HEARINGS, MEETINGS, LICENSES
6-4-12

A hearing will be held by the Board of Selectmen on Monday, June 4, 2012 at 7:30 PM in the Selectmen's Meeting Room at the Town Hall, located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by the John F. Glass, Jr., VFW Post 2188 for an Alteration of Premises and Change of Corporate Name All Alcoholic Beverages Club liquor license, property located at 12 Station Street, Middleboro, MA Assessors Map 50N, Lot 5974, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Allin Frawley
Steven P. Spataro
Ben Quelle
Stephen J. McKinnon

Publish: May 17, 2012

Payment forthcoming

CRANBERRY CAPITAL
OF THE WORLD

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

Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Building Commissioner
Health Officer
Conservation Commission
Planning Board

FROM: Board of Selectmen's office

DATE: 4/11/12

RE: **Alteration of Premises & Change of Corporate Name**
VFW Post 2188, 12 Station Street, M. 50N, L5974

Please be advised that the above referenced matter is scheduled before the Board of Selectmen on **6-4-12** at 7:30 PM.

The applicant is applying for an alteration of premises (sketch attached) as well as a change of the corporate name.

Please provide this office with any concerns, objections, and/or requirements in granting this license.

Thank you.

Attachments

cc: Board of Selectmen
Town Manager

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

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

May 30, 2012

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

RE: Alteration of premises for the VFW Post 2188 of 12 Station Street, Map: 50N Lot: 5974

Honorable Board,

I have reviewed the application submitted by Eric Goodnow for an alteration of premises for the property located at 12 Station Street. The Middleborough Board of Selectman has the authority to amend the liquor license; however the field is located in a residential zoning district. The change to allow the field to be used as a hospitality area would have to be approved by the Zoning Board of Appeals.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

Jacqueline Shanley

From: Catherine Hassett
Sent: Wednesday, May 16, 2012 10:25 AM
To: Jacqueline Shanley
Subject: VFW Post 2188

Hi Jackie,

The Middleborough Health Department does not have any concerns, objections, and/or requirements regarding an alteration of premises or a change of the corporate name for the VFW Post 2188 located at 12 Station Street, Middleborough, MA. M.50N, L.5974.

Thank you,

Catherine Hassett

Town of Middleborough

Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 2/13/2012
NAME OF APPLICANT Middleboro Overseas Veterans Inc
ADDRESS OF APPLICANT 12 Station St Middleboro MA 02346
ASSESSORS MAP & LOT 5974
DAYTIME TELEPHONE 508-967-6702 508-947-6804 Eric Goodnow

NAME OF BUSINESS Middleboro Overseas Veterans Inc
OWNER OF PROPERTY TO BE LICENSED Middleboro Overseas Veterans Inc
ADDRESS OF PROPERTY TO BE LICENSED 12 Station St
ASSESSORS MAP & LOT

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand Furniture
Class I License
Class III License
Common Victualler
Entertainment

2nd Hand Clothing
Class II License
Liquor License X
Automatic Amusement
Other

1. Change of name.
2. Add outdoor area. (alteration of premises)

Anticipated Start Date for Business 05/01/2012
Hours requested: Inside building same. Outside 11am to 8pm or sunset

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:
Yes, We have a license for John F. Glass Post 2188. Name on license is being changed to Middleboro Overseas Veterans Inc.

