

## CORRESPONDENCE

6/22/15

1	Judy Bigelow-Costa	Resignation from Middleborough At Home Comm
2	Verizon	FiOS TV Notice
3	Treasurer/Collector	Foreclosed Property
3	Conservation Agent	Wankinqua Rod & Gun Club - Modification of liner/back stop, 92 Pine Street Shooting Range
4	Conservation Agent	539 Wareham Street (Sport's Ltd)
5	Jeff Stevens/Green Energy Committee	Large Photovoltaic Array By-law

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P.O. Box 210  
Middleborough, MA  
02346

June 18, 2015

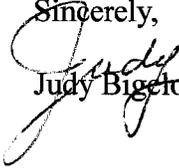
To the Middleborough Board of Selectmen,

I regret to inform you of my decision to resign from the Middleborough at Home Committee. It is time for me to consider the timing, the energy, family matters and my health as to what I can continue to provide of my time, to Middleborough.

I thank you, for the opportunity to serve our town in the capacity that you have allowed me, to.

God Bless, Middleborough and the wonderful people in it and the fantastic individuals that have helped to form this town.

Sincerely,

  
Judy Bigelow-Costa

**Jacqueline Shanley**

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**From:** Reddish, Jill M <jill.m.reddish@verizon.com>  
**Sent:** Monday, June 15, 2015 10:55 AM  
**To:** Reddish, Jill M  
**Subject:** FiOS TV Notice  
**Attachments:** Customer Notice - RSN.pdf

Dear Municipal Official,

This is to notify you of upcoming changes to FiOS® TV.

On or after September 1, 2015 -

- The Regional Sports Network Fee will increase from \$2.42, \$3.48 or \$3.99 to \$4.99 per month for certain customers. This fee helps to cover the high costs Verizon pays to Regional Sports Networks to deliver professional and collegiate sports programming in each local team’s territory.
- The rate for Sports Pass will increase from \$9.99 to \$11.99 per month.
- The rate for a Digital Adapter will increase from \$5.99 to \$7.99 per month.

Verizon will notify affected subscribers of the above by means of bill message beginning on or around July 1, 2015. A sample customer notice is attached.

Additionally, on or after September 18, 2015, Rocks TV will move from channel 172 to channel 155. Verizon will notify affected subscribers by means of bill message beginning on or around July 15, 2015. A sample customer notice is attached.

Access to the FiOS® TV channel lineup is available 24/7 online at [verizon.com/fiostvchannels](http://verizon.com/fiostvchannels).

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me.

Sincerely,



Jill Reddish  
FiOS TV- Sr. Staff Consultant  
Franchise Management - NE  
617 342 0558



## **FiOS® TV Changes**

At Verizon, we strive to bring you the best entertainment experience. In an effort to manage our rising programming costs, on or after 30 days from the date of your bill, we are increasing the Regional Sports Network Fee to \$4.99 per month. This monthly fee helps to cover the high costs Verizon pays to Regional Sports Networks to deliver professional and collegiate sports programming in each local team's territory. Verizon offers alternative packages that do not include Regional Sports Networks and are not subject to this fee.

To continue to bring you the best programming TV has to offer, at times we need to raise our rates. On or after 30 days from the date of this bill, the monthly rate for Sports Pass will increase by \$2.

To continue providing you with quality service and product innovation, on or after 30 days from the date of your bill, the monthly rate for your FiOS Digital Adapter TV equipment will increase \$2 per adapter. This rate increase will not apply to digital adapters that are subject to a current equipment promotional offer. If you would like to review your current services and equipment options, please visit [myverizon.com](http://myverizon.com)

On or after September 18, 2015, Rocks TV will move from channel 172 to channel 155.

