HEARINGS, MEETINGS, LICENSES

6/27/16

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middelborough, MA on **Monday, March 28, 2016 at 7:45 PM,** for the purpose of discussing an **application filed by Costello Dismantling Co., Inc., for an Earth Removal Permit for property located at 701 & 703 Wareham Street, Middleborough, MA, Assessors Map 110, Lots 3952 & 3985.** The reason for this request is to complete the removal of the final 20,000 cubic yards of material that remains on the site in order to grade the site to its final approval grades. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley, Chairman
Leilani Dalpe
John M. Knowlton
Diane C. Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN
March 17, 2016
The Middleboro Gazette Newspaper

Continued to May 2, 2016
7:30pm

Continue to 6.27.16

Jacqueline Shanley

From: gary james <jameseng125_gary@msn.com>
Sent: Tuesday, June 21, 2016 1:19 PM
To: Jacqueline Shanley
Subject: Wareham Street earth Removal

Jackie
I have a conflict next week and will not be able to attend the hearing could you please extend to next meeting for me.
Thank You
Gary D. James.
Ps;
Can you send me the email address for Atlantic so I can send calcs and revised drawings along.
Sent from Mail for Windows 10

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

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

Continued from April 19, 2016

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

Need an extension of existing permit.

continued from May 9, 2016

Continued to 6.13.16 @ 8pm

continued to 6.20.16

continued to 6.27.16

Atlantic
DESIGN ENGINEERS, INC.

June 14, 2016

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

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

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our final engineering review of the site plans and application materials for the above-referenced project relative to a request to construct cranberry bogs and a water supply/tailwater pond under the Earth Removal bylaw. The plans are revised dated 6/6/16 and the Project Plan is revised dated 6/3/16. Both are prepared by Field Engineering Co., Inc. for Fuller Street Development, LLC.

The comments from our previous 5/17/16 review letter have been adequately addressed. We offer the following for consideration of the Board:

- A copy of the Conservation Commission Order of Conditions, if and when issued for the project, as well as any ORAD or ANRAD approvals by the Conservation Commission should be provided to the Board along with any plan changes that may result.

- Copies of all inspection/correction reports completed as part of the Stormwater Pollution Prevention Plan (SWPPP) should be provided to the Board.

- The applicant should confirm that the excavation completed to date has not had any detrimental impacts to adjacent private wells in the vicinity of the site.

- The temporary screen berm should be seeded for stabilization.

- The applicant has proposed that the tree planting screening in the 50 foot buffer zone is to be completed <u>after</u> the Phase II bog excavation is completed. However, planting of the screening buffer <u>now</u> may help alleviate visual/noise/dust issues for abutters during excavation activities.

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

Please call if you have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

Richard J. Tabaczynski, P.E.
Project Manager

CC: Field Engineering Co., Inc.

CRANBERRY CAPITAL
OF THE WORLD

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

Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Ruth Geoffroy, Planning Director
Patricia Cassady, Conservation Commission Agent
Robert Whalen, Building Commissioner
Chris Peck, DPW Director

FROM: Jackie Shanley, Executive Assistant to Board of Selectmen

DATE: June 15, 2016

SUBJECT: **Application for Earth Removal Permit - Additional Info Submitted**
Fuller Street Development LLC
Map 024, Lot 5555
Map 024, Lot 5555
Map 33, Lot 686

Attached please find additional information submitted relative to the above referenced Earth Removal application.

The hearing is continued to **Monday, June 27, 2016 at 7:45 PM.**

Please do your best to have comments/remarks on the revised site plans to the Selectmen's office **by Noon on Wednesday, June 22nd.**

Even if you have no comments to make regarding the plan, please indicate so in writing.

Please contact the Selectmen's Office if you have any questions.

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

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

June 21, 2016

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

RE: W.R.P.D. Application for Earth Removal Permit, owner Fuller Street Development LLC for Fuller Street, Assessor's Map: 024 Lots: 5555 and Map: 033 Lot: 686.

Honorable Board,

I have received the plans submitted by Richard R. Riccio III, P. E. of Field Engineering Co., Inc. dated: June 6, 2016 on behalf of Fuller Street Development, LLC for an earth removal permit for the above referenced property.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

TO: Board of Selectmen
Robert Whalen, Building Commissioner
Chris Peck, DPW Director
Ruth Geoffroy, Planning Director

FROM: Phyllis J. Barbato, Sr. Clerk PJB
For the Middleborough Conservation Commission

RE: Application for Earth Removal Permit – Fuller Street (Map 24, Lot 5555 and Map 33, Lot 686)

DATE: June 17, 2016

At the Conservation Commission meeting June 16, 2016, I was asked to respond to your request for comments/remarks on the Earth Removal Application with revised site plans for Fuller Street, Map 24, Lot 5555 and Map 33, Lot 686 as this would be a Conflict of Interest for the Agent, Patricia Cassady.

There is currently an Order of Resource Area Delineation with the Conservation Commission under DEP# SE220-949. This permit was issued September 7, 2006. They received a 3-year Extension from the Commission July 16, 2009 (per law the Extension is 3 years from the original permit-September 7, 2012). They received an Amendment to the Extension Permit for the Order of Conditions. The Extension Permit has been recorded at the Plymouth County Registry of Deeds under Book 37594, Page 156-158. I do not have the Recording Information for the Amendment to the Extension and would ask to receive that. They also received under the Permit Extension Act an additional 4 years. The Plan of Record has a revision date of 2/6/2006, showing flags 1A to 137A. The original and was done by K & J Engineering, Inc. This permit will expire September 7, 2016.

In April 2016, the applicant had requested an Extension for the Order of Resource Area Delineation. They withdrew their request and it was read into the record at the April 21, 2016 Conservation Commission meeting.

There is a Conservation Restriction to the Middleborough Conservation Commission for Fuller Street, Map 24, Lot 5555. This has been recorded with the Plymouth Country Registry of Deeds under Book 41363, Page 316.

Although this property currently has a permit with the Conservation Commission, it is an old wetland line. The permit will be expiring in September and they will need to file a new Abbreviated Notice of Resource Area Delineation. The Commission will be asking for a peer review, authorized by Mass. General Laws, Chapter 44, Section 53G.

I would recommend the Board of Selectmen ask the applicant to check with the Division of Fish and Wildlife, Natural Heritage and Endangered Species Program on the proposed work.

Prior to the start of any earth removal a site inspection is required by the Commission to confirm that erosion controls have been installed properly to prevent impact to the wetland resource areas.

If you have any further questions, please call the Conservation Office at 508-946-2406.

Thank you.

pbj

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

11D Industrial Drive, P.O. Box 1178
Mattapoisett, Massachusetts 02739
Telephone: (508) 758-2749
Facsimile: (508) 758-2849

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

June 6, 2016
Project No. 1598

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

Subject: **MIDDLEBOROUGH - Fuller Street LLC - Earth Removal Permit Application**
Fuller Street, Middleborough, MA
Response to Town Engineer Initial Engineering Review Comments

Dear Ms. Stewart:

Our office has received the Initial Engineering Review letter prepared by Atlantic Design Engineers, Inc. dated 5/17/16 with respect to the Fuller Street LLC Earth Removal Permit Application and has prepared the following responses for your consideration.

The following responses numerically correspond to those noted in the Atlantic Design Engineers, Inc. 5/17/16 initial review letter.

ADE Comment 1.

Please provide a copy of the Conservation Commission Order of Conditions, if and when issued for the project, as well as the ORAD extension currently under review by the Conservation Commission.

Response:

1. ***The Request for Extension on the Order of Resource Area Delineation ORAD) was withdrawn by the applicant on 4/14/16. The current Order of Resource Area Delineation (ORAD) that was issued by the Middleborough Conservation Commission on 9/6/06 is valid through 9/7/16.Prior to the expiration of the current ORAD on 9/7/16, it is our intention to file a NEW Abbreviated Notice of Resource Area Delineation (ANRAD) for only that portion of the bordering vegetated wetland boundary in proximity to the earth removal operation. This portion of the flagged line is shown on Sheet 1 of the record ORAD plan set as wetland flags 1A to 137A and is estimated to be about 4,800 linear feet.***

   A copy of the current ORAD was included in the Earth Removal Project Plan dated 3/18/16.

ADE Comment 2.

A copy of the Comprehensive Mitigation Plan should be provided for review and approval of the DPW and the Board.

Response

2. ***A copy of the Comprehensive Mitigation Plan is enclosed with this correspondence.***

ADE Comment 3.

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

Response:

3. ***An updated Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is enclosed with this correspondence for inclusion into the Earth Removal Permit Special Conditions.***

ADE Comment 4.