Signature

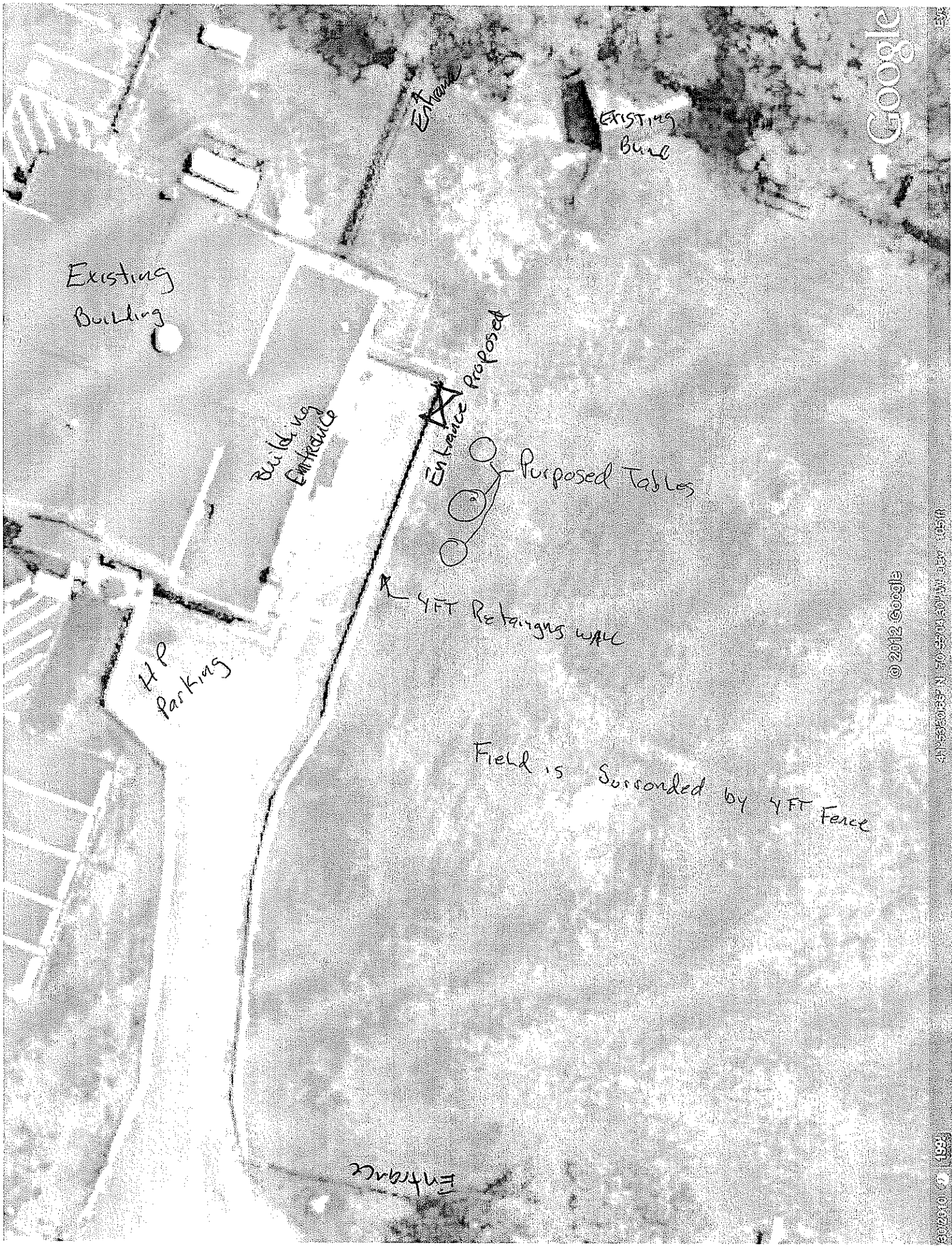
DATE OF HEARING 6.4.12 APPROVED/DENIED

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

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

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

Judy M. MacDonald


Entrance
Existing Bund
Existing Building
Building Entrance
Entrance Proposed
Purposed Tables
YFT Retaining wall
HP Parking
Field is Surrounded by YFT Fence
Entrance
© 2012 Google
Google

Print Form

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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: $200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER: 664

IF USED EPAY, CONFIRMATION NUMBER:

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY): 070000009

LICENSEE NAME: Middleboro Overseas Veterans Inc.

ADDRESS: 12 Station St.

CITY/TOWN: Middleboro STATE MA ZIP CODE 02346

TRANSACTION TYPE (Please check all relevant transactions):

☐ New License	☐ New Officer/Director	☐ Pledge of License	☒ Change Corporate Name
☐ Transfer of License	☐ Change of Location	☐ Pledge of Stock	☐ Seasonal to Annual
☐ Change of Manager	☒ Alteration of Licensed Premises	☐ Transfer of Stock	☐ Change of License Type
☐ Cordials/Liqueurs Permit	☐ New Stockholder	☐ Issuance of Stock	☐ Other
☐ 6-Day to 7-Day License	☐ Management/Operating Agreement	☐ Wine & Malt to All Alcohol	

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396

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

PETITION FOR CHANGE OF LICENSE

070000009
ABCC License Number

Middleboro
City/Town

The licensee John F. Glass Jr. VFW Post 2188 respectfully petitions the Licensing Authorities to approve the following transactions:

- ☐ Change of Manager
- ☐ Pledge of License/Stock
- ☒ Change of Corporate Name/DBA
- ☐ Change of License Type (§12 ONLY, e.g. "club" to "restaurant")
- ☒ Alteration of Premises
- ☐ Cordial & Liqueurs
- ☐ Change of Location

☐ Change of Manager

Last-Approved Manager:

Requested New Manager:

☐ Pledge of License /Stock

Loan Principal Amount: $ Interest Rate:

Payment Term: Lender:

☒ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA: John F. Glass Jr. VFW Post 2188

Requested New Corporate Name/DBA: Middleboro Overseas Veterans Inc.

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☒ Alteration of Premises: (must fill out financial information form)

Description of Alteration: Amend Liquor License to include field adjacent to building for picnic tables as a hospitality area.

☐ Change of Location: (must fill out financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

(If a Corporation/LLC, by its authorized representative)

Date Signed 02/13/2012

Powered by Vision Government Solutions, Inc.

Map-Lot-Unit :	50N/ / 5974/ / /
Location:	12 STATION ST
Owner Name:	MIDDLEBORO OVERSEAS VETERANS, INC
Account Number:	50N-5974

Parcel Value

Item	Appraised Value	Assessed Value
Buildings	489,300	489,300
Xtra Bldg Features	12,800	12,800
Outbuildings	18,900	18,900
Land	334,800	334,800
Total:	**855,800**	**855,800**

Owner of Record

MIDDLEBORO OVERSEAS VETERANS, INC
12 STATION ST
MIDDLEBORO, MA 02346

Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
MIDDLEBORO OVERSEAS VETERANS, INC	6099/ 157	5/14/1985	0

Land Use

Land Use Code	Land Use Description
9000	US GOVT

Land Line Valuation

Size	Zone	Appraised Value	Assessed Value
3.23 AC	B	334,800	334,800

Construction Detail

Building # 1

STYLE Clubs/Lodges
Stories: 1
Roof Structure Gable/Hip
Interior Floor 1 Carpet
Heating Type Forced Air-Duc
Total Bedrms 00
Heat/AC HEAT/AC SPLIT
Ceiling/Wall SUS-CEIL & WL
% Comn Wall 0

MODEL Commercial
Occupancy 1
Roof Cover Asph/F Gls/Cmp
Interior Floor 2 Inlaid Sht Gds
AC Type Central
Total Baths 2
Frame Type WOOD FRAME
Rooms/Prtns AVERAGE

Grade Average
Exterior Wall 1 Vinyl Siding
Interior Wall 1 Drywall/Sheet
Heating Fuel Gas
Bldg Use US GOVT
1st Floor Use: 9000
Baths/Plumbing AVERAGE
Wall Height 10

Building Valuation

Living Area: 9,882 square feet
Depreciation: 40%

Replacement Cost: 815,551
Building Value: 489,300

Year Built: 1952

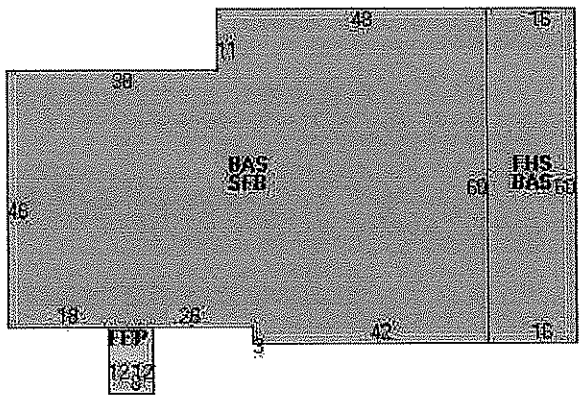
Extra Features

Code	Description	Units	Appraised Value
SPR2	WET/CONCEALED	8870 S.F.	12800

Outbuildings

Code	Description	Units	Appraised Value
PAV1	PAVING-ASPHALT |	14400 S.F.	15800
SHD1	SHED FRAME |	160 S.F.	900
SHD1	SHED FRAME |	160 S.F.	900
SHD1	SHED FRAME |	192 S.F.	1300

Building Sketch



Subarea Summary

Code	Description	Gross Area	Living Area
BAS	First Floor	5570	5570
FEP	Porch, Enclosed	96	0
FHS	Half Story, Finished	960	624
SFB	Base, Semi-Finished	4610	3688

John F. Glass Jr. VFW Post 2188

12 Station St., Middleboro Ma 02346
508-967-6702

Certificate of Corporate Name Change on liquor license and Amend liquor license

I Eric Goodnow clerk of the John F. Glass Jr. VFW Post 2188 having the principal office at 12 Station St. Middleboro, MA 02346.

