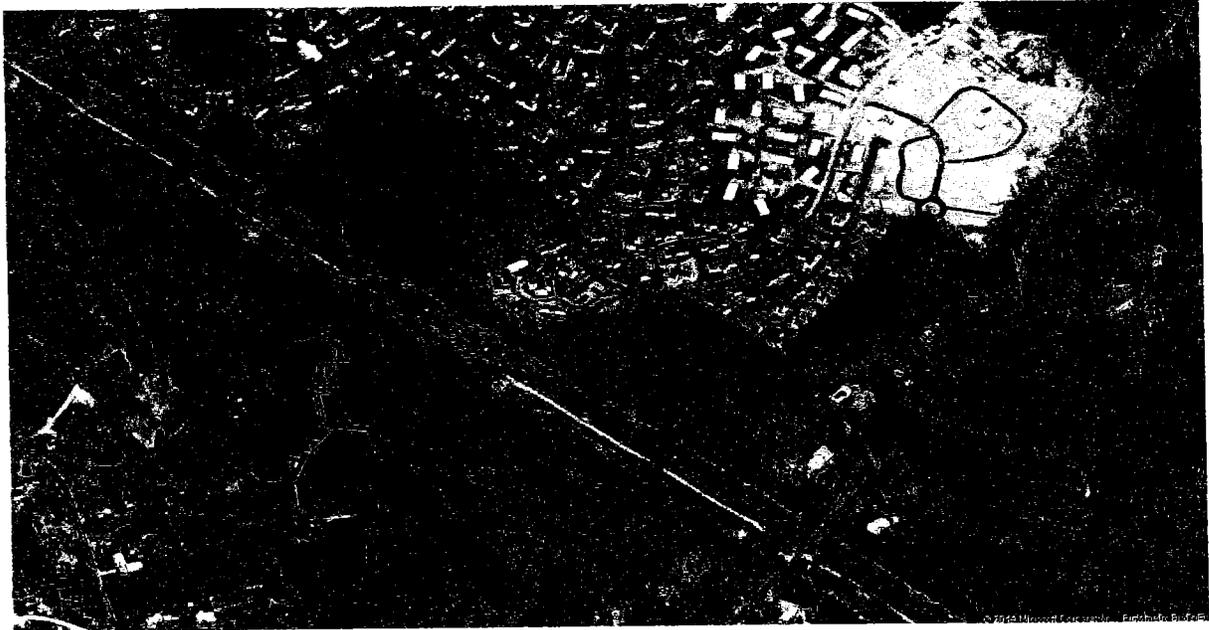
The existing site conditions for Watershed 8/8A is almost entirely developed with buildings and pavement covering the majority of the watershed area. The majority of the existing development flows toward the power line easement along via overland flow and a closed drainage system. Please reference the Proposed Watershed Plan for the contributing watershed area and current site topography.

## **DRAINAGE REPORT**

*Site Redevelopment – Oak Point, Marlborough MA*

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### **EXHIBIT 3: EXISTING AERIAL PHOTO**



*Image Source: Bing Maps*

The proposed work consisting of the reconfiguration of the closed drainage system, incorporation of a new Detention Basin 15A and the reconfiguration of Detention Basin 16. These improvements will help mitigate stormwater generated from the built condition over the pre-existing conditions in the majority of all storm events at the new study point. As well improvements to the upstream detention basins are necessary. This includes improvements to outlet control structures and overflow weirs which will be required to allow for 1-foot or more of free board as required.

## **DRAINAGE REPORT**

*Site Redevelopment – Oak Point, Marlborough MA*

### **• EXISTING SOIL CONDITIONS**

The on-site soils were identified using the USDA Natural Resources Conservation Services (NRCS) Soil Survey for Plymouth County. The redevelopment area is primarily soil type 321B – Birchwood sand, 3 to 8 percent slopes, very stony and 306C - Paxton loam, 8 to 15 percent slopes, very stony. A copy of the soil mapping is included in the Appendix of this report. For purposes of the analysis, all soils were assumed to be Hydrologic Soil Group “C”.

### **• FEMA FLOODPLAIN**

The site is located outside the FEMA Zone. The official Flood Insurance Rate Map (FIRM) on file with the Town of Middleborough is dated July 17, 2012 and does not show the 100-year flood plain on the development portion of the subject property.

### **• FEMA FLOODWAY**

The site is located outside the FEMA Floodway Zone. The official Flood Insurance Rate Map (FIRM) on file with the Town of Middleborough is dated July 17, 2012 and does not show floodway on the development portion of the subject property.

### **• DRAINAGE ANALYSIS METHODOLOGY**

The peak rate of runoff was determined using techniques and data found in the following:

1. Urban Hydrology for Small Watersheds – Technical Release 55 by the United States Department of Agriculture Soils Conservation Service, June 1986. Runoff curve numbers and 24-hour precipitation values were obtained from this reference.
2. HydroCAD® Stormwater Modeling System by HydroCAD Software Solutions LLC, version 10.0, 2013. The HydroCAD program was used to generate the runoff hydrographs for the watershed areas, to determine discharge/stage/storage characteristics for the detention basins, to perform drainage routing and to combine the results of the runoff hydrographs. HydroCAD uses the TR-20 methodology of the SCS Unit Hydrograph procedure (SCS-UH).
3. Soil Survey of Plymouth County Massachusetts by United States Department of Agriculture, NRCS. Soil types and boundaries were obtained from this reference.

### **• PEAK RATE OF RUNOFF**

The storm water runoff analysis of the pre-existing and proposed conditions includes an estimate of the peak rate of runoff from various rainfall events. Peak runoff rates were developed using TR-55 Urban Hydrology for Small Watersheds, developed by the U.S. Department of Commerce, Engineering Division and the HydroCAD 10.0 computer program. Further, the analysis has been prepared in accordance with the Town of Middleborough requirements and standard engineering practices. The peak rate of runoff has been estimated for each watershed during the 1, 2, 10, 25, 50 and 100-year storm events. The rainfall intensities are based on the Technical Paper Number 40 for the subject area.