Confirm the location of any private wells in the vicinity of the site and address any potential impacts to adjacent private wells due to the excavation of the reservoir.

Response:

4. ***The locations of all known private wells are shown on the updated Permit Drawings enclosed with this correspondence.***

ADE Comment 5.

Note #6 indicates that the plans are not intended for construction. The final construction plans should be provided to Board prior to commencement of work to determine consistency with the approved permit set.

Response:

5. ***The 2009 Earth Removal Permit Plans prepared by our office were issued for construction later that same year. The enclosed updated Permit Plan set will be issued for construction following the Board of Selectmen approval of the Earth Removal Permit.***

ADE Comment 6.

The following Appendix A – Project Plan requirements do not appear to be addressed in the Project Plan:

4. Describe past earth removal activities and compliance issues that may have occurred.
7.d Proposed dewatering
7.g Volume and location of materials to be kept on site
7.j Criteria for excavation of ponds and water storage areas

Response:

6. ***The Earth Removal Project Plan document has been updated as suggested and is enclosed with this correspondence.***

ADE Comment 7.

De-watering plans, methodologies, details are not provided.

Response:

7. ***Dewatering details have been added to Sheet 5 of 5 of the Earth Removal Permit plan set enclosed with this correspondence.***

ADE Comment 8.

Erosion control notes and details are provided on the detail sheet but no measures are shown on the site plans.

Response:

8. ***Erosion control locations have been added to the Earth Removal Permit plan set enclosed with this correspondence.***

ADE Comment 9.

The Project Plan, references 2012 FEMA FIRM panels. There have been updated in 2014. Also, the narrative indicates that the project has been designed outside the 100 year flood hazard area. Review of the latest FIRM panels shows that the work at the entrance, (paving, new culverts, canal bypass, etc.) is within the flood plain. Please address impacts to the flood plain and confirm if a Notice of Intent has been filed for the work.

Response:

9. ***The Zone A Flood Zone boundary shown on the current 2014 FIRM panel has been added to the Earth Removal Permit plans. It is our understanding, the culvert replacement and the dike road improvements on the Bayside Agricultural property are exempt agricultural activities and have been completed by property owner. Pursuant to 310 CMR 10.04, the construction of the bypass canal on land in agricultural use qualifies as an exempt activity. A Notice of Intent for this work would not be required.***

ADE Comment 10.

The plans do not show the 100' buffer to property lines typically required by the Board. Condition 9 of the previous permit allowed 50 feet. However, this condition also required trees to be planted in the buffer where there were no existing trees for screening. The plans do not show this and it is unclear if this planting was even completed.

Response:

10. ***The areas to be planted within the existing 50-foot buffer zone are on the southerly and easterly side of the Phase II Bog excavation. When the Phase II Bog footprint has been completely excavated to subgrade, the applicant will provide the required tree planting within the 50-foot buffer zone along with the final slope stabilization and seeding.***

ADE Comment 11.

Inverts, slopes, construction details and calculations have not been provided for the bypass canal and for the culverts at Fuller Street and at the access road.

Response:

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

ADE Comment 12.

The project side slopes are 40 to 60 foot high. Benching/terracing is recommended.

Response:

12. ***Terracing the side slopes would result in an undesirable reduction in the cranberry bog footprint. A 3:1 side slope can be maintained and properly stabilized in accordance with Final Slope Treatment Notes and Erosion Control Requirements outlined on Sheet 5 of the Earth Removal Permit plan set.***

ADE Comment 13.

The setbacks from Town roadways are not shown on the plans.

Response:

13. ***The setbacks from the Fuller Street right-of-way line to the limit of work line and the cranberry bog footprints are shown on the Earth Removal Permit plan set.***

ADE Comment 14.

The sales printout/tabulation of volumes provided in the application, shows large volumes of screened materials which would appear to be indicative of screening being conducted on the site. This is not allowed in the bylaw.

Response:

14. ***The applicant is aware that only the screening of sand and loam to be utilized for the on-site cranberry bogs, gravel for on-site roadways, and loam for final on-site stabilization will be allowed.***

ADE comment 15.

Please provide a completed Appendix B Plan Checklist with the application and revise the plans accordingly to comply.

Response:

15. ***A completed Appendix B Plan Checklist is enclosed with this correspondence.***

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

Very truly yours,
Field Engineering Co., Inc.

Kenneth J. Motta
Senior Project Manager

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

APPENDIX B

PLAN CHECKLIST

PLEASE COMPLETE CHECKLISTS FOR PLANS AND PROJECT PLAN AND INITIAL:

PLANS		Check	Initials
A.	**Cover page that shows:**		
1.	Name of project:	X	
2.	General directional and town locus:	X	
3.	Water Resource Protection District limits	X	
4.	Engineering Firm Name and address	X	
5.	Flood Map limits (if applicable)	X	
6.	Zoning District limits	X	
B.	**Civil Drawing Sheet 1 - that show at a minimum:**		
1.	Existing streets	X	
2.	Property lines and names of adjacent properties/abutters	X	
3.	Existing tree lines	X	
4.	Existing and proposed topographical contours (5' foot minimum)	X	
5.	Town roadways	X	
6.	Proposed treed buffer zones between edges of excavation and abutters	X	
7	Proposed buffer zones between property excavation and town street(s)	X	
8	Distances of proposed reservoir or excavations from property lines of abutters.	X	
9	Location and type of proposed excavation and work	X	
10.	Locations of stockpiling of materials	X	
11.	Proposed reservoir volume, slopes and bottom elevations	X	
12.	Site of proposed dewatering pond, discharge and overflow structure	X	
13.	Any proposed buildings, structures or utilities	N/A	
14.	Roadway systems and gates, and proposed paving areas	X	
15.	Proposed areas of agricultural uses	X	
16.	Indications of phased operations	X	
17.	Areas to be seeded	X	
18.	Existing and proposed slopes with limits of final grading	X	
19.	Locations of ditches	X	
20.	Wetlands and water resource areas	X	
21.	Elevations of water (high, low) as applicable	X	
22.	Drainage patterns with directional arrows showing flow	X	
23.	Fencing	X	
24.	Professional Engineers Civil stamp	X	

25.	Date of preparation	X	

Other information as appropriate to good engineering design

C. Civil Drawing Sheet Number 2 (as applicable)

1.	Pond specifications with erosion controls	X	
2.	Erosion controls	X	
3.	Side Flow Profile	N/A	

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

P.O. Box 1178
11D Industrial Drive
Mattapoisett, MA 02739
Tel. (508) 758-2749
Fax (508) 758-2849

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

LETTER OF TRANSMITTAL

Rec'd 6-7-16 9:25

TO: Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Date: 6/6/16	Job No.: 1598
Attention:	
Re: Fuller Street Development LLC Fuller Street – Assessor's Map 24, Lot 5555 and Assessor's Map 33, Lot 686 Middleborough, Massachusetts	

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover ☒ via Hand Delivery following items:

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications
☐ Copy of Letter ☐ Change order ☐ Other _____

COPIES	DATE	NO.	DESCRIPTION
1	6/6/16		Earth Removal Permit Application Response to Comments
1	-		Appendix B Plan Checklist
8	3/18/16 Rev. 6/3/16		Revised Earth Removal Permit Project Plan
1	6/1/09 Rev. 6/3/16		Stormwater Pollution Prevention Plan (SWPPP)
8	10/17/08 Rev. 6/6/16		Proposed Cranberry Bog Project Plans
8	6/6/16		Comprehensive Mitigation Plan
1			CD (electronic submittal files)

THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO: Fuller Street Development LLC
Redlon & Sons, Middleboro DPW
Atlantic Design Engineers

Signed: Rebecca Carvalho for Ken Motta

If enclosures are not as noted, kindly notify us at once.

COMPREHENSIVE MITIGATION PLAN

FULLER STREET DEVELOPMENT LLC
CRANBERRY BOG PROJECT
FULLER STREET, MIDDLEBOROUGH, MA

1.0 Background

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

The site was the subject of an Earth Removal Permit No. 09-1 issued by the Board of Selectmen on April 27, 2009 and has been actively under construction since 2009. The original Permit was subsequently extended through the Massachusetts Permit Extension Acts of 2010 and 2012 and is due to expire on June 13, 2016.

An application for a new Earth Removal Permit was filed with the Board of Selectmen on March 18, 2016 and is currently under review. Based on the input received from the abutting property owners and the Board of Selectmen with respect to project related impacts, the applicant has prepared the following Comprehensive Mitigation Plan.