I certify that all officers and trustees in attendance have voted to change the corporation name on our liquor license to Middleboro Overseas Veterans Inc. having the principal office at 12 Station St. Middleboro, MA 02346

Vote taken 7 in favor 0 Opposed 0 abstain

Signed Under the Penalties of Perjury, this 25 day of January 2012

_____ Clerk

I Eric Goodnow clerk of the John F. Glass Jr. VFW Post 2188 having the principal office at 12 Station St. Middleboro, MA 02346.

I certify that all officers and directors in attendance have voted to amend our liquor license to include the field adjacent to the building at 12 Station St. Middleboro, MA 02346 for the purpose of expanding our hospitality area.

Vote taken 7 in favor 0 Opposed 0 abstain

Signed Under the Penalties of Perjury, this 25 day of January 2012

_____ Clerk

Financial Information:

Costs Associated with License

1. Real Property:	$
2. Business Purchase:	$
3. Renovations/Construction:	$ 1,000
4. Start up/Operating Capital:	$
5. Inventory:	$
6. Goodwill:	$
7. Furniture:	$ 400
8. TOTAL COST:	$ 1,400
9. TOTAL CASH:	$ 1,400
10. TOTAL FINANCED:	$ 0

The amounts in items 9 and 10 must total the amount reflected in item 8. **IMPORTANT:** Submit any and all records, documents and affidavits including loan agreements that explain the sources of money for this transaction.

FEDERAL IDENTIFICATION
NO. 042050445

The Commonwealth of Massachusetts

04 J0 J0445

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

CERTIFICATE OF CHANGE OF DIRECTORS OR OFFICERS OF NON-PROFIT CORPORATIONS

(General Laws, Chapter 180, Section 6D)

I, Eric Goodnow, *Clerk

of Middleboro Overseas Veterans Inc.,
(Exact name of corporation)

having a principal office at 30 Station St. Middleboro Ma 02346,
(Street address of corporation in Massachusetts)

certify that pursuant to General Laws, Chapter 180, Section 6D, a change in the directors and/or the president, treasurer and/or clerk of said corporation has been made and that the name, residential address, and expiration of term of each director and the president, treasurer and clerk are as follows:

	NAME	RESIDENTIAL ADDRESS	EXPIRATION OF TERM OF OFFICE
President:	Richard Washburn Jr.	18 Lyn Ln Middleboro MA 02346	UNTIL NEXT ELECTION
Treasurer:	William Blight	1 Carpenter St Middleboro MA 02346	UNTIL NEXT ELECTION
Clerk:	Eric Goodnow	153 Summer St Middleboro MA 02346	UNTIL NEXT ELECTION
Director 3yrs:	Paul Provencher	17 Barrows St Middleboro MA 02346	UNTIL NEXT ELECTION
Director 3yrs:	Wayne Packard	301 Crystal Way Middleboro MA 02346	UNTIL NEXT ELECTION
Director 2yrs:	Paul Demers	8 Clarendon St Taunton MA 02780	UNTIL NEXT ELECTION
Director 2yrs:	David McNeil	42 Pickens St Lakeville MA 02347	UNTIL NEXT ELECTION
Director 1yr:	William Holmes	12 Station St Middleboro MA 02346	UNTIL NEXT ELECTION
Director 1yr:	Einos Polvinen	12 Station St. Middleboro MA 02346	UNTIL NEXT ELECTION

2011 AUG 22 AM 11:47
SECRETARY OF THE COMMONWEALTH
CORPORATIONS DIVISION

SIGNED UNDER THE PENALTIES OF PERJURY, this 14th day of August, 20 11,

E Goodnow, *Clerk

*Delete the inapplicable words.
**Please provide the name and residential address of the assistant clerk if he/she is executing this certificate of change.

180xxxx 4/5/00

BY-LAWS

MIDDLEBORO OVERSEAS VETERANS, INC.

ARTICLE I

Name and Location

The name of the corporation shall be "Middleboro Overseas Veterans, Inc.".

The location of the corporation shall be in the Commonwealth of Massachusetts, at 30 Station Street, Middleboro, Mass. 02346.

ARTICLE II

Seal

The corporate seal shall be circular in form and have inscribed thereon the name of the Corporation, year of incorporation, and the word "Massachusetts".

ARTICLE III

Purposes

The purpose of this corporation shall be fraternal, patriotic, historical and educational; to assist worthy comrades; to aid in perpetuating the memory and history of our wartime dead; to assist their widows and orphans; to attempt to maintain true allegiance to the government of the United States of America; and to help to foster true patriotism. To have perpetual succession, with power to sue and be sued in courts of law and equity; to own, use and dispose of such real estate, personal property, money, contract rights and priveledges as shall be deemed necessary and incidental for its corporate purposes; and these purposes shall or shall not include the right to apply for a license to sell alcoholic beverages.

ARTICLE IV

Capitol Stock & Membership

The Corporation is organized as a non-stock, non-profit organization in the Commonwealth of Massachusetts.

Qualified members of the Corporation shall be entitled to only one vote.

Additional incorporators may be proposed to the Board of Directors, who will investigate and verify their eligibility as overseas war-time veterans. The name of the proposed new incorporators will be presented to the membership at the next Annual or Special Meeting for consideration.

Any incorporator missing two successive Annual Meetings without a valid written excuse will be proposed for deletion from the roll of incorporators.

ARTICLE V

Powers

This incorporated organization of overseas wartime veterans shall at all times remain under the jurisdiction of and be governed by its By-Laws and the laws and regulations of the Commonwealth of Massachusetts.

ARTICLE VI

Dissolution

In the event of the dissolution of this Corporation, the title to all of the assets and property, real and personal, shall pass to such non-profit organization, group or corporation that will benefit the citizens of the greater Middleboro area. At no time shall the assets of the Corporation be distributed among the individual members thereof.

ARTICLE VII

Meetings of the Corporate Members

Section 1. Place of Meeting

Meetings of Members of the Corporation shall be held at the principal office of the Corporation in the Commonwealth of Massachusetts or elsewhere at any place within the Commonwealth designated in the notice of the meeting.