The stormwater runoff model shows that the mitigation measures incorporated as part of the proposed site development reduces the rate of runoff for all the of the storm events at the identified points of analysis with the incorporation of Detention Basin #15 and the reconfiguration of Detention Basin #16. The following tables provide a summary of the estimated peak rate of runoff at the pre-determined Study Point and each

**DRAINAGE REPORT***Site Redevelopment – Oak Point, Marlborough MA*

Sub-Study Point during each of the design storm events. The HydroCAD worksheets are included in Section 3 and 4 of this report.

**OVERALL STUDY POINT 8A**

	1-Year	2-Year	10-Year	25-Year	50-Year	100-Year
Pre-Existing Runoff (CFS)	18.48	31.18	74.79	101.71	119.85	146.99
Proposed Runoff (CFS)	14.59	24.18	53.80	79.81	102.91	132.46

**STUDY POINT 8A-1**

	1-Year	2-Year	10-Year	25-Year	50-Year	100-Year
Pre-Existing Runoff (CFS)	4.58	7.70	18.43	25.04	29.49	36.16
Proposed Runoff (CFS)	3.61	5.83	16.62	23.27	27.71	34.35

**STUDY POINT 8A-2**

	1-Year	2-Year	10-Year	25-Year	50-Year	100-Year
Pre-Existing Runoff (CFS)	4.47	7.52	17.95	24.38	28.72	35.21
Proposed Runoff (CFS)	3.89	6.37	13.63	17.22	21.51	30.26

**STUDY POINT 8A-3**

	1-Year	2-Year	10-Year	25-Year	50-Year	100-Year
Pre-Existing Runoff (CFS)	8.30	13.98	33.54	45.61	53.74	65.89
Proposed Runoff (CFS)	6.38	10.54	21.65	34.76	47.53	61.21

**STUDY POINT 8A-4**

	1-Year	2-Year	10-Year	25-Year	50-Year	100-Year
Pre-Existing Runoff (CFS)	0.80	1.34	3.20	4.34	5.12	6.27
Proposed Runoff (CFS)	0.56	0.71	2.26	3.52	4.12	4.82

**STUDY POINT 8A-5**

	1-Year	2-Year	10-Year	25-Year	50-Year	100-Year
Pre-Existing Runoff (CFS)	1.51	2.55	6.10	8.29	9.76	11.96
Proposed Runoff (CFS)	1.12	1.90	4.54	6.23	7.34	9.00

## **DRAINAGE REPORT**

*Site Redevelopment – Oak Point, Marlborough MA*

### **• MA DEP STORMWATER PERFORMANCE STANDARDS**

The MA DEP Stormwater Management Policy was developed to improve water quality by implementing performance standards for storm water management. The intent is to implement the stormwater management standards through the review of Notice of Intent filings by the issuing authority (Conservation Commission or DEP). The following section outlines how the proposed Stormwater Management System meets the standards set forth by the Policy.

BMP's implemented in the design include:

- Deep sump catch basins with hoods
- Hydro-dynamic (Proprietary) Separators
- Extended Dry Detention Basin
- Specific maintenance schedule

Stormwater Best Management Practices have been incorporated into the design of the project to mitigate the anticipated pollutant loading. An Operations and Maintenance Plan has been developed for the project, which addresses the long term maintenance requirements of the proposed system.

Temporary erosion and sedimentation controls will be incorporated into the construction phase of the project. These temporary controls may include hay bale and/or silt fence barriers, inlet sediment traps, diversion channels, slope stabilization, and stabilized construction entrances.

The Massachusetts Department of Environmental Protection has established ten (10) Stormwater Management Standards. A project that meets or exceeds the standards is presumed to satisfy the regulatory requirements regarding stormwater management. As the site is considered a Redevelopment Project, certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met).

The Standards are as follows:

1. *No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*
2. *Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04.*
3. *Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.*
4. *Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This Standard is met when:*
  - a. *Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan, and thereafter are implemented and maintained;*

## **DRAINAGE REPORT**

*Site Redevelopment – Oak Point, Marlborough MA*

- b. Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and*
  - c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.*
- 5. For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.*
- 6. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A "storm water discharge" as defined in 314 CMR 3.04(2)(a)1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply.*
- 7. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.*
- 8. A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.*
- 9. A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.*
- 10. All illicit discharges to the stormwater management system are prohibited.*

The following calculations demonstrate that the proposed stormwater management system is in compliance with the performance standards as outlined in the MA DEP Stormwater Management Handbook.

## **DRAINAGE REPORT**

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### *Site Redevelopment – Oak Point, Marlborough MA*

- STANDARD #1: The proposed redevelopment will not introduce any new untreated outfalls with direct discharge to a wetland area or waters of the Commonwealth of Massachusetts.
- STANDARD #2: The proposed development has been designed so that the post-development peak discharge rates do not exceed the predevelopment peak discharge rates. A summary of the existing and proposed discharge rates are included within this document.
- STANDARD #3: No subsurface infiltration systems are proposed as part of the redevelopment. The proposed site improvements are classified as a “redevelopment” under the MA DEP Stormwater Management Standards. Consequently, compliance with Standard #3 is to the maximum extent practicable.
- STANDARD #4: The proposed site improvements are classified as a “redevelopment” under the MA DEP Stormwater Management Standards. Consequently, compliance with Standard #4 is to the maximum extent practicable. However, the proposed stormwater management system for Phase 7, Section I & II has been designed to meet the 80% TSS removal standard based on the Order of Conditions issued under DEP Permit No. 220-961.
- STANDARD #5: The site is not considered a land use with higher potential pollutant loads.
- STANDARD #6: The project site does not discharge within a Zone II or Interim Wellhead Protection Area or near a critical area. Critical Areas are Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00, recharge areas for public water supplies as defined in 310 CMR 22.02, bathing beaches as defined in 105 CMR 445.000, cold-water fisheries as defined in 314 CMR 9.02 and 310 CMR 10.04, and shellfish growing areas as defined in 314 CMR 9.02 and 310 CMR 10.04.
- STANDARD #7: The proposed project is considered a re-development project under the Stormwater Management Handbook guidelines as there is no increase in the amount of total impervious area. The project is considered a remedial projects specifically designed to provide improved stormwater management.
- STANDARD #8: A plan to control construction-related impacts, including erosion, sedimentation and other pollutant sources during construction and land disturbance activities has been developed. A detailed Erosion and Sedimentation Control Plan is included in the Construction Drawings. A Pollution Prevention Plan is included within this document. The proponent will prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) prior to commencement of construction activities that will result in the disturbance of one acre of land or more.
- STANDARD #9: A Long-Term Operation and Maintenance (O&M) Plan has been developed for the proposed stormwater management system and is included within this document. See Section 2.0 of this report.
- STANDARD #10: There are no expected illicit discharges to the stormwater management system. The applicant will submit the Illicit Discharge Compliance Statement prior to the discharge of stormwater runoff to the post-construction stormwater best management practices and prior to the issuance of a Certificate of Compliance.