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JUDY M. MACDONALD  
TREASURER AND COLLECTOR

**Town of Middleborough**  
**Office of the Treasurer and Collector**  
20 Centre Street, 3<sup>rd</sup> Floor  
Middleborough, MA 02346-2270  
email: jmcndl@middleborough.com

TELEPHONE  
(508) 946-2420  
(508) 946-2421

FAX  
(508) 947-5447

June 8, 2015

Board of Selectmen  
Town Hall  
Middleborough, MA 02346

RE: Foreclosed Property  
**Robert & Karen Backlund, Trs**  
**052-3183**  
**052-2926**

Dear Honorable Board,

The Town has foreclosed on the following properties making them Town owned as of the respective foreclosure date. Enclosed you will find the decree.

<u>Assessed Owner</u>	<u>Map &amp; Lot #</u>	<u>Foreclosure Date</u>
Robert & Karen Backlund, Trs	052-3183 Land Only	March 27, 2015
Robert & Karen Backlund, Trs	052-3183 Land Only	March 27, 2015

Very truly yours,

Judy M. MacDonald  
Treasurer and Collector

cc: Robert Nunes, Town Manager

JMM/bjd

[SEAL]

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT



2015 00020412

Bk: 45365 Pg: 302 Page: 1 of 1  
Recorded: 03/27/2015 09:13 AM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

Case No.: 14 TL 148882

JUDGMENT IN TAX LIEN CASE

Town of Middleborough

vs.

Robert S. Backlund, Trustee of the Brier Realty Trust

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the Town of Middleborough in Plymouth County and said Commonwealth:

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Certificate of Title No.</u>
Recorded	02/15/2008	35757	104		
Recorded	02/15/2008	35757	106		

By the Court: Deborah J. Patterson

Attest:

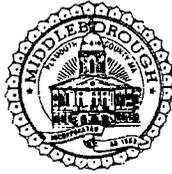
A TRUE COPY  
ATTEST:

*Deborah J. Patterson*  
RECORDER

Deborah J. Patterson  
Recorder

Entered: February 27, 2015

Mail  
Coppola & Coppola  
40 South St  
Marblehead, Ma 01945



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# Town of Middleborough

## CONSERVATION COMMISSION

20 CENTRE STREET  
MIDDLEBOROUGH, MASSACHUSETTS 02346  
June 17, 2015

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

Wankinquoah Rod & Gun Club, Inc.  
P.O. Box 307  
Middleborough, MA 02346

RE: Modification of liner under proposed back stop at 92 Pine Street Shooting Range  
DEP File # SE220-1213

Dear Membership:

After a pre-construction on-site meeting with Angelo Lapanna and Justin Clapp regarding the removal and relocation of the existing backstop at the existing shooting range under DEP File # SE220-1213 it was determined that the 40 mil liner proposed to be installed under the new backstop would not be feasible due to the high groundwater conditions at the site. Mr. Clapp suggested that a clay/pond fill material be placed under the new backstop instead.

At the June 4, 2015 Conservation Commission meeting the Commission voted to allow the clay/pond fill to be used in place of the 40 mil liner previously approved. The vote was a motion by Commissioner Janet Miller to change from 40 mil liner to clay, seconded by Commissioner Diane C. Stewart, Commissioner John Neely abstained; Commissioners Jacqueline Schmidt and Steven Ventresca were in favor.

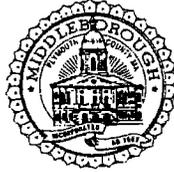
This change can be shown on the as-built plan once the project is completed and a request for a Certificate of Compliance is submitted. If you have any questions don't hesitate to contact the Commission at 508-946-2406 or [pcssdy@middleborough.com](mailto:pcssdy@middleborough.com)

Sincerely,

Patricia J. Cassidy, Agent

For the Middleborough Conservation Commission

Cc: Department of Environmental Protection – Wetlands & Waterways  
✓ Middleborough Board of Selectmen  
Robert Nunes, Town Manager  
G.A.F. Engineering, Inc.



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# 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 Nunes, Town Manager  
Daniel Murray, Town Counsel  
CC: Robert Whalen, Building Commissioner  
FROM: Patricia J. Cassidy, Conservation Agent  
DATE: June 17, 2015  
RE: 539 Wareham Street (Sports Ltd.)