Section 2. Quorum

Twenty-five percent of the members of the Corporation entitled to vote, present in person, shall constitute a quorum for the transaction of any business at a Corporation meeting, unless a larger number shall be required by law, and in that case, the number so required, shall constitute a quorum.

If a quorum is not present at any meeting, a majority of those and entitled to vote, may adjourn such meeting, without notice other than announcement at the meeting, until members requisite to constitute a quorum shall be present. At such adjourned meeting any business may be transacted which might have been transacted at the original meeting as notified.

Section 3. Date of Annual Meeting

The Annual Meeting of the Members of the Corporation shall be held on the second Wednesday of April in each year. In the event that such Annual Meeting is omitted by oversight or otherwise on the required day, a subsequent meeting may be held in lieu thereof, and any business transacted or election held shall be valid as if transacted at the Annual Meeting. Such meeting shall be called as provided for Special Meetings.

Section 4. Special Meetings

Special meetings of the members of the Corporation may be called by the President or by a majority of the Board of Directors, and shall also be called by the Clerk, upon the written application of 10% of the members entitled to vote, stating the time, place and purpose of the meeting.

A written or printed notice of the Annual Meeting or of any Special Meeting, stating the time, place and in the case of a Special Meeting, the purpose thereof, shall be given by the Clerk of the Corporation at least seven days before such meeting, to each member of record by leaving such notice at his residence, place of business or by mailing, postage prepaid, and addressed at the member's address as it appears in the records of the Corporation.

Section 6. Order of Business

The order of business at the Annual Meeting and, as far as practical, at all other meetings of the members, shall be as follows:

1. Calling Roll of Officers
2. Proof of due notice of meeting.
3. Reading and disposal of minutes.
4. Reports of Officers and Committees.
5. Election of Officers.
6. Unfinished business.
7. New business.
8. Adjournment.

Section 7. Vote of Members

All matters requiring action by Members must be by the affirmative vote of at least a majority of those Members present at a duly constituted meeting. There shall be no proxy votes.

Section 8. Rules of Order

For rules of order, etc. not covered by these by-laws, Demeter's Manual of Parliamentary Law and Procedure shall be the authority and prevail.

ARTICLE VIII

Officers

Section 1. Titles

The governing body shall consist of a Board of six (6) Directors, a President, a Treasurer and a Clerk. The Board of Directors may appoint a Vice President, Assistant Treasurer and such other officers as may deem advisable.

Section 2. Qualifications

The President, Treasurer and Clerk shall be Directors. The Clerk shall be a resident of the Commonwealth of Massachusetts.

Section 3. Election

The President, Treasurer and Clerk shall be elected annually by the Corporation.

At the first Annual Meeting of the Corporation there shall be elected to the Board six Directors, terms to be stated on the ballot; two for one

continue to serve and hold office until their successors have been elected and qualified. Vacancies shall be filled by the Board of Directors until the next Annual Meeting is cases where the officers are elected by the corporate members

The Directors shall have the authority to create and fill additional offices such as Assistant Treasurer and shall have the right to hire and fire agents and employees of the Corporation and to define their duties.

The Corporate Members may at any Annual or Special Meeting, by a two-thirds vote of the Members presenty declare vacant the office of any officer or Director who shall absent himself, without valid cause, for two consecutive Director's meetings, provided that at least seven(7) days notice shall have been given to such officer or Director of the proposed action inwriting.

Also, the Corporate Members may at any Annual or Special Meeting, by a two-thirds vote of the Members present, declare vacant the office of any officer for any or all of the following: conviction of a misdemenor in volving moral turpitude, or any crime amounting to a felony, conduct unbecoming a gentleman, member, or officer of this Corporation; or conduct prejudicial to good order and discipline, or actions to bring discredit upon the organization.

ARTICLE IX

Directors

Section 1. Chairman of the Board of Directors

The Chairman of the Board of Directors shall be the President of the Corporation. He shall preside at meeting of the Board and shall have such other duties as may be assigned by the Board.

Section 2. Quorum

A majority of the Board of Directors shall constitute a quorum for the transaction of business of the Board.

Section 3. Place of Meetings, etc.

The Directors may establish the place of holding their meetings and the manner of calling and notifying. The Directors may provide for regular meetings of the Board to be held at a definite time and place, and may provide that no notice of said regular meeting be given to Board Members other than a notice of establishment of such regular meetings.

Section 4. Special Meeting

Special meetings of the Board may be held when called by the President or by any two Directors.

Section 5. Powers of Directors.

The Board of Directors shall have control over and management of the business and property of the Corporation and they are hereby vested in such management with all the powers which the Corporation itself possesses, except such as are conferred by these By-Laws of this Commonwealth; except those powers that may be reserved by the Members.

[illegible] within their corporate authority. They shall have the power to fill any vacancy which may occur among the Directors, except President, Treasurer and Clerk, until the next meeting of the Corporation.

The Board shall not, without prior voted approval of the Members at a meeting, enter into any contract when the amount involved is greater than $1000.00.

ARTICLE X

President

The President shall be the chief executive officer of the Corporation. He shall preside at all meetings of the Corporation and the Board of Directors. He shall have the power to call meetings of the Corporation and the Board whenever he determines such are required. He shall, subject to the Corporation and the Board, manage the affairs of the Corporation and shall perform such duties as required by law and usually vested in the office of President. He shall make an annual report to the members on the affairs of the Corporation.

ARTICLE XI

Vice President

The Vice President shall have such powers and duties as may be assigned by the Board. In the absence or disability of the President, the Vice President shall preside at meetings and shall perform the duties and have the powers of the President.

ARTICLE XIII

Clerk

The Clerk of the Corporation, also known as Secretary, shall at all times be a resident of Massachusetts. He shall record votes and minutes of all Corporation and Board meetings in books kept for that purpose. He shall attend all meetings of the Corporation and Directors and act as Clerk thereof, and shall be sworn to faithful performance of duties of the office. He shall give notice of all meetings of the Corporation, in accordance with the By-Laws, and shall perform such duties as may be required by the By-Laws or the Board of Directors. In his absense, a Clek pro tempere may be chosen, who shall be duly sworn.

ARTICLE XIII

Treasurer

The Treasurer shall give sufficent bond for the faithful performance of his duties. He shall have custody of all monies, securities and evidence of indebetedness of the Corporation. He shall keep proper accounts of all receipts and disbursements, shall receive all monies payable to the Corporation and shall disburse the same in accordance with the instructions or order of the Board of Directors. All books, accounts and records shall be subject to an audit and inspection and control in accordance with the By-Laws and requirements of the Board of Directors. The books of account shall be the property of the Corporation and he shall at reasonable times exhibit his books and accounts to any officer or Director of the Corporation.