**DRAINAGE REPORT**

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*Site Redevelopment – Oak Point, Marlborough MA*

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**WPA – STORMWATER MANAGEMENT FORM CHECKLIST**

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See following pages



Massachusetts Department of Environmental Protection  
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# Checklist for Stormwater Report

## A. Introduction

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



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the Massachusetts Stormwater Handbook. The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.<sup>1</sup> This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8<sup>2</sup>
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

<sup>1</sup> The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

<sup>2</sup> For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.



# Checklist for Stormwater Report

## B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

*Note:* Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

### Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



  
Signature and Date

## Checklist

**Project Type:** Is the application for new development, redevelopment, or a mix of new and redevelopment?

- New development
- Redevelopment
- Mix of New Development and Redevelopment



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands Program

## Checklist for Stormwater Report

### Checklist (continued)

**LID Measures:** Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- No disturbance to any Wetland Resource Areas
- Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- Reduced Impervious Area (Redevelopment Only)
- Minimizing disturbance to existing trees and shrubs
- LID Site Design Credit Requested:
  - Credit 1
  - Credit 2
  - Credit 3
- Use of "country drainage" versus curb and gutter conveyance and pipe
- Bioretention Cells (includes Rain Gardens)
- Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- Treebox Filter
- Water Quality Swale
- Grass Channel
- Green Roof
- Other (describe): \_\_\_\_\_

### Standard 1: No New Untreated Discharges

- No new untreated discharges
- Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.



Massachusetts Department of Environmental Protection  
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# Checklist for Stormwater Report

## Checklist (continued)

### Standard 2: Peak Rate Attenuation

- Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

### Standard 3: Recharge

- Soil Analysis provided.
- Required Recharge Volume calculation provided.
- Required Recharge volume reduced through use of the LID site Design Credits.
- Sizing the infiltration, BMPs is based on the following method: Check the method used.
  - Static
  - Simple Dynamic
  - Dynamic Field<sup>1</sup>
- Runoff from all impervious areas at the site discharging to the infiltration BMP.
- Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
  - Site is comprised solely of C and D soils and/or bedrock at the land surface
  - M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
  - Solid Waste Landfill pursuant to 310 CMR 19.000
  - Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

<sup>1</sup> 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.



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# Checklist for Stormwater Report

## Checklist (continued)

### Standard 3: Recharge (continued)

- The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

### Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
  - Provisions for storing materials and waste products inside or under cover;
  - Vehicle washing controls;
  - Requirements for routine inspections and maintenance of stormwater BMPs;
  - Spill prevention and response plans;
  - Provisions for maintenance of lawns, gardens, and other landscaped areas;
  - Requirements for storage and use of fertilizers, herbicides, and pesticides;
  - Pet waste management provisions;
  - Provisions for operation and management of septic systems;
  - Provisions for solid waste management;
  - Snow disposal and plowing plans relative to Wetland Resource Areas;
  - Winter Road Salt and/or Sand Use and Storage restrictions;
  - Street sweeping schedules;
  - Provisions for prevention of illicit discharges to the stormwater management system;
  - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
  - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
  - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
  - Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
    - is within the Zone II or Interim Wellhead Protection Area
    - is near or to other critical areas
    - is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
    - involves runoff from land uses with higher potential pollutant loads.
  - The Required Water Quality Volume is reduced through use of the LID site Design Credits.
  - Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands Program

# Checklist for Stormwater Report

## Checklist (continued)

### Standard 4: Water Quality (continued)

- The BMP is sized (and calculations provided) based on:
  - The ½" or 1" Water Quality Volume or
  - The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

### Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

- The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted **prior to** the discharge of stormwater to the post-construction stormwater BMPs.
- The NPDES Multi-Sector General Permit does **not** cover the land use.
- LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- All exposure has been eliminated.
- All exposure has **not** been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

### Standard 6: Critical Areas

- The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- Critical areas and BMPs are identified in the Stormwater Report.



# Checklist for Stormwater Report

## Checklist (continued)

### Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

- The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
- Limited Project
  - Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
  - Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
  - Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
  - Bike Path and/or Foot Path
  - Redevelopment Project
  - Redevelopment portion of mix of new and redevelopment.
- Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
- The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

### Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
  - Construction Period Operation and Maintenance Plan;
  - Names of Persons or Entity Responsible for Plan Compliance;
  - Construction Period Pollution Prevention Measures;
  - Erosion and Sedimentation Control Plan Drawings;
  - Detail drawings and specifications for erosion control BMPs, including sizing calculations;
  - Vegetation Planning;
  - Site Development Plan;
  - Construction Sequencing Plan;
  - Sequencing of Erosion and Sedimentation Controls;
  - Operation and Maintenance of Erosion and Sedimentation Controls;
  - Inspection Schedule;
  - Maintenance Schedule;
  - Inspection and Maintenance Log Form.
- A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.



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Bureau of Resource Protection - Wetlands Program

# Checklist for Stormwater Report

## Checklist (continued)

### Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

- The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- The project is **not** covered by a NPDES Construction General Permit.
- The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

### Standard 9: Operation and Maintenance Plan

- The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
  - Name of the stormwater management system owners;
  - Party responsible for operation and maintenance;
  - Schedule for implementation of routine and non-routine maintenance tasks;
  - Plan showing the location of all stormwater BMPs maintenance access areas;
  - Description and delineation of public safety features;
  - Estimated operation and maintenance budget; and
  - Operation and Maintenance Log Form.
- The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
  - A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
  - A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

### Standard 10: Prohibition of Illicit Discharges

- The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- An Illicit Discharge Compliance Statement is attached;
- NO Illicit Discharge Compliance Statement is attached but will be submitted **prior to** the discharge of any stormwater to post-construction BMPs.