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The Conservation Commission wanted me to give all of you a status update on 539 Wareham Street.

As of April 21, 2015 it was observed during an on-site inspection conducted by Commission member, Diane C. Stewart and myself that the trailer behind the building had been removed and is now located to the north next to the existing building. There was still debris left behind the building that Mr. Weaver who was also present was told to move. A letter was sent after for the debris to be removed by May 5, 2015.

On May 7, 2015 another site inspection was conducted by me and a possible employee of Mr. Weaver's present. The debris was still in place behind the building.

On May 13, 2015 Mr. Weaver was contacted by phone and a message was left on his voice mail.

On June 3, 2015 Mr. Weaver was contacted again.

On June 4, 2015 another site inspection was conducted by me and a man possibly an employee (different from May 7<sup>th</sup>) was on site. The debris still had not been removed. The man told me that he would tell Mr. Weaver that I stopped by.

As of today June 17, 2015 I have not heard from Mr. Weaver. I don't believe at this time the debris has been removed yet.

If you have any questions, please contact the Conservation office at 508-946-2406.

Pjc

Selectmen,

Jeff Stevens delivered this to the office on 6/18/15 for you and said that it is informational. Your thoughts/comments are appreciated through the Town Manager and he will pass on to the Green Energy Committee.

Jackie

Dear Middleboro Boards :

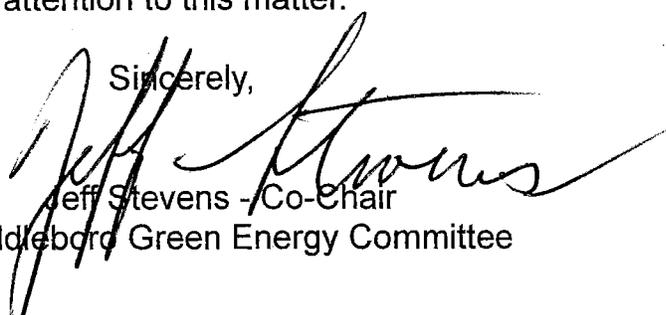
The Green Energy Committee has been working on a "Large Photovoltaic Array By-Law" during the last two months. Most communities in our area have adopted such a by-law. Our town has already been approached by land owners and companies that plan to install solar panels on open plots on private property in Middleboro. Without a local by-law, our community has little if any control over these systems.

The Commonwealth has supported solar generation with what is called "as-of-right siting" that allows development of such arrays with little regulation, but it does allow communities to establish "reasonable" restrictions in the form of local by-law. The Green Energy Committee has reviewed the state suggested form for such a by-law as well as a number of such by-laws that neighboring communities have instituted in recent years. All of these relate to large scale ground mounted photovoltaic systems, not small roof or ground mounted panels that a home owner might have installed. The GEC has also consulted with the Middleboro Gas and Electric Department on this matter.

Please review the attached draft of the Middleboro Large Scale Solar Energy System By-Law, and kindly let us know of any changes your group might suggest by August 1. We hope to make any needed adjustments to this proposal by mid August . Hopefully, a public hearing can be held in time to have this proposal presented at the fall Town Meeting.

Thank you for your attention to this matter.

Sincerely,



Jeff Stevens - Co-Chair  
Middleboro Green Energy Committee

## Proposed Bylaw

### LARGE SCALE SOLAR ENERGY SYSTEMS

#### **Purpose**

The purpose of this section is to facilitate the creation or expansion of any large-scale, ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, maintenance and modification of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to assure an adequate plan for the eventual decommissioning of such installations.

#### **Definition of Terms**

##### **1)As-of-right Siting**

As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development will be subject to Site Plan Review pursuant to Article (*when adopted*) of the Middleboro Zoning Bylaws.

##### **2)Building Inspector**

The Building Inspector or designee charged with enforcing this bylaw.

##### **3)Building Permit**

A construction permit issued by the Building Inspector once the project plan is deemed consistent with local, state, and federal regulations that apply to the project and has received all required approvals from pertinent town officials and boards

##### **4)Designated Locations:**

Large-scale, ground-mounted solar photovoltaic installations may be sited in Residential Zones A, B and Rural; General Use Zones, Commercial and Industrial Zones in accordance with the regulations stated in this bylaw for the applicable zone.