1.1 Objectives

An initial public hearing on the Earth Removal Permit application was held with the Board of Selectmen on April 19, 2016. Testimony was heard from a number of abutting property owners in reference to dust and noise control. In response to their concerns, the applicant has reached out to a number of property owners to better understand their specific concerns and discuss strategies for the mitigation of dust and noise control. The applicant has also focused the earth removal operations towards the completion and stabilization of the Phase I cranberry bog areas.

The Phase I cranberry bog areas total 5.72 acres and have been targeted for planting in the spring, 2017. The planting operations will be coordinated with representatives of Bayside Agricultural who will ultimately operate the bogs. Excavation with the Phase I bog areas are expected to continue through the end of 2016 in anticipation of the planting operations in the spring, 2017. The main components of the irrigation system for the bogs are the reservoir and bypass channel from the existing culvert on Fuller Street. The Fuller Street culvert and the reservoir are substantially complete. The bypass channel and culvert on the Bayside property are targeted for completion by the end of summer, 2016.

The final loaming and seeding of the reservoir side slopes will be completed by the summer, 2016 along with the temporary wood chip stabilization of the bog side slopes adjacent to the Phase I bogs.

Excavation into the Phase II bog area has just commenced in the last 2 years and expected to be substantially complete by the end of 2009 depending on market demand for the residual earth materials.

1.2 Screening

A temporary earth screen berm will be constructed along the easterly limits of the Phase II bog areas as shown on the project plans. The temporary berm will be between 6-8-feet in height and will serve to screen the adjacent properties as the limits of excavation advances in the Phase II bog areas. The berm will be completed by the summer, 2016.

The field area within the existing 50-foot buffer zone area on the southerly side of the Phase II bog excavation has also been targeted for screening. When the Phase II Bog footprint has been completely excavated to subgrade, the applicant will provide the required tree planting within the 50-foot buffer zone along with the final slope stabilization and seeding. The applicant will coordinate the size and species of trees to be planted with the Town DPW Inspector.

1.3 Dust Control

As previously stated, the primary focus of the earthwork operations will be to complete and stabilize the Phase I bog areas and adjacent side slopes to minimize the exposed areas to wind erosion. The haul road and loading areas will be watered on an as-needed basis or as directed by the representative for the Town for dust control utilizing the existing temporary irrigation system. Calcium chloride and/or water will also be applied to exposed areas as needed. The site will be closely monitored for areas prone to wind erosion and will be mitigated accordingly.

1.4 Noise Attenuation

Noise generated from earth moving equipment will be minimal since most of the loading will be done at the sub grade elevations below the elevation of the existing ground. There will be occasions when the earth moving equipment will need to work close to the existing grade in order to remove the topsoil and work the subgrade down to the finish bog elevations. The applicant is proposing to install white noise back up alarm in Front End Loader that is used daily. White noise alarms use a white sound (broadband sound) instead of the single frequency sound of commonly used reverse alarms. The source of the alarm sound is instantly locatable and directional. Unlike the omni-directional sound of a conventional back-up alarm, a white noise alarm localized in the danger zone and dissipates rapidly. The alarm provides adequate warning to workers in the path of the vehicle, and to workers walking towards the path of the vehicle in time to avoid contact and is OSHA compliant.

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

EARTH REMOVAL PERMIT PROJECT PLAN

Project Location:
Fuller Street
Assessor's Map 24, Lot 5555
Assessor's Map 33, Lot 686
Middleborough, Massachusetts

Prepared for:
Fuller Street Development LLC
10 Owl Drive
Sharon, MA 02067

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

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

Project No. 1598
March 18, 2016
Revised June 3, 2016

TABLE OF CONTENTS

Earth Removal Project Plan ..... Section 1

1.0 Site Description
1.1 Master Plan Zoning Consistency
1.2 Buffer Areas
1.3 Project Phasing/Traffic
1.4 Project Water Demand
1.5 Stormwater Management
1.6 Dust Control
1.7 Final Topsoil/Plantings
1.8 Previous Earth Removal Activities
1.9 Dewatering
1.10 Material Stockpiling
1.11 Reservoir Excavation

Appendices

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

1.0 Site Description

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

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

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

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

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

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

1.1 Master Plan Zoning Consistency

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

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

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

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

1.2 Buffer Areas

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

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

1.3 Project Phasing/Traffic

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

The project was initially planned to be constructed in two phases. Phase I involved the earthwork activity associated with the construction of the reservoir and the first two bog cells east of the reservoir. Phase II will be the completion of the two remaining outer bog cells. It is estimated approximately 1,000,000 cubic yards of earthwork will be exported from the site upon the completion of the project. The earthwork activity associated with both Phases I and II has consistently progressed since the commencement of activities in May, 2009 and has yielded about 384,243 cubic yards of earth fill through 3/14/16 according to the applicants' records. Refer to Appendix G for the itemized tabulation of exported earth fill volumes. It is estimated the balance of the excavation in the amount of 615,757-cubic yards will be substantially complete within next four (4) year period which translates to about 154,000-cubic yards per year or a maximum of 620-cubic yards per day based on a 5-day work week. The actual daily volumes will vary as a function of market demand but will unlikely be greater than the maximum projection of 620-cubic yards per day. Normal hours of operation will be 7:30 a.m. to 4:30 p.m. Monday through Friday excluding Saturdays, Sundays, and Town observed holidays. No earth removal equipment or material hauling trucks will not be started or run before 7:30 a.m. or after 4:30 p.m.

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

1.4 Project Water Demand

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

1.5 Stormwater Management

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

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

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

1.6 Dust Control

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

1.7 Final Topsoil/Plantings

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

1.8 Previous Earth Removal Activities

Excavation for the construction of the bogs commenced in May, 2009, following the issuance of the original Earth Removal Permit by the Board of Selectmen. The Phase I bog area footprint was stripped of loam and subsoil and stockpiled for reuse for the final site stabilization. The existing access drive through the adjacent Bayside property was widened and resurfaced with gravel borrow to accommodate the anticipated truck loads. Working in conjunction with the Town, the owners of the Bayside property installed a twin 42-inch pipe culvert to replace the existing stone box culvert and a new 36-inch pipe culvert to replace the existing 30-inch RCP culvert on Fuller Street. These culverts serve as a vital component to the irrigation of the existing bogs on the Bayside property and the new bogs on the Fuller Street LLC property.

The earthwork activities to date have been focused on the construction of the reservoir and the Phase I bog area footprints. The reservoir excavation is substantially complete and earthwork associated with the Phase I bog areas is expected to be completed by the end of 2016. Excavation into the Phase II bog area has just commenced in the last 2 years and expected to be substantially complete by the end of 2009 depending on market demand for the residual earth materials.

Since the commencement of activities, there has been one complaint about work being done within the 50-foot buffer zone in August, 2014. This issue was addressed with the DPW and the applicants' engineer in a timely manner and no violations were found.

1.9 Dewatering

Dewatering means and methods such as cut-off trenches, dewatering pumps, well points, etc. may be utilized to prepare the sub grade of the bottom of the bog areas at the discretion of the operator. Pump discharge must be treated to minimize suspended solids and turbidity prior to any discharge offsite or to any adjacent resource areas. Acceptable means for pre-treatment include using filter bags on the pump inlet hoses, straw lined dewatering basins, and biodegradable flocculants.

