

539 Wareham St.
Robert Wenner
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 Assessor's 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. Gatz

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.

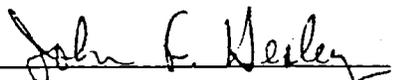
The vote was 5-0 in favor of the petitioners.

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

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

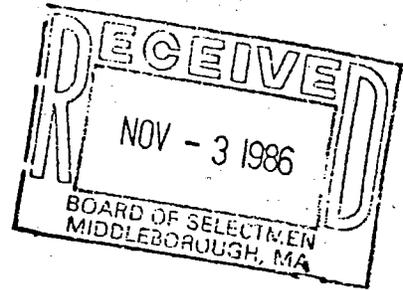
- (a) is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- (b) is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- (c) will not, during construction or thereafter, 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.) 539 WAREHAM ST.
To allow 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,

Eugene Grady
C. Signature: Pauline R. 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>BAW</u>
<u>Eugene J. Grady</u> <u>next 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

RESOLVED: 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

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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

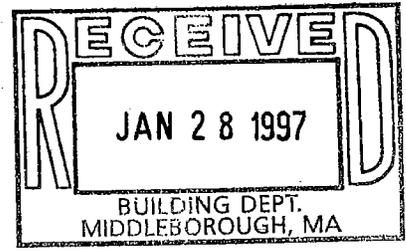
JOHN F. HEALEY
Town Manager

(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



Commonwealth of Massachusetts

DEP File No SE220-192

(As 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.)

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.

Rafaelia Correia _____
Notary Public My commission expires 2/28/92

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 _____, 19 _____
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.