The Directors may appoint an Assistant Treasurer to assist the Treasurer whenever necessary, and he shall perform such duties as may be designated by the Directors and the Treasurer.

ARTICLE XIV

Fiscal Year

The fiscal year of the Corporation shall be from the first day of January to and including the last day of December in each year.

ARTICLE XV

Amendments

These By-Laws may be amended or repealed, except so far as they embody requirements of the law, at any Annual or Special Meeting of the Corporation, notice of which meeting being given in writing that an amendment of the By-Laws would be acted upon, and stating the proposed amendment in the notice, and an affirmative vote of two-thirds (2/3) of the members present and voting upon each amendment, alteration or repeal.

May 15, 2012

Selectmen,

The VFW has an application – public hearing scheduled before the Board on 6/4 for two things:

- Change of Corporate Name
- Alteration of Premises

Abutter notifications were sent out by the VFW as part of this application process re "Alteration of Premises". The VFW is asking to serve/consume alcoholic beverages outdoors. I spoke with an abutter today who offers the following concerns:

Dan Silvia
19 Southwick Street

He has owned & lived at this address for seven years. He lives at and rents apartments at this address. He has young children. There are 37 kids on this street on the side where the ball field is located who will witness outdoor drinking. They are already dealing with loud music, swearing, rowdiness & finding beer bottles constantly thrown over his side of fence. He said that based on a Town map that someone at Town Hall gave him, the VFW is preparing an outdoor area that actually falls on residential property. He offered that even though the VFW owns it, it's still residential property. He said that even if they were to offer to put up a fence as a buffer, the fence would have to be approximately as tall as a telephone pole because their bedroom windows are about that high. He suggested that this just wouldn't work. He is also concerned that no one is going to want to rent from him if the problems that they are already experiencing with the current liquor license are now extended to the outdoors with a license to serve and drink outside.

He added that since the VFW added on (basement area) approximately six years ago, they open the basement door and the music from loud bands forces him to run his air conditioners nightly in the summer to drown the noise, even if temperatures do not call for it. This is an added major expense for him.

Jackie

The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 7, 2012 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering, Inc. on behalf of Fuller Street Development LLC for a Special Permit under the Water Resource Protection District By-law, to allow for the construction of a used car dealership consisting of an office/sales building and a paved vehicle display area allowing 15.6% of the total lot area to be impervious in the Water Resource Protection District Z3 at 352 Wareham Street. This project is located as Map 72 Lot 4657. Anyone wishing to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Allin Frawley
Steven P. Spataro
Ben Quelle
Stephen J. McKinnon

BOARD OF SELECTMEN

Publish: April 19, 2012 and April 26, 2012

Payment is forthcoming. Advertiser #300074

Continued to 5.21.12
" " 6.4.12

Atlantic®
DESIGN ENGINEERS, LLC.
ENGINEERS & ENVIRONMENTAL SCIENTISTS

June 1, 2012

Board of Selectmen
c/o Mr. Charles J. Christello, Town Manager
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346

RE: Final Engineering Review
WRPD Application
Used Car Dealership – 352 Wareham Street
ADE Project #2518.18

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our final review of the site plans and calculations for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The Site Plans and Drainage Report are revised dated May 16, 2012 and both are prepared by Outback Engineering, Inc. for Fuller Street Development, LLC of Sharon, MA.

The revised plans and calculations have addressed the comments from our initial review letter of April 26, 2012. We offer the following for the consideration of the Board:

- The applicant has indicated that the large flat area north of the gravel drive and behind the existing house will not be used for parking or vehicle storage. We suggest that this should be made a condition of the approval.
- We also suggest that the Source Control/Pollution Prevention requirements relative to hazardous materials storage and use, such as gasoline, oil, car cleaning products, solvents, fertilizers, outlined in the engineer's response letter dated May 16, 2012 and the Applicant's response letter dated April 25, 2012, should be made a condition of the approval.
- Per the WRPD bylaw, dry wells/leaching structures shall only be used where other methods are infeasible. The applicant has indicated that open vegetated basins are infeasible at the entrance off of Wareham Street due to elevation constraints, safety reasons, and for aesthetics. The Board should review these arguments for concurrence, particularly as related to safety and asthetics.
- The note on sheet 3 referencing removal and replacement of unsuitable soils in the area of the infiltration basin should also apply to the subsurface infiltration systems.

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

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

Richard J. Tabaczynski, P.E.
Vice President

RJT/sal

Jacqueline Shanley

From: Amy Hughes <agsdevelopment@gmail.com>
Sent: Tuesday, May 29, 2012 9:09 AM
To: BuildingWeb
Cc: Adam ~~Bond; Jacqueline~~ Shanley
Subject: Building dept letter 52912
Attachments: Building dept letter 52912.pdf

Mr. Whalen,

Attached is a letter in regards to 354 Wareham Street Property

Thank You
Elliot Schneider

FULLER STREET DEVELOPMENT, LLC

10 OWL DRIVE, SHARON, MA 02067

781-784-6248 FAX 781-784-8736

May 29, 2012

Town of Middleboro
Building Department
20 Centre Street
Middleboro, MA 02346

RE: 354 Wareham Street

Dear Mr. Whalen,

We have removed all unregistered vehicles from 354 Wareham Street, the backhoe that was on the property belonged to GS Redlon & Sons as they were meeting with the Board of Health to perform test holes and is now off the property. The truck and trailer that is left on the property belong to the tenant at 352 Wareham Street and is registered to him.