1.10 Material Stockpiling

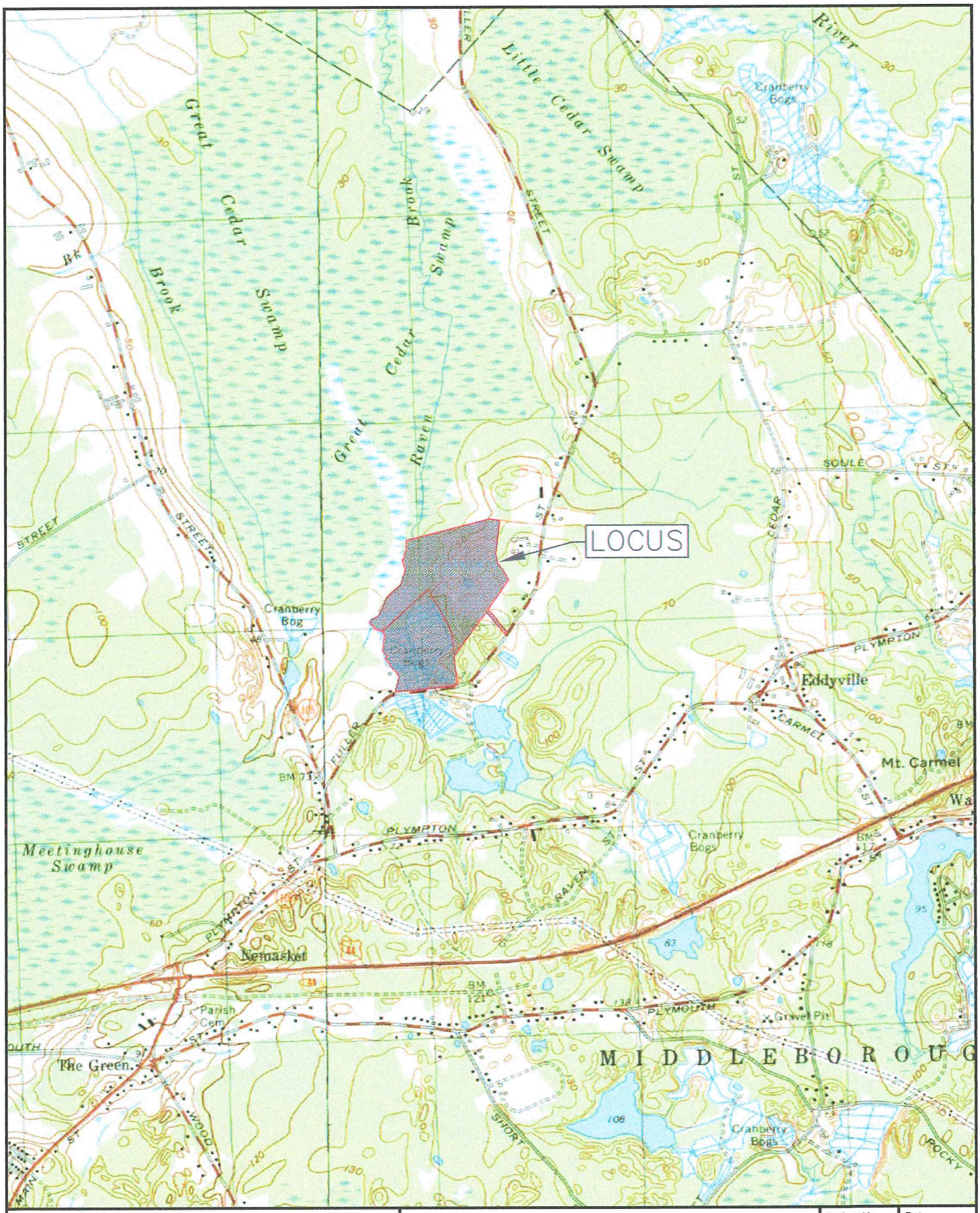
On-site material to be reused for the construction of the bogs will be stockpiled within the excavated footprint adjacent to the areas where the material will ultimately be placed to minimize frequent hauling. For the preparation of the cranberry bog planting base, approximately 18,000-cubic yards of sand fill will be retained on-site. The construction of the access drives around the perimeter of the bogs and the main access drive through the Bayside property will require approximately 10,000-cubic yards of processed gravel. Approximately 1,000-cubic yards of the processed gravel will be retained for maintenance of the access drives following the completion of the bog construction. The final site stabilization and bog planting base will require approximately 14,000-cubic yards of screened loam which will be retained and reused on-site.

1.11 Reservoir Excavation

The design criteria for the reservoir is submitted in Section 1.4 of the Project Plan. The reservoir is substantially complete subject to the final slope stabilization with loam and seed. Representatives of Bayside Agricultural have determined that there is ample water budget within the reservoir to support the proposed bogs. The final loaming and seeding of the side slopes will be completed by July, 2016.

Appendix A

1.0 USGS Quadrangle Locus Map



FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

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

THE CROCKER BUILDING
4 COURT STREET SUITE 104
TAUNTON, MA 02780
TEL: (508) 824-9279
FAX: (508) 824-9276

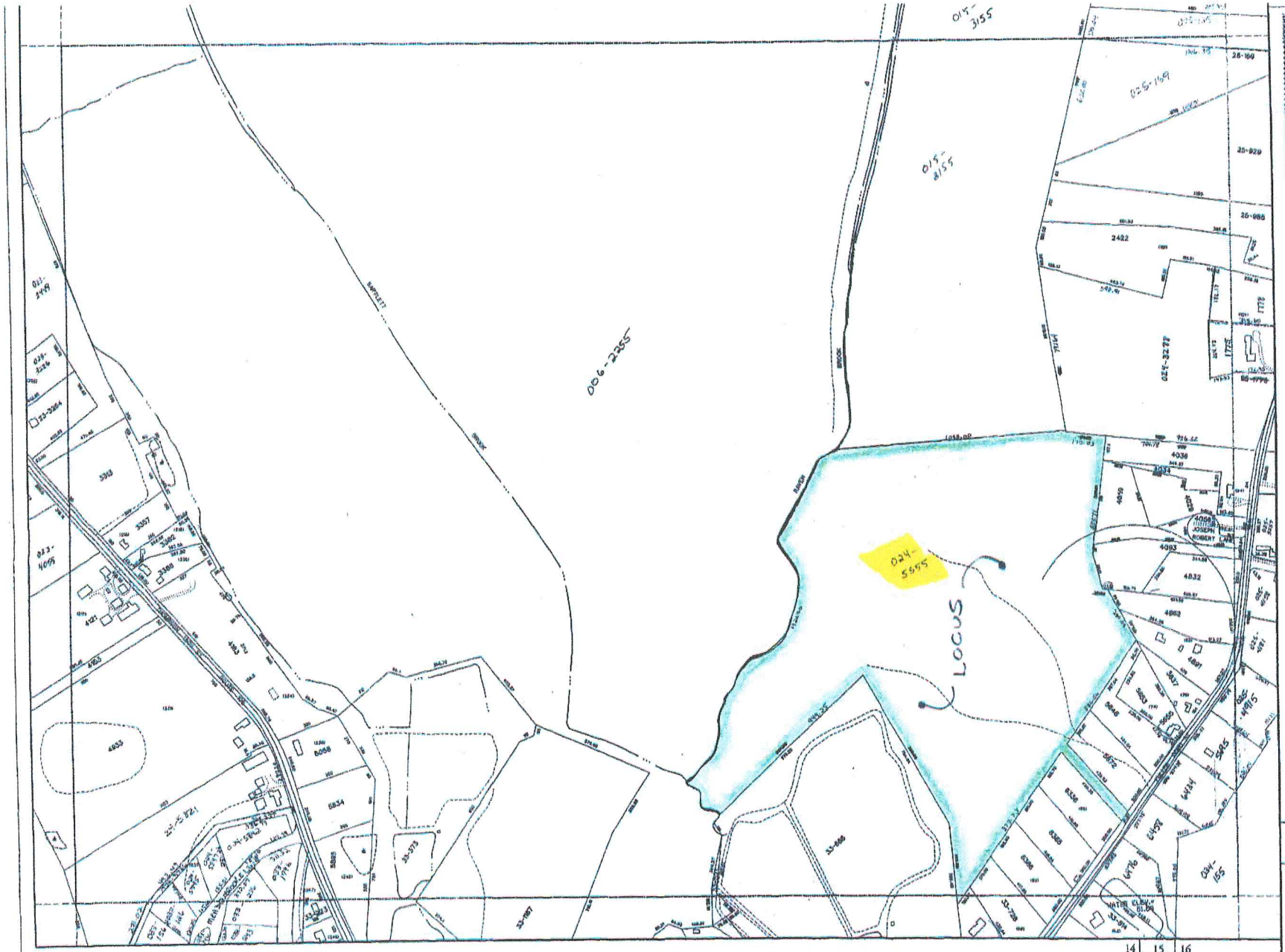
LOCUS MAP
FULLER STREET DEVELOPMENT LLC
FULLER STREET
MIDDLEBOROUGH, MASSACHUSETTS