The locations or zones designated by the Town of Middleboro where ground-mounted large scale solar photovoltaic installations may be sited as-of-right are subject to Planning Board review.

##### **5)Large Scale Ground-Mounted Solar Photovoltaic Installation**

A solar powered photovoltaic generation system that is structurally mounted on the ground (not roof mounted) and has a nameplate capacity of **50 kW** or greater.

##### **6)Nameplate Capacity**

The maximum rated output of the electric power production of the photovoltaic system stated in kWDC.

##### **7)Site Plan Review**

A review performed by the Middleborough Planning Board prior to approval of any proposed large scale ground mounted solar photovoltaic installation to assess the plan's compliance with this bylaw and all Town of Middleborough regulations that apply to such installations.

##### **8)Site Plan Review Authority**

The Middleboro Planning Board is the authorized organization for site plan review.

### **Compliance with Laws, Ordinances and Regulations**

Construction and operation of large-scale solar photovoltaic installations shall be consistent with applicable local, state and federal requirements, including applicable safety, construction, electrical and communications requirements. Buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the state building code.

### **Required Review and Permitting**

An applicant for installation of a large-scale ground-mounted solar photovoltaic installation shall obtain a permit from the Building Inspector. The applicant shall obtain Planning Board Plan Approval and a building permit before beginning construction.

### **Special Permit**

Large-scale ground-mounted solar photovoltaic installations that do not meet the requirements of this bylaw may be allowed by special permit granted by the Zoning Board of Appeals.

### **Interconnection Agreement**

No large-scale ground mounted PV system shall be constructed until evidence has been given to the Middleborough Planning Board that the utility company (Middleboro G&E Department) that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

### **Fees**

An application for a building permit shall be accompanied by the fee required for a building permit. For ground-mounted solar photovoltaic installations with less than 250 kW nameplate rating, the fee shall be [\$2000]. The fee for installations with a nameplate rating of 250 kW or above, the fee shall be \$10 per kW of nameplate rating. Other fees that may be required by permitting parties, shall be administered according to the regulations of the applicable commission. For example, the Conservation Commission may require a NPDES permit for storm water control.

### **Site Plan Review and Approval**

Before any construction, installation or modification may begin, large-scale ground-mounted solar photovoltaic installations shall undergo site plan review by the Planning Board to ascertain Compliance with Laws, Ordinances and Regulations.

The construction and operation of large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to applicable safety, construction, electrical, and communications requirements.

May be waived by the Building Inspector under 250kW

### **Required Documentation**

- 1) Blueprints or drawings of the solar photovoltaic installation stamped by a professional engineer licensed in Massachusetts<sup>(1)</sup>, showing the proposed layout of the system and any potential shading from nearby structures and off-site vegetation.
- 2) Identification of the property owner, the photovoltaic system owner and the installer.

- 3) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with National Electrical Code compliant disconnects and over-current devices.
- 4) Property lines and physical features, including roads for the project site.
- 5) Documentation or cut sheets of the major system components to be used, including makes and models of the PV panels, transformer, inverter, mounting system and chemicals for cleaning and maintenance of equipment.
- 6) The plan for site maintenance, including an access route for emergency vehicles, upkeep of grounds and storm water control.
- 7) A list of any hazardous materials proposed to be located on the site, during construction or operation, in excess of household quantities, and a plan to prevent their release to the environment. This list should include the material safety data sheets (MSDS) for any listed materials.
- 8) Locations of wetlands or Priority Habitat Areas, as defined by the Natural Heritage and Endangered Species Program (NHESP) located on or adjacent to the property. A plan for compliance with the applicable regulations shall be included.

### **Dimensions and Density Requirements**

#### **Setbacks**

Setbacks from all boundary lines in a Commercial Zone or Residential zones A, B, and R, or General use shall be a minimum of fifty feet (50').