Sincerely,

Elliot Schneider

CC:
Jacqueline Shanley, Board of Selectmen
Jason Youngquist, Outback Engineering
Adam Bond, Law offices of Adam Bond

Outback Engineering Incorporated

165 East Grove Street
Middleborough, MA 02346
Tel # 508-946-9231 Fax # 508-947-8873
www.outback-eng.com
Civil Engineers ✦ Land Surveyors ✦ Wetland Scientists ✦ Soils Laboratory

May 16, 2012

RECEIVED
2:02 pm
MAY 17 2012
Allison J. Ferrera
TOWN CLERK

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

Re: 354 Wareham Street Site Plan Revisions

Dear Board Members,

On behalf of Fuller Street Development LLC, we have updated the Site Plan for 354 Wareham Street in response to a review letter from Atlantic Design Engineers dated April 26, 2012. The following revisions have been made:

1. There are no wetlands on the property. The offsite wetlands have been added to the plans along with the 100' buffer line which extends into the property. No work is proposed within the buffer zone.
2. This area is not to be used for vehicle storage or for any other purpose. It is currently a disturbed area that was previously excavated with numerous piles of dirt and stones. The applicant intends to remove this debris to clean up the site and the area will be loamed and seeded when finished. A note has been added to the plan.
3. The typical cross section no longer applies to this project and has been removed.
4. Three additional test pits were performed in the area of the rear basin and 1 at the front basin. Test pits were witnessed by the Board of Health and the soil logs have been added to the plans.
5. The location of the nearest public wells and the boundaries of the Water Resource Protection District have been added to the Locus Plan on Sheet 1.
6. There will be no repair garage or repair area. With no oil or fluid changes, no storage of hazardous waste is contemplated or necessary. Any oil, transmission fluid, antifreeze and cleaning items will be stored in their original containers. Car washing will be done by others, at local car washes, if any car washing will be done on premises only bio degradable material will be used. Repair work will be subbed out to Middleboro garages, and local

businesses. A copy of this letter will be posted on the site and be given to all employees.

7. The grading for the parking lot has been revised and adequate cover over the pipes has been provided.
8. The small subsurface infiltration structures used at the front of the site are utilized to capture a portion of the runoff from the entrance drive only. It is a minimal amount of runoff and could not be piped to the rear basin due to elevation constraints. An open basin was not designed along Wareham Street at the front of the property for safety reasons of vehicles traveling along Wareham Street, and also for aesthetics. This area will be better utilized as a landscaped area to enhance the Site and Route 28.
9. A water quality tank has been added to the treatment of runoff entering the rear basin and deep sump hooded catch basins will treat runoff from the entrance. Calculations have been added to the revised drainage report to adequately size these structures.
10. TSS removal of 44% has been provided prior to the rear infiltration basin and calculations have been added in the drainage report. Deep sump, hooded catch basins have been provided for the treatment process of the small basins at the front of the site which captures only a small portion of runoff from the entrance drive. Runoff from the entrance drive is not a source of higher pollutant load, does not have a rapid infiltration rate, and does not discharge to a critical area and does not require the 44% TSS removal.
11. A water quality tank has been added to the treatment train of runoff entering the rear basin which collects all runoff from the parking lot. Deep sump hooded catch basins are proposed at the front of the site. Calculations have been added to the revised drainage report to adequately size the structures.
12. The snow stockpile areas have been relocated so that no snow melt goes directly into the infiltration basin.

In addition to the comments from Atlantic Design the following revisions have been made in response to a Memorandum from the Middleborough Planning Department:

1. All vehicles that were previously stored on the property have been removed until all approvals have been obtained and construction completed.
2. Drainage calculations have been provided to the Board of Selectmen and can be forwarded to the Planning office as well.
3. Additional test pits have been performed in the location of the proposed infiltration structures. All test pits were witnessed by the Middleborough Board of Health and the soil logs have been added to the plans. Soils were found to be suitable for an infiltration basin and there is a note at the basin detail that any unsuitable material shall be removed and replaced.
4. All ten Stormwater Management Standards as set forth in the Department of Environmental Protection's Stormwater Management Regulations have been met.

5. The location of the nearest public wells and the boundaries of the Water Resource Protection District have been added to the Locus Plan on Sheet 1.
6. A Landscaping Plan has been added to the plans set.

Copies of the revised plans and calculations have been attached. If you have any further questions or comments please feel free to contact me at (508) 946-9231 ext. 207.

Sincerely,
Outback Engineering, Inc.

Jason Youngquist, P.E.

Cc: Elliot Schneider

BOARD OF SELECTMEN

MIDDLEBOROUGH, MASSACHUSETTS

PETITION

FOR PUBLIC HEARING

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

Middleborough, MA March 29, ~~19~~ 2012

To the Board of Selectmen
Middleborough, Massachusetts

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

A. (Give location of property in question.)

To allow the construction of a used car dealership consisting of a office/sales building and a paved vehicle display area (15.6% impervious) in the WRPD Zone 3 at 352 Wareham Street, Assessors Map 72 Lot 4657.

As shown on the attached plan.

B. State full names and addresses of last known abutting property owners, and the owners of land within 350 feet of the land which is the subject of this petition. Also state the owners of the land immediately across the street from the subject property. Please attach a certified list of these property owners to this petition.

C. Respectfully submitted,

Signature: Elliot Schneider

Printed Name: Elliot Schneider

Address: 10 Owl Drive
Sharon, MA

Telephone Number: 508 8891218

RECEIVED
@ 10:45am
MAR 29 2012
Allison J Ferrera
TOWN CLERK

TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET

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

No.	Description	Initial	N/A
1.	The plan has a cover page showing the location of the water supply Zone 2 and 3, with the proposed project site identified.	✓	
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	✓	
3.	The plan shows existing waterways adjacent, on or near the property.	✓	
4.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.		
	Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted.	✓	
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	✓	
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	✓	
7.	The submittal contains the abutters list.	✓	
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	✓	
9.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	✓	
10.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	✓	

No.	Description	Initial	N/A
11.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.	✓	
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	✓	

Atlantic®
DESIGN ENGINEERS, INC.
ENGINEERS & ENVIRONMENTAL SCIENTISTS

April 26, 2012

Board of Selectmen
c/o Mr. Charles J. Christello, Town Manager
Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346

RE: Initial Engineering Review
WRPD Application
Used Car Dealership – 352 Wareham Street
ADE Project #2518.18

Dear Board Members:

Atlantic Design Engineers, Inc. has completed our initial review of the site plans and calculations for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The Site Plans and Drainage Report are dated March 27, 2012 and both are prepared by Outback Engineering, Inc. for Fuller Street Development, LLC of Sharon, MA.