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

1598-USGS

Appendix B

2.0 Assessors Map 24 Locus Map


LOCUS
024-5555
006-2355
015-3155
025-169
LEGEND
TOWN LINE
MAP MATCH LINE
POWER EASEMENT
DRIED DIMENSION
SCALED DIMENSION
BRACE NUMBER
HOUSE NUMBER
BUILDING
RAILROAD
STREAM, RIVER
LAKE, POND
WETLANDS
CHAMBERS BOG
PREPARED BY:
APPLIED GEOGRAPHICS, INC.
APPROVED BY: BRIAN COOLIDGE
DATE 10-15-99
AERIAL PHOTOGRAPHY DATED APRIL 26, 1987
CONTROL AND AEROTRIANGULATION BY ADR ASSOCIATES, INC PENNSAUKEN, NJ
STEREO COMPILATION PREPARED BY GEOD CORPORATION NEWFOUNDLAND, NJ
THESE PLANS ARE FOR TAX ASSESSMENT ORIENTATION PURPOSES ONLY. THE FIGURES GIVEN ARE NOT THE RESULTS OF GROUND SURVEY, AND ARE NOT TO BE USED FOR WRITING DEEDS OR OTHER INSTRUMENTS.
TOWN OF MIDDLEBOROUGH
PLYMOUTH COUNTY, MASSACHUSETTS
SCALE: 1 INCH = 200 FEET
GRID IS BASED UPON STATE PLANE COORDINATE SYSTEM.
14 15 16
23 25
32 33 34
TAX MAP 24

Appendix C

Plymouth County Conservation District correspondence dated 11/10/08

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

November 10, 2008

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

Mr. Schneider,

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

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

Sincerely,

Bill Kane
Certified Farm Planner
Plymouth County Conservation District

Cc:file

Appendix D

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

DEP File Number: 220-849
Provided by DEP

A. General Information

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

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

From: Middleborough
1. Conservation Commission

2. This issuance is for (check one):

a. ☒ Order of Resource Area Delineation Only

b. ☐ Order of Resource Area Delineation Subject to Simplified Review

1. ☐ Not Subject to Stormwater Policy

2. ☐ Subject to Stormwater Policy

c. ☐ Amended Order of Resource Area Delineation

3. To: Applicant:

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

4. Property Owner (if different from applicant):

a. First Name: | b. Last Name: | c. Company: V.S. Haseotes and Sons c/o Cumberland Farms Inc./Lily Bentos
d. Mailing Address: 777 Dedham Street #H44B
e. City/Town: Canton | f. State: MA | g. Zip Code: 02021

5. Project Location:

a. Street Address: Fuller Street | b. City/Town: Middleborough
c. Assessors Map/Plat Number: Map 6 | d. Parcel/Lot Number: Parcel 2255
Latitude and Longitude (note: electronic filers will click for GIS locator): e. Latitude: | f. Longitude:

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

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

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

FILE

B. Order of Delineation

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

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

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

      _____

      _____

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

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

      _____

      _____

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

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

      _____

      _____

      a. The boundaries were determined to be inaccurate because:

      _____

      _____

      _____

C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

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

Ineligibility Determinations

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

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

Stormwater

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

   a. _____

8. ☐ The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).
   a. Standard # _____ : _____
   b. Standard # _____ : _____
9. ☐ Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. ☐ The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. ☐ Work is proposed within 50 feet of a resource area.

Notice to Commission

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

---

[1] *Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.*
[2] *Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.*

C. Simplified Buffer Zone Review

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

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

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

--End of Conditions--

D. Findings

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

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

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

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

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

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

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation

220-949

Provided by DEP

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

F. Signatures and Notary Acknowledgement

Please indicate the number of members who will sign this form: Five
1. Number of Signers

Patricia A. Delaney
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

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

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

☐ by hand delivery on _____ Date

☐ by certified mail, return receipt requested on _____ Date

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth

On this 7th (Day) of September (Month) 2006 (Year)

Before me, the undersigned Notary Public, personally appeared D. Jeffrey Erickson (Name of Document Signer)

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

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

As member of Middleborough (City/Town) Conservation Commission

ROSEMARIE CORREIA
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
My Comm. Expires Dec. 28, 2012

Rosemarie Correia
Signature of Notary Public

Rosemarie Correia
Printed Name of Notary Public

12/28/12
My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on _____ Date

☐ by certified mail, return receipt requested, on _____ Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

DEP File Number:
220-949
Provided by DEP

G. Recording Information

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

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

Middleborough
Conservation Commission

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

To:

Middleborough
Conservation Commission

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

Fuller Street — Project Location
220-949 — DEP File Number

Has been recorded at the Registry of Deeds of:

County — Book — Page

for:

Property Owner

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

Book — Page

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number

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

Document Number

Signature of Applicant

Kenney

DEP File Number:

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

220-949
Provided by DEP

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

G. Recording Information

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

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

Middleborough
Conservation Commission

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

To:

Middleborough
Conservation Commission

107744
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
25 SEP 2006 12:16PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 33605 Pg 272-278

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

Fuller Street — Project Location
220-949 — DEP File Number

Has been recorded at the Registry of Deeds of:

County — Book — Page

for:

Property Owner

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

Book — Page

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number

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

Document Number

Signature of Applicant

RECEIVED
SEP 27 2006
CONSERVATION COMMISSION
MIDDLEBOROUGH, MA

FILE

Appendix E

Form 11 Soil Evaluation Form dated 10/20/08

Location Address or Lot No. Fuller Street New Bog Project

On-site Review

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

Location (Identify on site plan): See Site Plan

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

Vegetation: Wooded, Pines

Landform:

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

Distances from:

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

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

Drinking Water Well: >100 feet Other:

DEEP OBSERVATION HOLE LOG*

Depth from Surface (Inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-14	A	Loamy Sand	10 YR 3/2		Friable, Very Dry
14-30	B	Loamy Sand	10 YR 5/6		Friable, Very Dry
30-60	C_1	Sand	2.5 Y 5/6		Loose, Coarse
60-84	C_2	Loamy Sand	2.5 Y 6/4	@ 84"	Damp, Wet, Some Cobbles
84-192	C_3	Medium-Coarse Sand	2.5 Y 6/4		Saturated, Very Few Stones

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

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

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

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

Location Address or Lot No. Fuller Street New Bog Project

Determination for Seasonal High Water Table

Method Used:

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

Index Well Number _____ Reading Date _____ Index Well Level _____

Adjustment Factor _____ Adjusted Ground Water Level _____

Depth to Naturally Occurring Pervious Material

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

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

Certification

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

Signature _____ Date 10/20/08

Appendix F

MSHA Inspection Letter

U.S. Department of Labor

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

January 11, 2016

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

Dear Mr. Redlon:

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

Trade Name & Mailing Address:	G. S. Redlon & Sons, Inc. 3 Shaw Street Middleboro, MA 02346
Telephone Number:	(508) 947-1495
Identification Number:	**19-01258**

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

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

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

Sincerely,

Peter J. Montali

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

MSHA:sv:01/12/16

Appendix G

Exported Earth Volume Calculations

10:01 AM

03/14/16

Accrual Basis

RAVENBROOK DEVELOPMENT, LLC
Sales by Item Summary
All Transactions

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

384,243 yds

Appendix H

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

44682

Fuller Street Development, LLC
Permit No. 09-1

Final Conditions for Earth Removal Permit
April 27, 2009

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

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

Mail:
Mill Pond LLC
10 Owl Dr.
Sharon MA 02067

ORDER OF CONDITIONS

BOARD OF SELECTMEN

General Information

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

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

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

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

A. General Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Standard Conditions and Site Requirements

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Town's Agent and be in place prior to commencement of removal operations.

2. The Board of Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.

3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.

4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.

5. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee violates any condition of this permit.

6. The Town Manager or designee is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.

7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.

8. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Town's Agent to assist in dust control.

9. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the Board of Selectmen. The Board of Selectmen will hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.

10. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.

11. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as specifically approved by the Town's Agents and as allowed by state statute or regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Special Conditions

1. Blasting on the site is discouraged. Special permission may be provided by the Board of Selectmen after a public hearing - prior to application of a blasting permit to the Town Fire Department.

2. A dewatering system, if required will be outlined in a modified Project Plan, for review and approval by the Town's Agent.

3. Monitoring wells may be required to determine groundwater levels that could impact adjacent residential overburden and bedrock wells.

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

4. Monitoring well(s) for water levels, if required, are to be measured every seven (7) days, and the results kept in a daily log.

5. A copy of Bayside Agricultural inc. agreement to allow exit or entry access to the site is made a part of these conditions.

6. Conditions from the Middleborough Conservation Commission and Army Corp of Engineers is made a part of these conditions.

7. The site shall be evaluated for storm water drainage, and discharges, if permitted shall be to the Raven Brook or other site if approved by the Town's Agent.

8. Responses to field issues raised during the public hearing for the project as outlined in correspondence dated February 24, 2009 from Field Engineering Co., Inc. shall be made a part of these conditions.

9. If flooding along Fuller Street should occur, as a result of the earth removal operations, the permit holder will evaluate the site and provide corrective action upon consultation with the Town's Agent and Town Roadway Superintendent,

10. Trucks will not idle on Fuller Street at any time.

11. The permit holder will prepare a Farm Plan that meets standards set forth from

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

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

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

D. Inspection Fees and Bonding

Inspection Fees

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

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

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

a. The fee for each such review is **$ 600.00, due** and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permitted project.