**DRAINAGE REPORT**

*Site Redevelopment – Oak Point, Middleborough MA*

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**Section 2.0**

**Operation & Maintenance Plan**

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## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

### **INTRODUCTION**

In accordance with the standards set forth by the Stormwater Management Policy issued by the Department of Environmental Protection (DEP), Allen & Major Associates, Inc. has prepared the following Operation and Maintenance Plan for the redevelopment project associated with the drainage mitigation for Phase 7, Section I & II.

The plan is broken down into three major sections. The first section describes construction-related erosion and sedimentation controls (Construction Period). The second section describes the long term pollution prevention measures (Long Term Pollution Prevention Plan). The third section is a post-construction operation and maintenance plan designed to address the long-term maintenance needs of the stormwater management system (Long Term Maintenance Plan).

#### **• NOTIFICATION PROCEDURES FOR CHANGE OF RESPONSIBILITY FOR O&M**

The Stormwater Management System (SMS) for this project is owned by Hometown Oak Point (owner). The owner shall be legally responsible for the long-term operation and maintenance of this SMS as outlined in this Operation and Maintenance (O&M) Plan.

The project owner shall submit an annual summary report and the completed Operation & Maintenance Schedule & Checklist to the Conservation Commission (via email and print copy), highlighting inspection and maintenance activities including performances of BMPs. Should ownership of the SMS change, the owner will continue to be responsible until the succeeding owner shall notify the Commission that the succeeding owner has assumed such responsibility. Upon subsequent transfers, the responsibility shall continue to be that of transferring owner until the transferee owner notifies the Commission of its assumption of responsibility.

In the event the SMS will serve multiple lots/owners, such as the subdivision of the existing parcel or creation of lease areas, the owner(s) shall establish an association or other legally enforceable arrangements under which the association or a single party shall have legal responsibility for the operation and maintenance of the entire SMS. The legal instrument creating such responsibility shall be recorded with the Registry of Deeds and promptly following its recording, a copy thereof shall be furnished to the Commission.

#### **• CONTACT INFORMATION**

Stormwater Management System Owner:      Hometown Oak Point LLC  
200 Oak Point Drive  
Middleborough, MA 02346  
Phone: (508) 923-0002

#### Emergency Contact Information:

○ Hometown Oak Point LLC	Phone (508) 923-0002
○ Allen & Major Associates, Inc. (Site Civil Engineer)	Phone (781) 935-6889
○ Middleborough Public Works	Phone (508) 946-2480
○ Middleborough Conservation Commission	Phone (508) 946-2406
○ Middleborough Fire Department (non-emergency line)	Phone (508) 946-2461

## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

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### **• CONSTRUCTION PERIOD**

1. Contact the Middleborough Conservation Commission Administrator and the Middleborough Planning Department at least fourteen (14) days prior to start of construction to schedule a pre-construction meeting.
2. Install the straw bales, silt fence and construction fencing as shown on the Permit Document Plans.
3. Install the construction entrance at the location shown on the Permit Document Plans.
4. Site access shall be achieved only from a designated construction entrance.
5. Stockpiles shall be stabilized with erosion control matting or temporary seeding whenever practicable.
6. Install silt sacks and straw bales around each drain inlet as soon as practicable.
7. Install stone check dams at locations shown on the Permit Document Plans as soon as practicable.
8. Install Erosion control fabric on all vegetated slopes as shown on the Permit Document Plans as soon as practicable.
9. All erosion control measures shall be inspected weekly and after every rainfall event.
10. All erosion control measures shall be maintained, repaired or replaced as required or at the direction of the owner's engineer, the Town Planning Department, or the Town Conservation Agent.
11. Sediment accumulation up-gradient of the straw bales and silt fence greater than 6" in depth shall be removed and disposed of in accordance with all applicable regulations.
12. If it appears that sediment is exiting the site, silt sacks shall be installed in all catch basins adjacent to the site. Sediment accumulation on all adjacent catch basin inlets shall be removed and the silt sack replaced if torn or damaged.
13. The contractor shall comply with the General and Erosion Notes as shown on Permit Document Plans.
14. The stabilized construction entrances shall be inspected weekly. The entrances shall be maintained by adding additional clean, angular, durable stone to remove the soil from the construction vehicle's tires when exiting the site. If soil is still leaving the site via the construction vehicle tires, adjacent roadways shall be kept clean by street sweeping.
15. Dust pollution shall be controlled using on-site water trucks and or an approved soil stabilization product.

## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

### **• LONG TERM POLLUTION PREVENTION PLAN**

Standard #4 from the MA DEP Stormwater Management Handbook requires that a Long Term Pollution Prevention Plan (LTPPP) be prepared and incorporated as part of the Operation and Maintenance of the Stormwater Management System. The purpose of the LTPPP is to identify potential sources of pollution that may affect the quality of stormwater discharges, and to describe the implementation of practices to reduce the pollutants in stormwater discharges. It is prohibited to use herbicides, fertilizers and insecticides beyond the first three years of the installation of plant materials, within the Riverfront Area. The following items describe the source control and proper procedures for the LTPPP.

#### **○ HOUSEKEEPING**

The proposed site development has been designed to maintain a high level of water quality treatment for all stormwater discharge to the Mill River. An Operation and Maintenance (O&M) plan has been prepared and is included in this section of the report. The owner (or its designee) is responsible for adherence to the O&M plan in a strict and complete manner.

#### **○ STORING OF MATERIALS AND WASTE PRODUCTS**

There are no proposed exterior (un-covered) storage areas. The trash and waste program for the site includes interior compactors. There will be a trash contractor used to pick up the waste material in the compactors. The stormwater drainage system has catch basins with hooded outlets and deep sumps designed to capture trash and debris. Each stormwater outfall has a proprietary separator designed to separate any trash and debris that may have entered the stormwater drainage system.