We have the following comments:

1. The locus map shows wetlands to the rear of the property. Have these wetlands been investigated or flagged to determine that none of the proposed work, such as the drainage outflow culvert, is within the 100 foot Conservation Commission jurisdiction or within the 25 foot WRPD no-work zone?
2. What is the purpose of the large flat area north of the gravel drive? If this is to be used for parking or vehicle storage, the WRPD bylaw requires it to be paved/impervious.
3. The Typical Section on Sheet 3 indicates it is for a Gravel Parking Area which is not allowed in the WRPD.
4. Soil evaluated test pits are required in the area of the infiltration basin to confirm the minimum of four (4) foot separation to high groundwater.
5. The location of the nearest public wells need to be provided on the plan or in the application package or drainage report.
6. The O&M Schedule on the plans and the Long Term Pollution Prevention Plan provided in the drainage report does not address the Source Control/Pollution Prevention requirements relative to hazardous materials storage and use, such as gasoline, oil, car cleaning products, solvents, fertilizers, etc., that would likely be present on a used automobile dealership.

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

7. The three drainage pipes from CB's 1, 2, & 3 have no cover and the top of pipes are equal to the catch basins rims.
8. Per the WRPD bylaw, dry wells/leaching structures shall only be used where other methods are infeasible. Why are open vegetated basins infeasible at the entrance of Wareham Street?
9. The WRPD bylaw requires oil, grease and sediment traps prior to any infiltration structures. The water quality calculations used to size these devices cannot utilize any volume in the infiltration structures.
10. TSS removal of 44% is required prior to the infiltration structures.
11. A properly sized BMP to remove oil and grease such as an oil grit separator is required in the treatment train for fleet storage areas.
12. The snow stockpile area south of the gravel driveway should be relocated so that snow melt does not go directly into the infiltration basin.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

Richard J. Tabaczynski, P.E.
Vice President

RJT/sal

Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

MEMORANDUM

To: Board of Selectmen
Cc: Conservation Commission
Health Officer
Building Commissioner
From: Ruth McCawley Geoffroy, Planning Director
Date: April 25, 2012
Re: **WRPD Application 352 Wareham Street Assessors Map 72 Lot 4657**

This memo is in response to your request dated 4/10/12, to review and comment upon the above referenced WRPD Application for the construction of a Used Car Lot on Wareham Street.

1. It appears that this used car lot has been operating for the past 2 years in violation of the WRPD Bylaw, in that the vehicles are parked on a gravel rather than impervious parking lot. It is good to see that this plan corrects this problem.

2. Drainage calculations were not submitted for departmental review. Have calculations been received in compliance with Section I.4.b and will they be reviewed by the Town's review engineer to insure compliance with the WRPD Bylaw?

3. The detention basin and infiltration pits that are proposed on the property drain into the ground. Have soil tests been performed in the locations of these drainage structures that were witnessed by a Town representative, to confirm depth to ground water and infiltration rate of the soils? Has this soil data been submitted in compliance with Section I.4.d, the soil logs shown on the plan are for the location of the proposed septic system? A note specifying removal and replacement of fill should be added to the plan, specifically in the area of the infiltration pits at the entrance, since the soil logs provided show fill in the top 3.5' of soil.

4. Has a Stormwater Management Plan in compliance with Section I.4.f been submitted? The forebays should be constructed with impervious material to comply with MADEP Stormwater Standards.

5. The plan should indicate the location of the closest public water supply well and its distance from the locus property in accordance with Section I.4.c of the Bylaw.

6. Landscaping in the 25' front yard setback area and the cleared areas of the 15' side yard setback areas should be shown in compliance with Section XIII.C.4 of the Zoning by-law.

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 23, 2012

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

Subject: Application for W.R.P.D. Special Permit for 354 Wareham Street, Assessors' Map: 072 Lot: 4657 Zoned GU/W.R.P.D. Z3.

Honorable Board,

I have reviewed the application filed by Outback Engineering Incorporated, drawn by Jason A. Youngquist, Registered Professional Engineer, dated: March 27, 2012 for a special permit under the Water Resource Protection District By-Law to allow 15.6% of the total lot area to be impervious in the Water Resource Protection District Z3 (WRPD Z3). The project site is located on the southerly side of Wareham Street on the corner of Ashley Lane in the General Use Zoning District. The property in question is legally 354 Wareham Street as per E-911 coordinator of the Middleborough Police Department, not 352 Wareham Street as presented to. This project has a 20' x 24' commercial office building with one bathroom beginning to be built and has proposed associated parking area on the property. This project has not had any inspections in over eleven (11) months and would need to reapply to this Building Department to continue this project as issued.

The property has also been in violation for over two years of the Water Resource Protection District By-Law, Section XII, G. 3. j. * The owner has been storing unregistered cars on the gravel parking lot.

I would not support this request until all issues with this department have been resolved.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer
RJW/d

33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law except that necessary for:

i. limited projects as defined by 310 CMR 10.53 (3);
ii. creation of wetland replacement or flood storage mitigation;
iii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;
iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams

may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section I. below. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:

v. determination of Applicability by the Conservation Commission;
vi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.

j. Any use that will render more than 40 % of any lot impervious. Special Permits may be issued for alterations resulting in less than 40% impervious area provided that pre-development runoff rates from a lot shall not exceed post-development runoff rates for storms up to and including the 100-year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structure or drainage outfalls. Stormwater from parking areas, if recharged, shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area. This provision does not apply to lots within the Downtown Business District.

H. WRPD Z4 USE REGULATIONS

1. WRPD Z4 – Permitted Uses: Except as specified in H.2 and H.3 below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z4.

Jacqueline Shanley

From: Amy Hughes <agsdevelopment@gmail.com>
Sent: Wednesday, April 25, 2012 11:10 AM
To: Jacqueline Shanley; BuildingWeb; Jason Youngquist; Adam Bond; Jeanne Spalding
Subject: 354 Wareham Street
Attachments: Building dept letter 42512.pdf

Attached is a letter in response to the Building Departments Concerns for 354 Wareham Street

FULLER STREET DEVELOPMENT, LLC

10 OWL DRIVE, SHARON, MA 02067

781-784-6248 FAX 781-784-8736

April 25, 2012

Town of Middleboro
Building Department
20 Centre Street
Middleboro, MA 02346

RE:

Dear Mr. Whalen,

In response to you concerns of our application at 354 Wareham Street, Middleboro, MA. We were unaware that it was improper to keep unregistered motor vehicles at this location, and it was a violation of town bylaws. We will no longer store cars at this location until licensed to do so. All unregistered vehicles will be removed as of this date as this is the first time we have been given notice of this violation.

The reason the building department has not done any inspections on this site for 11 months is we have decided to redesign the site, and no further work under the permit was done. I've asked Marty, our foreman to arrange a meeting with you so that you can inspect the site as to its present condition. We further realize that before any more work is contemplated, a new or reissued permit is necessary.