Commercial Development or Industrial Zones require a ten foot (10') for setback of solar collection equipment providing the abuttal property is also in a General, Commercial Development or Industrial Zone. Abuttals to Commercial or Residential Zone property shall be fifty feet (50').

For all installations, sound generating equipment, including inverters and transformers, shall be located to meet the requirements stated below under Safety and Environmental Standards.

#### **Buffer Zones/ Visual Screening**

If a permit is issued under this bylaw in Residential Zones A, B or R, then the perimeter of the project shall have a vegetated buffer that will screen the view of the large-scale ground-mounted solar photovoltaic installation. The buffer must be sufficiently dense to block the view of the project from any dwellings abutting the property. In the other districts where site plan approval is given, the project shall have a vegetated buffer that will screen the view of the large-scale ground-mounted solar photovoltaic installation from the boundary of any abutting residence.

Submittals for the site plan review process should include a project landscaping plan that includes visual screening and fencing appropriate to the project.

## **Fencing**

The perimeter of the project shall be protected with an appropriate fence of at least 6 feet with a locked gate. It is not the intent of this regulation that fencing extend to the property boundary, but only to ensure that the power generating equipment is enclosed.

## **Safety and Environmental Standards**

### **Emergency Services**

The owner of a large-scale ground-mounted solar photovoltaic installation shall provide a copy of a project summary, including final electrical schematic and site plan to the Middleboro Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. Means of access, such as a Knox Box shall be provided and a means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. A sign at the property entrance shall provide a 24-hour contact phone number. A 30 foot wide right-of-way, either paved or graded with gravel shall be provided for access of emergency equipment.

### **Land Clearing, Soil Erosion and Habitat Impacts**

Under Middleboro zoning districts, clearing of natural vegetation shall be limited to that necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, as approved by the Middleboro Conservation Commission.

### **Sound Levels**

Any ground-mounted solar photovoltaic installation within the business district, in residential Zones A, B and R, or General Use shall not increase noise levels greater than 10 dB above the existing ambient levels as described in Massachusetts Department of Environmental Protection (DEP) Regulation 310 CMR 7.10.

Ground-mounted solar photovoltaic installations in Industrial Zones, sound levels at the property boundary shall be demonstrated to comply with the National Noise Control Act of 1972 and be approved by Middleboro Conservation Commission <sup>(2)</sup>

### **Lighting**

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

## **Decommissioning Requirements**

### **Removal Requirements**

Any large-scale ground-mounted solar photovoltaic installation not intended for further use as a solar generator shall be removed. The owner or operator shall physically

remove the installation no more than 150 days after the date of discontinued operations. Decommissioning shall consist of:

- 1) Physical removal of large-scale ground-mounted solar photovoltaic installations, associated structures, equipment, security barriers and transmission lines from the site.
- 2) Disposal of all solid and hazardous waste and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- 3) Stabilization or re-vegetation of the site as necessary to minimize erosion as approved by the Middleboro Conservation Commission.

### **Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board, at which time the dismantling and removal shall be carried out at the owner's expense. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

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### **Notes:**

1. Standard plans for ground mounted solar installations with a nameplate capacity of less than 500 kW, previously stamped by a professional engineer and approved for installation in Massachusetts, may be submitted.
2. Ground-mounted solar photovoltaic installations in the Industrial Zone should comply with OSHA 1910.95 within the property at any normally occupied areas.



Additional sound requirements	No increase >10dB (5)	NCA @ boundary (6, 7)	No increase >10dB (5)	NCA @ boundary (6, 7)	No increase >10dB (5)
<b>Notes:</b>	(1) Engineering approval required unless Massachusetts approved standard design < 500kW.				
	(2) May be waived by the Building Inspector under 250kW				
	(3) Setbacks from any boundary must be 50' when adjacent to Residential Property				
	(4) Fencing as approved by the Environmental Commission				
	(5) See MA CMR 7.10				
	(6) US Noise Control Act of 1972				
	(7) See OSHA 1910.95 for occupied areas.				