#### **○ VEHICLE WASHING**

Outdoor vehicle washing has the potential to result in high loads of nutrients, metals, and hydrocarbons during dry weather conditions, as the detergent-rich water used to wash the grime off the vehicle enters the stormwater drainage system. The proposed project does not include any designated vehicle washing areas, nor is it expected that any vehicle washing will take place on-site.

#### **○ SPILL PREVENTION AND RESPONSE**

Sources of potential spill hazards include vehicle fluids, liquid fuels, pesticides, paints, solvents, and liquid cleaning products. The majority of the spill hazards would likely occur within the building and would not enter the stormwater drainage system. However, there are spill hazards from vehicle fluids or liquid fuels located outside of the buildings. These exterior spill hazards have the potential to enter the stormwater drainage system and are to be addressed as follows:

1. Spill Hazards of pesticides, paints, and solvents shall be remediated using the Manufacturers' recommended spill cleanup protocol.
2. Vehicle fluids and liquid fuel spill shall be remediated according to the local and state regulations governing fuel spills.
3. The owner shall have the following equipment and materials on hand to address a spill cleanup: brooms, dust pans, mops, rags, gloves, absorptive material, sand, sawdust, plastic and metal trash containers.
4. All spills shall be cleaned up immediately after discovery
5. Spills of toxic or hazardous material shall be reported, regardless of size, to the Massachusetts Department of Environmental Protection at 888-304-1133.
6. Should a spill occur, the pollution prevention plan will be adjusted to include measures to prevent another spill of a similar nature. A description of the spill, along with the causes and cleanup measures will be included in the updated pollution prevention plan.

## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

### **o MAINTENANCE OF LAWNS, GARDENS AND OTHER LANDSCAPED AREAS**

It should be recognized that this is a general guideline towards achieving high quality and well groomed landscaped areas. The grounds staff / landscape contractor must recognize the shortcomings of a general maintenance plan such as this, and modify and/or augment it based on weekly, monthly, and yearly observations. In order to assure the highest quality conditions, the staff must also recognize and appreciate the need to be aware of the constantly changing conditions of the landscaping and be able to respond to them on a proactive basis.

#### **▪ Fertilizer**

Maintenance practices should be aimed at reducing environmental, mechanical and pest stresses to promote healthy and vigorous growth. When necessary, pest outbreaks should be treated with the most sensitive control measure available. Synthetic chemical controls should be used only as a last resort to organic and biological control methods. Fertilizer, synthetic chemical controls and pest management applications (when necessary) shall be performed only by licensed applicators in accordance with the manufacturer's label instructions when environmental conditions are conducive to controlled product application.

Only slow-release organic fertilizers should be used in the planting and mulch areas to limit the amount of nutrients that could enter downstream resource areas. Fertilization of the planting and mulch areas will be performed within manufacturers labeling instructions and shall not exceed an NPK ration of 1:1:1 (i.e. Triple 10 fertilizer mix), considered a low nitrogen mixture. Fertilizers approved for the use under this O&M Plan are as follows:

Type:	LESCO® 28-0-12 (Lawn Fertilizer)
	MERIT® 0.2 Plus Turf Fertilizer
	MOMENTUM™ Force Weed & Feed

A Material Safety Data Sheet for each approved substance is attached to this O&M Plan (See Supplemental Information Section).

#### **▪ Suggested Aeration Program**

In-season aeration of lawn areas is good cultural practice, and is recommended whenever feasible. It should be accomplished with a solid thin tine aeration method to reduce disruption to the use of the area. The depth of solid tine aeration is similar to core type, but should be performed when the soil is somewhat drier for a greater overall effect.

Depending on the intensity of use, it can be expected that all landscaped lawn areas will need aeration to reduce compaction at least once per year. The first operation should occur in late May following the spring season. Methods of reducing compaction will vary based on the nature of the compaction. Compaction on newly established landscaped areas is generally limited to the top 2-3" and can be alleviated using hollow core or thin tine aeration methods.

The spring aeration should consist of two passes at opposite directions with 1/4" hollow core tines penetrating 3-5" into the soil profile. Aeration should occur when the soil is moist but not saturated. The soil cores should be shattered in place and dragged or swept back into the turf to control thatch. If desired the cores may also be removed and the area top-dressed with sand or sandy loam. If the area drains on average too slowly, the

## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

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topdressing should contain a higher percentage of sand. If it is draining on average too quickly, the top dressing should contain a higher percentage of soil and organic matter.

### ▪ **Landscape Maintenance Program Practices:**

#### ◆ **Lawn**

1. Mow a minimum of once a week in spring, to a height of 2" to 2 1/2" high. Mowing should be frequent enough so that no more than 1/3 of grass blade is removed at each mowing. The top growth supports the roots; the shorter the grass is cut, the less the roots will grow. Short cutting also dries out the soil and encourages weeds to germinate.
2. Mow approximately once every two weeks from July 1st to August 15<sup>th</sup> depending on lawn growth.
3. Mow on a ten-day cycle in fall, when growth is stimulated by cooler nights and increased moisture.
4. Do not remove grass clippings after mowing.
5. Keep mower blades sharp to prevent ragged cuts on grass leaves, which cause a brownish appearance and increase the chance for disease to enter a leaf.

#### ◆ **Shrubs**

1. Mulch not more than 3" depth with shredded pine or fir bark.
2. Hand prune annually, immediately after blooming, to remove 1/3 of the above-ground biomass (older stems). Stem removals to occur within 6" of the ground to open up shrub and maintain two-year wood (the blooming wood).
3. Hand prune evergreen shrubs only as needed to remove dead and damaged wood and to maintain the naturalistic form of the shrub. Never mechanically shear evergreen shrubs.

#### ◆ **Trees**

1. Provide aftercare for new tree plantings for the first three years.
2. Do not fertilize trees, it artificially stimulates them (unless tree health warrants).
3. Water once a week for the first year; twice a month the second, once a month the third year.
4. Prune trees on a four-year cycle.

#### ◆ **Invasive Species**

1. Inform the Conservation Commission Agent prior to the removal of invasive species proposed either through hand work or through chemical removal.