Sincerely,

Elliot Schneider

CC:
Jacqueline Shanley, Board of Selectmen
Jason Youngquist, Outback Engineering
Adam Bond, Law offices of Adam Bond
Jeanne Spalding, Health Department

MEMORANDUM

TO: Board of Selectmen

CC: Ruth Geoffroy, Town Planner
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Patricia Cassady, Conservation Agent

DATE: April 18, 2012

RE: W.R.P.D. Application: 352 Wareham Street (Map 72, Lot 4657)

The above-mentioned site within the W.R.P.D Zone 3 is *not* within a wetland resource area or buffer zone under the Massachusetts Wetland Protection Act (M.G.L. Ch. 131, Section 40 and regulations 310 CMR 10.00). Therefore this site is not under local Conservation Commission jurisdiction.

The applicant should also keep in mind that the Clean Water Act under the Federal Environmental Protection Agency regulates construction impacting an acre or more and they *may* need to file under the Phase I National Pollutant Discharge Elimination System (NPDES) permit.

If you have any questions regarding this application, don't hesitate to contact the Conservation Department at 508-946-2406.

pjc

Jacqueline Shanley

From: Amy Hughes <agsdevelopment@gmail.com>
Sent: Wednesday, April 25, 2012 10:46 AM
To: Jacqueline Shanley; BuildingWeb; Jeanne Spalding; Jason Youngquist; Adam Bond
Subject: 354 Wareham Street
Attachments: BOH Letter 42512.pdf

Attached is a letter in response to the Health departments questions.

FULLER STREET DEVELOPMENT, LLC

10 OWL DRIVE, SHARON, MA 02067

781-784-6248 FAX 781-784-8736

April 25, 2012

Town of Middleboro
Health Department
20 Centre Street
Middleboro, MA 02346

RE: Operation and maintenance plan proposed for car lot, 354 Wareham Street, Middleboro, MA

Dear Jean,

The proposed car lot will have an office and paved parking lot. There will be no repair garage or repair area, therefore with no oil or fluid changes. No storage of hazardous waste is contemplated or necessary. Any oil, transmission fluid, antifreeze and cleaning items will be stored in their original containers, e.g. Quart containers. Gasoline if necessary will be stored in 2 gallon approved containers.

Car washing mostly will be done by others, at local car washes, if any car washing will be done on premises only bio degradable material will be used. In almost all cases repair work will be subbed out to Middleboro garages and local business. A copy of this letter will be posted on site and given to all employees.

Sincerely,

Elliot Schneider

CC:
Jacqueline Shanley, Board of Selectmen
Jason Youngquist, Outback Engineering
Adam Bond, Law offices of Adam Bond
Robert Whalen, Building Commissioner

CRANBERRY CAPITAL
OF THE WORLD

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

Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

TO: Ruth Geoffroy, Town Planner
Patricia Cassady, Conservation Commission Agent
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Confidential Secretary to the Board of Selectmen

DATE: April 10, 2012

SUBJECT: W.R.P.D. Application

Attached is a W.R.P.D. application filed by Outback Engineering, Inc. on behalf of Fuller Street Development LLC for a Special Permit under the Water Resource Protection District By-law.

The Selectmen will conduct a hearing on this application on **Monday, May 7, 2012, at 7:30 PM.**

Further information and a copy of the plan are attached.

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, May 2nd by 12 Noon.**

Even if you have no comments to make regarding the plan, please send a note stating that you have reviewed the plans.

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

Attachments

xc: Board of Selectmen
Town Manager

Outback Engineering Incorporated

165 East Grove Street
Middleborough, MA 02346
Tel # 508-946-9231 **Fax # 508-947-8873**
www.outback-eng.com
Civil Engineers ✦ Land Surveyors ✦ Wetland Scientists ✦ Soils Laboratory

March 27, 2012

RECEIVED
@10:45am
MAR 29 2012
Alison J Ferreira
TOWN CLERK

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

Re: Special Permit for Site Plan in WRPD Z3 at 352 Wareham Street

Dear Board Members,

On behalf of Fuller Street Development LLC, we are requesting a Special Permit per Section XII.G.3.j of the Middleborough Zoning By-Laws to allow 15.6% of the total lot area to be impervious in the Water Resource Protection District Z3 (WRPD Z3). The project site is located on the southerly side of Wareham Street (Route 28) on the corner of Ashley Lane in the General Use (GU) zoning district. The lot is partially wooded with an existing home and contains an area of 2.89 acres of all uplands. The topography of the site slopes towards Wareham Street and towards the rear of the property. Soil conditions taken from the soil map of Plymouth County indicate an Essex soil type (EtB) that is well drained.

The project involves the construction of a 480 s.f. used car sales office with a 28 space vehicle display area along with a small utility shed to be located at the rear of the property. The site will be accessed from Wareham Street by a single 24' wide paved entrance driveway to the paved parking area. Each parking space will be 9' wide by 20' long. The existing house is to remain and the natural vegetation will be maintained along Ashley Lane. All areas not used for parking will be loamed and seeded.

Runoff from the parking area will be directed along gutter lines to deep sump hooded catch basins which will remove suspended solids and sediment and have oil hoods to remove any floatables such as gas or oil. Runoff will be conveyed from the catch basins to a sediment forebay where the treated runoff will then be discharged to an infiltration basin to recharge runoff to the groundwater. There will be no increase in runoff flow rate offsite to either Wareham Street or abutting property. Drainage calculations are in conformance with the Department of Environmental Protection's Stormwater Management Policy and detailed drainage methodology and calculations have been submitted.

The proposed use for the site is allowed in the GU District, and a Special Permit is required to allow 15.6% of the total lot area to be impervious (i.e. pavement and buildings). The applicant does not propose any uses of the property that are prohibited in the WRPD Z3 zone. In fact, the proposed project has been designed in full compliance with the town's zoning by-laws for the GU and WRPD Z3 districts. The project design is in harmony with the purpose and intent of the WRPD By-Law and all reasonable attempts to eliminate the potential for groundwater and soil pollution have been taken into consideration in the site design. Therefore, the proposed use for the site should not have any adverse environmental impacts on the groundwater, aquifer or recharge areas. We look forward to meeting with the Board to discuss this project. Please notify me of the hearing date and time so I may attend to answer any questions the Board may have. If you have any questions or comments in the meantime, feel free to contact me at (508) 946-9231 ext. 207.

Sincerely,
Outback Engineering, Inc.

Jason Youngquist, P.E.

Cc: Elliot Schneider