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

c. The Board's Agent will include with the quarterly review a written assessment and update of actual activities and goals that were provided under **the Project Plan.**

02/08/2011 10:55 7817848736 AGS PAGE 07/08

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

Bond Requirements

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

Patrick E. Rogers, Chairman
BOARD OF SELECTMEN
Patrick E. Rogers 05.18.09
Date

Commonwealth of Massachusetts
County of Plymouth

On this 4th day of May, 2009, before me the undersigned Notary Public, personally appeared Patrick E. Rogers, proved to me through satisfactory evidence of identification which was/~~were~~ Personal Knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose(s).

Jacqueline M. Shanley
Signature of Notary

(Seal)
My commission expires 8.8.14

JACQUELINE M. SHANLEY
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
PLYMOUTH COUNTY
My Comm. Expires Aug. 8, 2014

02/08/2011 10:55 7817848736 AGS PAGE 08/08

Atlantic
DESIGN ENGINEERS, INC.

May 17, 2016

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

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

Dear Board Members:

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

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

We have the following comments:

1. Please provide a copy of the Conservation Commission Order of Conditions, if and when issued for the project, as well as the ORAD extension currently under review by the Conservation Commission.

2. A copy of the Comprehensive Mitigation Plan should be provided for review and approval of the DPW and the Board.

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

4. Confirm the location of any private wells in the vicinity of the site and address any potential impacts to adjacent private wells due to the excavation of the reservoir.

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

5. Note #6 indicates that the plans are not intended for construction. The final construction plans should be provided to Board prior to commencement of work to determine consistency with the approved permit set.

6. The following Appendix A – Project Plan requirements do not appear to be addressed in the Project Plan:

   4. Describe past earth removal activities and compliance issues that may have occurred.
   7.d Proposed dewatering
   7.g Volume and location of materials to be kept on site
   7.j Criteria for excavation of ponds and water storage areas

7. De-watering plans, methodologies, details are not provided.

8. Erosion control notes and details are provided on the detail sheet but no measures are shown on the site plans.

9. The Project Plan, references 2012 FEMA FIRM panels. There have been updated in 2014. Also, the narrative indicates that the project has been designed outside the 100 year flood hazard area. Review of the latest FIRM panels shows that the work at the entrance, (paving, new culverts, canal bypass, etc.) is within the flood plain. Please address impacts to the flood plain and confirm if a Notice of Intent has been filed for the work.

10. The plans do not show the 100' buffer to property lines typically required by the Board. Condition 9 of the previous permit allowed 50 feet. However, this condition also required trees to be planted in the buffer where there were no existing trees for screening. The plans do not show this and it is unclear if this planting was even completed.

11. Inverts, slopes, construction details and calculations have not been provided for the bypass canal and for the culverts at Fuller Street and at the access road.

12. The project side slopes are 40 to 60 foot high. Benching/terracing is recommended.

13. The setbacks from Town roadways are not shown on the plans.

14. The sales printout/tabulation of volumes provided in the application, shows large volumes of screened materials which would appear to be indicative of screening being conducted on the site. This is not allowed in the bylaw.

15. Please provide a completed Appendix B Plan Checklist with the application and revise the plans accordingly to comply.

Please call if you have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

Richard J. Tabaczynski, P.E.
Project Manager

CC: Field Engineering Co., Inc.

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

11D Industrial Drive, P.O. Box 1178
Mattapoisett, Massachusetts 02739
Telephone: (508) 758-2749
Facsimile: (508) 758-2849

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

April 28, 2016
Project No. 1598

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

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

Dear Ms. Stewart:

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

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

Comment:

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

Response:

The comment is acknowledged. No further response necessary.

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

Comment:

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

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

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

Response:

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

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

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

Comment 1.

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

Response:

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

Comment 2.

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

Response:

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

Comment 3.

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

Response:

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

Comment 4.

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

Response:

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

Comment 5.

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

Response:

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

Comment 6.

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

Response:

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

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

Very truly yours,
Field Engineering Co., Inc.

Kenneth J. Motta
Senior Project Manager

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

Incorporated 1669

CRANBERRY CAPITAL
OF THE WORLD

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

Christopher Peck
D. P. W. Director

DIVISIONS
Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

April 15, 2016

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

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

Dear Ms. Stewart,

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

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

The Department of Public Works comments are as follows:

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

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

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

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

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

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

Sincerely,

Christopher Peck
Director of Public Works

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

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

April 4, 2016

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

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

Honorable Board,

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

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

April 11, 2016

To the Town of Middleborough Selectman,

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

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

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

Respectfully yours,

Frederick Storch

TOWN OF MIDDLEBOROUGH

EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: Fuller Street Development LLC

Address of Applicant: 10 Owl Drive

Town or City: Sharon, MA 02067

Owner of Property: Fuller Street Development LLC

Location of Property: Fuller Street

Assessor's Parcel and Map Numbers Map 24 Parcel 5555

Map 33 Parcel 686

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: New

Request for an Extension of Time for existing permit. _____

Existing Permit Number: 09-1 (See Attached)

Parcel(s) Acreage: Approximately 80.97-acres

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

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

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

3. **Project Plan**

Has a Project Plan being submitted with this Application? Yes

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

4. **Planning Information**

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

Fuller Street, to Plympton Street, to Route 44

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

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

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

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

Permit No. _____ Registration No. _____

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

g. Expected Date of Project Completion: 2019

5. **Engineering General Information**

Engineering Firm Name: Field Engineering Co., Inc.

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

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

Town/City Mattapoisett, MA 02739

Phone Number: (508) 758-2749

7. **Financial Obligations**

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

_____yes __X__no

8. **Authorization of Applicant**

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

__X__ yes _____ no

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

Elliot Sch

Signature of Applicant

Elliot Schneider - Fuller Street Development LLC

Printed Name of Applicant

Date 3.16.16

Phone Number: (781) 784-6248

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

EARTH REMOVAL PERMIT PROJECT PLAN

Project Location:
Fuller Street
Assessor's Map 24, Lot 5555
Assessor's Map 33, Lot 686
Middleborough, Massachusetts

Prepared for:
Fuller Street Development LLC
10 Owl Drive
Sharon, MA 02067

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

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

Project No. 1598
March 18, 2016

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1.4 Project Water Demand
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1.6 Dust Control
1.7 Final Topsoil/Plantings

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2.0 Town of Middleborough Assessors Map 24 Locus Map ..... Appendix B
Plymouth County Conservation District correspondence dated 11/10/08 ..... Appendix C
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MSHA Inspection Letter ..... Appendix F
Exported Earth Volume Calculations ..... Appendix G
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1.0 Site Description