### ○ **STORAGE AND USE OF HERBICIDES AND PESTICIDES**

Integrated Pest Management is the combination of all methods (of pest control) which may prevent, reduce, suppress, eliminate, or repel an insect population. The main requirements necessary to support any pest population are food, shelter and water, and any upset of the balance of these will assist in controlling a pest population. Scientific pest management is the knowledgeable use of all pest control methods (sanitation, mechanical, chemical) to benefit mankind's health, welfare, comfort, property and food. A Pest Management Professional (PMP) will be retained who is licensed with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Agricultural Resources.

## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

The site manager will be provided with approved bulletin before entering into or renewing an agreement to apply pesticides for the control of indoor or structural pests. 333 CMR 13.08. *Bacillus sphaericus* (Bs), or Altosid are larvicide products for stormwater BMPs and should be hand-broadcast. Larviciding must be conducted during or immediately after wet weather, when the wet water quality swale has a standing pool of water.

Before beginning each application, the applicator must inform the conservation commission and post a state and local approved notice on all of the entrances to the treated room or area. The applicator must leave such notices posted after the application. The notice will be posted at conspicuous point(s) of access to the area treated. The location and number of signs will be determined by the configuration of the area to be treated based on the applicator's best judgment. It is intended to give sufficient notice that no one comes into an area being treated unaware that the applicator is working and pesticides are being applied. However, if the contracting entity does not want the signs posted, he/she may sign a Department approved waiver indicating this.

The applicator or employer will provide to any person upon their request the following information on previously conducted applications:

1. Name and phone number of pest control company
2. Date and time of the application;
3. Name and license number of the applicator
4. Target pests
5. Name and EPA Registration Number of pesticide products applied

The notification must be made in writing. The intent is so that individuals, who wish to avoid exposure or want to avoid encountering the applicator, can make necessary arrangements. Applicators are required by law to follow all directions on the pesticide label and must take all steps necessary to avoid applications with people present in a room or area to be treated. Individuals occupying a room or area to be treated at the time of application shall be informed of the procedure. Whenever possible, the applicator should not apply pesticides with anyone present. That may mean treating other areas and returning when occupants have left, asking people to leave the area while the work is being done, or treating before or after people occupy the room. If people do not leave, the applicator must make it clear that he is there to apply pesticides. The applicator will be prepared to provide whatever information possible about the pesticides and techniques used.

### **○ PET WASTE MANAGEMENT**

The owner's landscape crew (or designee) shall remove any obvious pet waste that has been left behind by pet owners within the project area. The pet waste shall be disposed of in accordance with local and state regulations.

### **○ OPERATIONS AND MANAGEMENT OF SEPTIC SYSTEMS**

There are no proposed septic systems within the limits of the project.

### **○ MANAGEMENT OF DEICING CHEMICALS AND SNOW**

It will be the responsibility of the snow removal contractor to properly dispose of transported snow according to Massachusetts DEP, Bureau of Resource Protection – Snow Disposal

## **DRAINAGE REPORT**

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*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

Guideline #BRPG01-01, governing the proper disposal of snow. It will be the responsibility of the snow removal contractor to follow these guidelines and all applicable laws and regulations.

The owner's maintenance staff (or its designee) will be responsible for the clearing of the sidewalk and building entrances. The owner may be required to use a de-icing agent such as potassium chloride to maintain a safe walking surface. De-icing agents will not be stored outside. The owner's maintenance staff will limit the application of sand and salt.

- **LONG TERM MAINTENANCE PLAN – FACILITIES DESCRIPTION**

The following is a description of the stormwater management system for the project site.

- **STORMWATER COLLECTION SYSTEM – ON SITE**

The stormwater collection system is a series of catch basins located at low points within the limits of the paved area and several landscape areas. The stormwater runoff from the building rooftops are collected using roof drains. The stormwater is conveyed to the discharge locations using external roof leaders.

- **PROPRIETARY SEPARATORS**

There are two different proprietary separators used for the stormwater management system. These devices use a swirl chamber and baffle system to provide TSS removal. The individual maintenance needs of the separators are described further in the sections following.

## **DRAINAGE REPORT**

*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

### **STANDARD OPERATION AND MAINTENANCE PROTOCOL**

This section will present the inspection and maintenance procedures associated with the stormwater collection system.

<b>EQUIPMENT</b>	<b>MAINTENANCE ITEM</b>	<b>FREQUENCY</b>
Pavement Surface	Perform roadway sweeping following the spring thaw to remove any traction sand applied during the winter months.	Semi-annually (Early spring & late fall)
Water Quality units & Catch Basins	Inspect grates and hoods Remove sediment from catch basin using a vacuum truck. Copies of the manufacturer's maintenance procedures are included at the end of this section.	Quarterly Yearly
Drain Manholes	Inspect cover for damage. Inspect pipe inlets and bottom for sign of infiltration/inflow. Perform inspection during dry weather.	Quarterly
Outfall locations	Inspect for sign of erosion or displaced stone. Replace outlet protection stone if needed.	Annually
Mosquito Control	Surveillance is a non chemical inspection method that involves classification of mosquito breeding sites, larval presence, and survey. Apply larvicide if larva growth is detected.	Quarterly
Snow Storage	Debris from melted snow shall be cleared from the site and properly disposed of at the end of the snow fall event.	Yearly
Extended Dry Detention Basin	Inspect basin twice per year. Mow side slopes and bottom as needed (areas with wetland plants shall not be mowed). Remove sediment and debris from inlet locations at least once a year. Re-seed as necessary.	Semi-annually

**DRAINAGE REPORT**

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*Site Redevelopment – #30 to #50 Mill Street, Middleborough MA*

***SUPPLEMENTAL INFORMATION (See following pages)***

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OPERATION & MAINTENANCE SCHEDULE & CHECKLIST  
MATERIAL SAFETY DATA SHEETS

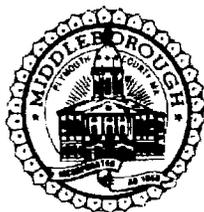
**OPERATION & MAINTENANCE PLAN SCHEDULE**

**Project:** Oak Point Redevelopment  
**Address:** 200 Oak Point Drive  
 Middleborough, MA 02346

**Date:** 8/7/2014  
**Party Responsible for O & M Plan:** Hometown Oak Point LLC  
**Address:** 200 Oak Point Drive  
 Middleborough, MA 02  
**Annual Budget:** \$8,500