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

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

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

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

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

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

1.1 Master Plan Zoning Consistency

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

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

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

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

1.2 Buffer Areas

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

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

1.3 Project Phasing/Traffic

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

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

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

1.4 Project Water Demand

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

1.5 Stormwater Management

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

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

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

1.6 Dust Control

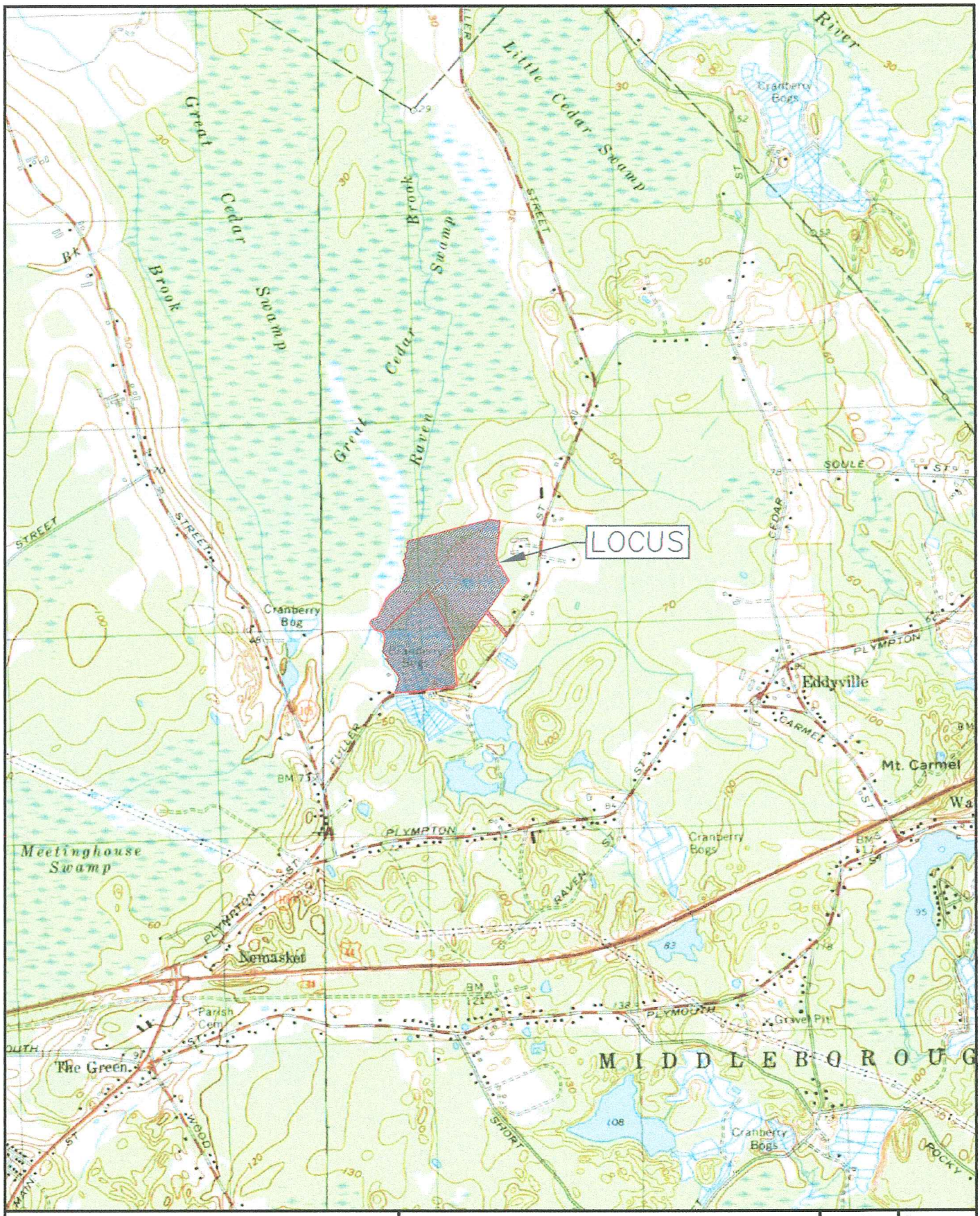
The haul road and loading areas will be watered on an as-needed basis or as directed by the representative for the Town for dust control. As an alternate, calcium chloride and/or sand will also be utilized as an alternate.

1.7 Final Topsoil/Plantings

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

Appendix A

1.0 USGS Quadrangle Locus Map



FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

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

THE CROCKER BUILDING
4 COURT STREET SUITE 104
TAUNTON, MA 02780
TEL: (508) 824-9279
FAX: (508) 824-9276

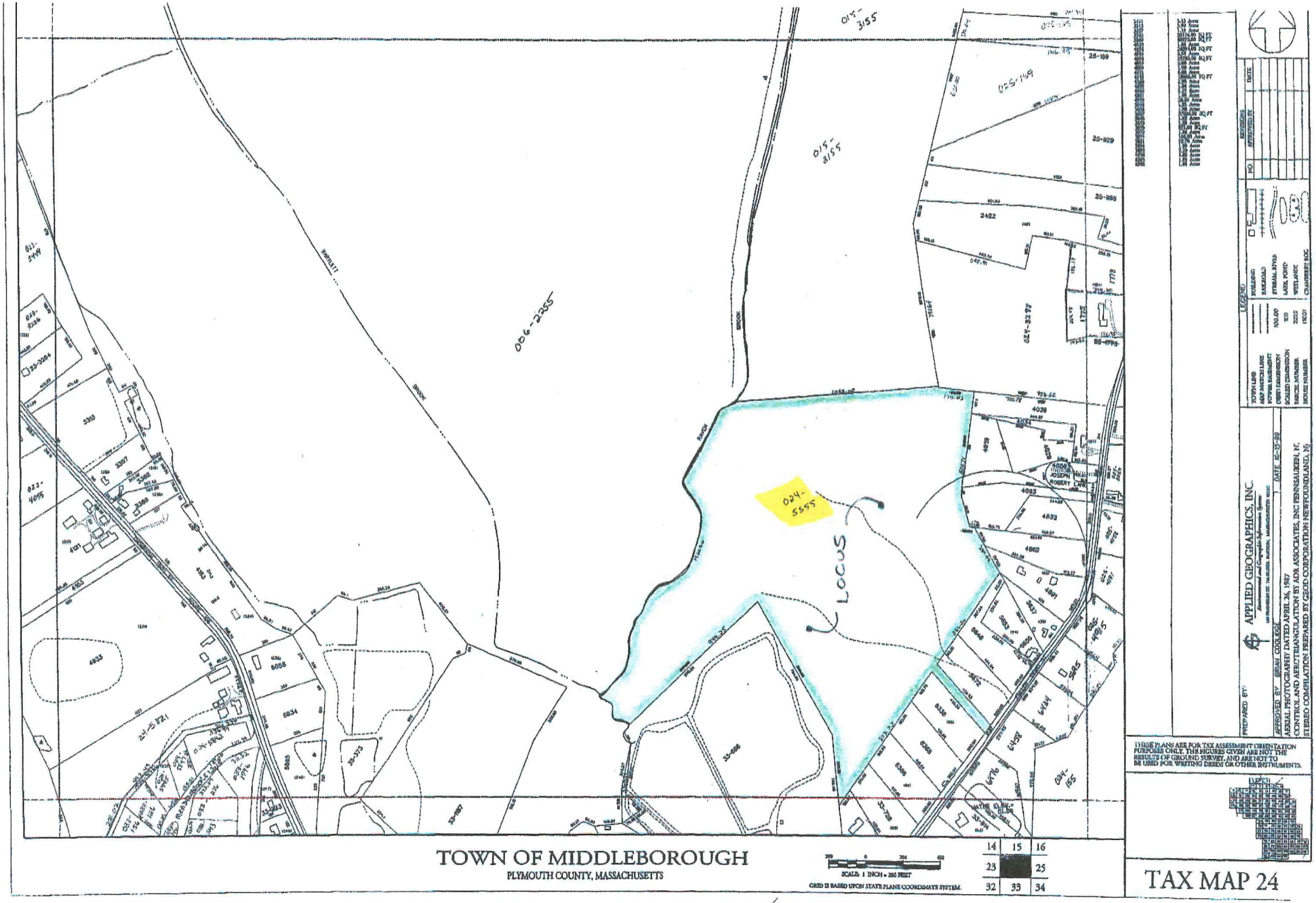
LOCUS MAP
FULLER STREET DEVELOPMENT LLC
FULLER STREET
MIDDLEBOROUGH, MASSACHUSETTS

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

1598-USGS

Appendix B

2.0 Assessors Map 24 Locus Map


TOWN OF MIDDLEBOROUGH
PLYMOUTH COUNTY, MASSACHUSETTS
SCALE: 1 INCH = 200 FEET
GRID IS BASED UPON STATE PLANE COORDINATE SYSTEM.
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006-2255
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Appendix C

Plymouth County Conservation District correspondence dated 11/10/08

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

November 10, 2008

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

Mr. Schneider,

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

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

Sincerely,

Bill Kane
Certified Farm Planner
Plymouth County Conservation District

Cc:file

Appendix D

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

DEP File Number: 220-849 (Provided by DEP)

A. General Information

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

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

From: Middleborough
1. Conservation Commission

2. This issuance is for (check one):

a. ☒ Order of Resource Area Delineation Only

b. ☐ Order of Resource Area Delineation Subject to Simplified Review

1. ☐ Not Subject to Stormwater Policy

2. ☐ Subject to Stormwater Policy

c. ☐ Amended Order of Resource Area Delineation

3. To: Applicant:

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

4. Property Owner (if different from applicant):

a. First Name: | b. Last Name: | c. Company: V.S. Haseotes and Sons c/o Cumberland Farms Inc./Lily Bentos
d. Mailing Address: 777 Dedham Street #H44B
e. City/Town: Canton | f. State: MA | g. Zip Code: 02021

5. Project Location:

a. Street Address: Fuller Street | b. City/Town: Middleborough
c. Assessors Map/Plat Number: Map 6 | d. Parcel/Lot Number: Parcel 2255
Latitude and Longitude (note: electronic filers will click for GIS locator): e. Latitude: | f. Longitude:

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

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

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

FILE

9-26-06 11:24

B. Order of Delineation

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

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

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

      _____

      _____

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

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

      _____

      _____

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

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

      _____

      _____

      a. The boundaries were determined to be inaccurate because:

      _____

      _____

      _____

C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

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

Ineligibility Determinations

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

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

Stormwater

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

   a. _____

8. ☐ The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).
   a. Standard # _____ : _____
   b. Standard # _____ : _____
9. ☐ Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. ☐ The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. ☐ Work is proposed within 50 feet of a resource area.