Structure or Task	Maintenance Activity	Schedule/Notes	Maintenance Cost/Unit	Estimated Maintenance	Estimated Annual Maintenance Cost	Inspection Performed	
						Date:	By:
Street Sweeping	Sweep, power broom or vacuum paved areas.	Perform roadway sweeping following the spring thaw to remove any traction sand applied during the winter months. Perform roadway sweeping in the late fall to remove any leaf litter or debris.	\$1,500/Sweeping	Semi-annually (Spring & Fall)	\$3,000		
		Maintain information that confirms that all street sweepings have been disposed in accordance with state and local requirements					
CDS Water Quality Inlets and CB's	vacuum sumps	Inspect at least 4x per year using Owner's Manual. Clean when sediment is 6" deep, but never allow sediment to exceed 50% of sump volume. Clean once per year at a minimum.	\$500/WQ	4 Water Quality Inlets - Cleaned Annually	\$2,000		
		Maintain information that confirms that all sediments have been disposed in accordance with state and local requirements					
Outfall locations	Inspect for sign of erosion or displaced stone. Replace outlet protection stone if needed. Inspect flap valves or Tideflex valves at outfall locations for proper operation.	Inspect twice a year for the first three years of construction and once per year thereafter	\$500 allowance	Annually	\$500 allowance		
		Check sediment build-up on a yearly basis and clean as needed using hand methods					
Mosquito Control	CB management targeted larviciding treatment to CB's and all storm drains including proprietary separators to control mosquitoes in their aquatic stages.	Surveillance is a non chemical inspection method that involves classification of mosquito breeding sites, larval presence, and survey. Apply larvicide if larva growth is detected.	\$500 allowance	CBs - quarterly	\$500 allowance		
Snow Storage	Debris from melted snow shall be cleared from the site and properly disposed of.	Avoid dumping snow removal over catch basins or in the Water Quality basin. Use areas designated on the approved layout plan for snow storage. Snow fence shall be installed 2-feet behind back of curb along length of Water Quality basin.	\$500 allowance	Annually	\$500 allowance		
Extended Detention Basin	Inspect basin to make sure the vegetation is adequate and that the side slopes are not eroding. Check for rilling and gullyng. Repair eroded areas and revegetate.	Inspect basin twice per year. Mow side slopes and bottom as needed (areas with wetland plants shall not be mowed). Remove sediment and debris basin at least once a year. Re-seed as necessary. Notify Conservation Commission if invasive species are to be removed or treated.	\$1,500 allowance	Semi-annually (Spring & Fall)	\$1,500 allowance		





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

## ABUTTER'S LIST CERTIFICATION PAGE\*

Date: December 1, 2014

Planning Board

Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of the following Assessors Maps & Lots: 005-4819, 005-5665, 006-3570, 006-5715, 022-1155, & 022-2175 being contiguous lots located in the Oak Point development in Middleborough, MA 02346.

Ross Lawrence, Clerk  
Middleborough Board of Assessors

(This list consists of 4 pages with 81 abutter's lots)

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

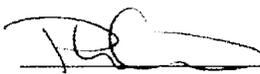
FORM E

CERTIFIED LIST OF ABUTTERS

SUBDIVISION NAME: OAK POINT DATE: Nov. 25, 2014

The undersigned, being an applicant for approval of a Definitive Plan of a proposed subdivision entitled  
OAK POINT

Submits the following sketch of the land in the subdivision listing the names of the adjoining owners and all other owners of land within three hundred feet (300') of the boundaries of the land shown on the plan and indicating the address of each on the sketch or in a separate list.

 Allen & Majie Associates, Inc.  
for Hometown Oak Point  
Signature of Applicant

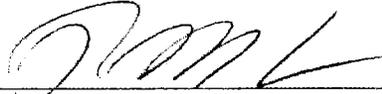
200 OAK POINT DRIVE  
Address

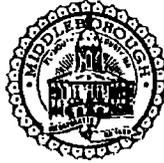
MIDDLEBOROUGH, Massachusetts

Nov. 25, 20 14

To the Planning Board of the Town of Middleboro:

This is to certify that at the time of the last assessment for taxation made by the Town of Middleboro, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above and within three hundred feet (300') thereof, were written above, except as follows:

  
Clerk for the Middleborough Board of Assessors



*Town of Middleborough*  
*Massachusetts*

PLANNING DIRECTOR  
Ruth McCawley Geoffroy

Planning Board

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

April 7, 2015

Allin Frawley, Chairman  
Middleborough Board of Selectmen  
10 Nickerson Ave.  
Middleborough, MA 02346

Re: Oak Point Construction of Phase VII Section 2 and Connection to Plain Street

Dear Chairman Frawley,

Hometown Oak Point has advised the Planning Board that they intend to initiate construction on Oak Point Phase VII Section 2C & D on April 15, 2015 as they have a "fully permitted" Phase VII Section 2 (Phase VII-2) project. The Planning Board approved the Definitive Site Plan for Phase VII - 2 on December 19, 2006, however only the portion of Phase VII-2 discharging drainage to the Summer Street power lines (Watershed 8) has been constructed; Sections 2C & D consisting of 55 units which are to discharge to the Town's Plain Street drainage system have not been built to date. The Planning Board requests confirmation from the Board of Selectmen that the Board has approved the discharge of the post development drainage from Oak Point Phase VII Section 2 (Watershed 10) to the Town's Plain Street drainage system.

Attached please find a report from the Planning Board's consulting engineer, Nitsch Engineering, Inc. (NEI), dated 4/6/15 regarding their final review of the Oak Point Phase VII - 2 drainage design within Watershed 10. This review was done to gain a fresh understanding of how the drainage system was designed to function through the use of Detention Basins 20, 18, CB#2 and CB#3, including its tie-in to the Town's Plain Street drainage system. NEI reports that they are concerned that the Plain Street drainage system, as currently designed and built, does not have the capacity to accept the post development discharge from Oak Point Watershed 10. When the Planning Board approved Phase VII-2 in December 2006, it appears that the design included the flows leaving the Oak Point property, but did not include an analysis of that discharge as it entered the Plain Street system and the capacity of that system to safely accept it. The Plain Street drainage system was designed by Oak Point for the Town in the spring of 2006 before the Phase VII-2 project existed; the application to develop Phase VII-2 was not submitted to the Planning Board until August 2006 and the Planning Board records contain no correspondence

Allin Frawley, Chairman  
April 7, 2015  
Page 2

from the Selectmen approving this new development's discharge to the Plain Street system as part of the review and permitting process.