Notice to Commission

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

---

[1] *Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.*
[2] *Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.*

C. Simplified Buffer Zone Review

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

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

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

--End of Conditions--

D. Findings

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

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

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

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

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

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

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

DEP File Number: 220-949
Provided by DEP

F. Signatures and Notary Acknowledgement

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

Patricia A. Delaney
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

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

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

☐ by hand delivery on _____ Date

☐ by certified mail, return receipt requested on _____ Date

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth

On this 7th (Day) of September (Month) 2006 (Year)

Before me, the undersigned Notary Public, personally appeared D. Jeffrey Erickson (Name of Document Signer)

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

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

As member of Middleborough (City/Town) Conservation Commission

ROSEMARIE CORREIA
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
My Comm. Expires Dec. 28, 2012

Rosemarie Correia
Signature of Notary Public

Rosemarie Correia
Printed Name of Notary Public

12/28/12
My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on _____ Date

☐ by certified mail, return receipt requested, on _____ Date

G. Recording Information

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

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

Middleborough
Conservation Commission

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

To:

Middleborough
Conservation Commission

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

Fuller Street — Project Location
220-949 — DEP File Number

Has been recorded at the Registry of Deeds of:

County — Book — Page

for:

Property Owner

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

Book — Page

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number

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

Document Number

Signature of Applicant

Kennel

DEP File Number:

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

220-949
Provided by DEP

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

G. Recording Information

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

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

Middleborough
Conservation Commission

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

To:

Middleborough
Conservation Commission

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

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

Fuller Street — Project Location
220-949 — DEP File Number

Has been recorded at the Registry of Deeds at:

County — Book — Page

for:

Property Owner

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

Book — Page

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number

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

Document Number

Signature of Applicant

RECEIVED
SEP 27 2006
CONSERVATION COMMISSION
MIDDLEBOROUGH, MA

FILE

Appendix E

Form 11 Soil Evaluation Form dated 10/20/08

Location Address or Lot No. Fuller Street New Bog Project

On-site Review

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

Location (Identify on site plan): See Site Plan

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

Vegetation: Wooded, Pines

Landform:

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

Distances from:

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

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

Drinking Water Well: >100 feet Other:

DEEP OBSERVATION HOLE LOG*

Depth from Surface (Inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-14	A	Loamy Sand	10 YR 3/2		Friable, Very Dry
14-30	B	Loamy Sand	10 YR 5/6		Friable, Very Dry
30-60	C_1	Sand	2.5 Y 5/6		Loose, Coarse
60-84	C_2	Loamy Sand	2.5 Y 6/4	@ 84"	Damp, Wet, Some Cobbles
84-192	C_3	Medium-Coarse Sand	2.5 Y 6/4		Saturated, Very Few Stones

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

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

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

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

Location Address or Lot No. Fuller Street New Bog Project

Determination for Seasonal High Water Table

Method Used:

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

Index Well Number _____ Reading Date _____ Index Well Level _____

Adjustment Factor _____ Adjusted Ground Water Level _____

Depth to Naturally Occurring Pervious Material

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

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

Certification

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

Signature _____ Date 10/20/08

Appendix F

MSHA Inspection Letter

U.S. Department of Labor

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

January 11, 2016

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

Dear Mr. Redlon:

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

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

Telephone Number: (508) 947-1495

Identification Number: **19-01258**

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

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

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

Sincerely,

Peter J. Montali

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

MSHA:sv:01/12/16

Appendix G

Exported Earth Volume Calculations

10:01 AM

03/14/16

Accrual Basis

RAVENBROOK DEVELOPMENT, LLC
Sales by Item Summary
All Transactions

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

384,243 yds

Appendix H

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

44682

Fuller Street Development, LLC
Permit No. 09-1

Final Conditions for Earth Removal Permit
April 27, 2009

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

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

Mail:
Mill Pond LLC
10 Owl Dr.
Sharon MA 02067

ORDER OF CONDITIONS

BOARD OF SELECTMEN

General Information

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

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

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

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

A. General Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Standard Conditions and Site Requirements

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Town's Agent and be in place prior to commencement of removal operations.

2. The Board of Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.

3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.

4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.

5. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee violates any condition of this permit.

6. The Town Manager or designee is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.

7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.

8. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Town's Agent to assist in dust control.

9. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the Board of Selectmen. The Board of Selectmen will hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.

10. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.

11. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as specifically approved by the Town's Agents and as allowed by state statute or regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Special Conditions

1. Blasting on the site is discouraged. Special permission may be provided by the Board of Selectmen after a public hearing - prior to application of a blasting permit to the Town Fire Department.

2. A dewatering system, if required will be outlined in a modified Project Plan, for review and approval by the Town's Agent.

3. Monitoring wells may be required to determine groundwater levels that could impact adjacent residential overburden and bedrock wells.

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

4. Monitoring well(s) for water levels, if required, are to be measured every seven (7) days, and the results kept in a daily log.

5. A copy of Bayside Agricultural inc. agreement to allow exit or entry access to the site is made a part of these conditions.

6. Conditions from the Middleborough Conservation Commission and Army Corp of Engineers is made a part of these conditions.

7. The site shall be evaluated for storm water drainage, and discharges, if permitted shall be to the Raven Brook or other site if approved by the Town's Agent.

8. Responses to field issues raised during the public hearing for the project as outlined in correspondence dated February 24, 2009 from Field Engineering Co., Inc. shall be made a part of these conditions.

9. If flooding along Fuller Street should occur, as a result of the earth removal operations, the permit holder will evaluate the site and provide corrective action upon consultation with the Town's Agent and Town Roadway Superintendent,

10. Trucks will not idle on Fuller Street at any time.

11. The permit holder will prepare a Farm Plan that meets standards set forth from

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

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

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

D. Inspection Fees and Bonding

Inspection Fees

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

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

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

a. The fee for each such review is **$ 600.00, due** and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permitted project.

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

c. The Board's Agent will include with the quarterly review a written assessment and update of actual activities and goals that were provided under **the Project Plan.**

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

Bond Requirements

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

Patrick E. Rogers, Chairman
BOARD OF SELECTMEN
Patrick E. Rogers 05.18.09
Date

Commonwealth of Massachusetts
County of Plymouth

On this 4th day of May, 2009, before me the undersigned Notary Public, personally appeared Patrick E. Rogers, proved to me through satisfactory evidence of identification which was/~~were~~ Personal Knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose(s).

Jacqueline M. Shanley
Signature of Notary

(Seal)
My commission expires 8.8.14

JACQUELINE M. SHANLEY
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
PLYMOUTH COUNTY
My Comm. Expires Aug. 8, 2014

02/08/2011 10:55 7817848736 AGS PAGE 08/08

RAVENBROOK DEVELOPMENT, LLC

10 OWL DRIVE, SHARON, MA 02067

781-784-6248 FAX 781-784-8736

agsdevelopment@gmail.com

May 11, 2016

Town Of Middleboro
Selectmen's Office
10 Nickerson Avenue
Middleboro, MA 02346

RE: Ravenbrook Development Permit

We would like to request a continuance for Ravenbrook Development permit meeting on May 23, 2016 to June 6, 2016

Sincerely,
Elliot Schneider

Jacqueline Shanley

From: Patricia Cassady
Sent: Monday, May 23, 2016 9:10 AM
To: Jacqueline Shanley
Subject: RE: 5-23-16 Agenda

Hi Jackie,

Welcome back! I just wanted to let you know regarding the Fuller Street Earth Removal Permit that they will need to re-file with the Commission to get the Wetland line approved. Their previous permit expired and the Commission denied them an extension.

If you need any other info or updates just let me know ☺
Tricia

From: Jacqueline Shanley
Sent: Friday, May 20, 2016 4:16 PM
To: All Town Department Heads
Subject: 5-23-16 Agenda

Jackie Shanley
Executive Assistant to Board of Selectmen
Town of Middleborough
10 Nickerson Ave.
Middleborough, MA 02346
508 946-2405 Tel.
508 946-0058 Fax
jshanley@middleborough.com

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

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

Continued from May 2, 2016
Continued from May 9, 2016
Continued to May 23, 2016 @ 8pm
Continued to June 13, 2016 @ 8pm