The Planning Board does not wish to delay Oak Point's start of construction on April 15, 2015, and has been working with them and their design team to review the design intent of the Watershed 10 drainage system to better understand how it is to function. The Planning Board is not the only Board involved in approving Oak Point's Phase VII-2 drainage system, as the Board of Selectmen controls the Plain Street drainage system which will receive the post-development runoff and should be approving the discharge of Oak Point Phase VII-2's drainage to it, if such approval has not already been granted.

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

Respectfully



Michael J. Labonte, Chairman  
For the Middleborough Planning Board

Enclosure

Cc: Robert Nunes, Town Manager  
Christopher Peck, DPW Director  
Nicole Holmes, Nitsch Engineering  
Stephen Braun Hometown Oak Point  
Timothy Williams, A&M



2 Center Plaza, Suite 430  
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F: 617-338-6472  
[www.nitscheng.com](http://www.nitscheng.com)

## MEMORANDUM

**TO:** Michael Labonte, Chairman, Middleborough Planning Board

**CC:** Middleboro Planning Department  
Christopher Peck, DPW Manager  
Hometown Oak Point Team

**FROM:** Nicole Holmes, PE, Nitsch Engineering

**DATE:** April 6, 2015

**RE:** Oak Point Watershed #10 Resubmit  
Plain Street Closed Drainage System

Nitsch Engineering has received and reviewed the revised plans, calculations, and response letter from A&M regarding the Oak Point Watershed #10, dated March 30, 2015. Nitsch Engineering had previously issued a review letter dated March 19, 2015 in which we expressed several concerns relative to the proposed Watershed 10 (Basins 18/20) stormwater management system and connection to the Plain Street drainage system. A&M has not addressed several of these concerns, referencing previous approvals and permits obtained prior to Nitsch Engineering's involvement in the project. Based on these responses, we do not anticipate issuing a follow up letter; however, **it should be noted that all unaddressed comments and concerns from Nitsch Engineering's March 19, 2015 review letter still stand.**

In particular, Nitsch Engineering remains concerned about the capacity of the Plain Street storm drain system. **We have noted that the proposed peak outflow from the Oak Point Watershed 10 (approximately 80+ cfs) exceeds the capacity of the 36-inch pipe it will connect to in Plain Street (approximately 64 cfs).** We have expressed concern about a surcharge condition at this junction, since the Plain Street piping system cannot convey BOTH the outflow from Oak Point and the normal stormwater collected from Plain Street at the same time. This surcharge condition could lead to flooding conditions on Plain Street which could impact adjacent properties.

In response to Nitsch Engineering's concerns, A&M and Kelly Engineering have stated that the "peak" flow from Oak Point misses the "peak" flow from the Plain Street closed drainage system. However, based on our concerns, A&M agreed to review a back-to-back storm condition and identified the catch basin/manhole structures in Plain Street which would be vulnerable to surcharge that exceeds the capacity of the system and causes flooding conditions in the roadway, including DMH#19, DMH#18C, DMH#18B, DMH#18A, CB 1A (assumed), and WQI#1. **Based on our review of the topography and driveway configurations, adjacent residences (Petersen and Harrington properties) could be impacted by the flooding in this area of Plain Street.**

Based on Nitsch Engineering's review of the Plain Street design plans and calculations, we noted that the 100% Review Plans from June 2006 show a 36-inch storm drain main in Plain Street from DMH#18A to #18C consistent with what is installed. **However, there does not appear to be drainage calculations supporting the 100% Review Plan design. It is our understanding that the only Plain Street drainage calculations in the possession of the Town were submitted at the 75% Review submission (3/31/06) and included a 42-inch pipe between #18A and #18B (now 18A and 18C) which extended all of the way to the FES outfall.** The 42" pipe has a capacity of 87 cfs according to the 3/31/06 drainage calculations. The calculations also did not account for the additional restrictions caused by the inline Stormceptor™ which became the new #18B.

Name: Mr. Michael Labonte; Nitsch Project #7190.11  
April 6, 2015  
Page 2 of 2

The Planning Board's Phase VII Section 2 approved Definitive Site plan dated 12/19/06 shows the 42" pipe with no Stormceptor™ in Plain Street, not the 36" pipes.

The Oak Point team has acknowledged that the inline Stormceptor™ treatment unit installed on the Plain Street drainage system would provide significant losses which were not accounted for in the original design. The Oak Point team is proposing modifications to the Plain Street drainage system that include constructing a low-flow bypass for the Stormceptor™. However, the Oak Point team has not acknowledged why a 36-inch pipe was installed instead of the 42-inch pipe (which appears to be the basis of the design calculations).

**We recommend that the segment of the Plain Street closed drainage system between DMH#18A and #18C be upgraded to a 42-inch pipe to provide the capacity accounted for in the Plain Street drainage calculations provided to the Town for review.** The Oak Point team is proposing work on this segment of pipe to relocate the Stormceptor™ to an off-line configuration. It is not clear whether the Stormceptor™ can be relocated from a constructability standpoint. Based on our experience, this may require a significant amount of man-hours and the risk of damaging the Stormceptor™ and needing to install a new one.

We recommend the Oak Point team consider maintaining the 36-inch pipe and Stormceptor™ as the low-flow condition, and installing a new 42-inch high flow bypass between DMH#18A and DMH#18C. This would provide additional capacity in the system to help alleviate the surcharge condition, and be consistent with the drainage calculations provided to the Town. We also assume this configuration may have the same order of magnitude cost implications, given the difficulty of relocating a Stormceptor™. Nitsch Engineering would be happy to explore other options for the Oak Point team to mitigate potential flooding of Plain Street and the abutting Petersen and Harrington properties.

If you have any additional questions or concerns, please do not hesitate to call me.