**CORRESPONDENCE**
**8-10-15**

| | | |
|---|---|---|
| 1 | Executive Assistant J. Shanley | Required notification re Employment Agreement |
| | | automatic extension is approaching |
| 2 | Sachem Street Residents | Request to Connect to Town Water |
| 3 | Lincoln Andrews | Oliver Mill Fence Safety |
| 4 | Decas, Muray, Decas | Herring Fishery Commission-Volunteer Observers |
| 5 | Health Department | Animal Control Officer/Inspector - Job Posting |
| 6 | FEMA | National Flood Insurance Program Map |
| 7 | Fairhaven | Fairhaven/Middleborough FY13 CDBG Final Hearing |
| 8 | DEP | OOC for Jericho Christian Fellowship, Inc. |
| 9 | DEP | Bayside Agricultural, Inc. |
| 10 | Kelly Engineering Group, Inc. | 151 Campanelli Drive |

CRANBERRY CAPITAL
OF THE WORLD

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

# Town of Middleborough

## Massachusetts

## Board of Selectmen

August 7, 2015

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

Dear Chairman Frawley & Members of the Board:

As is required by my Employment Agreement, please accept this as written notice that the November 13, 2016 automatic extension date for the agreement is approaching.

Thank you.

Sincerely,

Jackie Shanley
Executive Assistant

Sept. 2014

To: Middleboro Water Dept.
Superintendent, Joe Silva

We the following residents of Sachem Street would like to be connected to Town Water, --
Between Wareham Street to Thomas Street.

Thank You!

1.) Ken & Nancy ~~Crest~~
129 Sachem Street

2.) Al and Val Ortelt
128 Sachem Street

3.) JR and Laura Frey
124 Sachem St.

4.) JAY + ELAINE MAHER
142 SACHEM ST

5.) Robt. + LINDA Leonard
~~Leonard~~ 143 Sachem St

6.) BARBARA & JAMES BRACKETT 141 Sachem St

7.) Lawrence & Karen [illegible]
144 Sachem St., Middleboro, MA 02346

8.) Giovanni Vieira & [illegible] Dr.

9.) Bernard Pacheco
138 SACHEM ST

10.) Bob & Tracey Balaschi
134 sachem street

11.) NOT HOME

3

**Jacqueline Shanley**

**From:** Lincoln Andrews <lda2@comcast.net>
**Sent:** Wednesday, July 29, 2015 4:25 PM
**To:** SelectmenWeb
**Subject:** Oliver Mill Fence Safety
**Attachments:** IMG_2801.JPG; IMG_2802.JPG; IMG_2803.JPG; IMG_2804.JPG

Dear Board Members:

Attached are 4 photographs. The first two are Oliver Mill, three and four are of High Point.

The sharp pointed fence at Oliver Mill presents an impalement hazard. It is easy to envision teenagers testing their balance beam skills and slipping upon the spear.

Conversely, the fence at High Point has protection. Clearly the High Point fence does not possess the proper aesthetic for Oliver Mill. However, there must be a historically acceptable fence that presents less danger to visitors. Such remedies could include a mushroom cap atop each spear or a wrought iron rail welded along the entire length.

Respectfully submitted,

Lincoln D. Andrews
28 Sachem St

Via remote device

4

**Jacqueline Shanley**

**From:** decas.murray.decas@verizon.net
**Sent:** Tuesday, August 04, 2015 10:43 AM
**To:** Jacqueline Shanley
**Subject:** Fishery Commission

August 4, 2015

Board of Selectmen *(via email)*

RE: Middleborough Herring Fishery Commission – Volunteer Observers – C.268A, §21A

Dear Members:

The Chairman of the Middleborough Lakeville Herring Fishery Commission (MLHFC) asked if the appointment of a member of the Board of Selectmen to be a "Volunteer Observer" for MLHFC requires an "ex officio" vote process as in the case of membership of a Board member on the Tourism Committee.

Volunteer Observers are appointed by vote of the Board of Selectmen and the Lakeville Board of Selectmen. I understand that Volunteer Observers are not supervised by and do not report to the Board of Selectmen. Volunteer Observers are not full members of the MLHFC but are characterized as being non-voting members of the MLHFC.

General Laws Chapter 268A, Section 21A prohibits a member of a board from being appointed to any office of position under the supervision of the appointing board. The State Ethics Commission has opined that there is no violation of Section 21A if the appointment of a board member is a special appointment, that is, an ex officio appointment by virtue of the membership of the appointee on the appointing board. The Ethics Commission's view is that an ex officio appointee's duties as a member of the appointing board include the duties of the appointed position.

My opinion is that the Board's appointment of a Board member as Volunteer Observer did not violate Section 21A. The reason is that the Board of Selectmen does not supervise Volunteer Observers. It does not follow that an appointee is under the supervision of the appointing authority solely because of being appointed. Supervision requires some on-going oversight, scrutiny and/or direction by the supervisor of the party being supervised. I don't see any significant supervision of Volunteer Observers by the Board of Selectmen.

Very truly yours,

Daniel F. Murray
Town Counsel
DFM/k
77-303-3

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# TOWN OF MIDDLEBOROUGH
# HEALTH DEPARTMENT

Robert E Buker REHS/RS
Health Officer

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

## ANIMAL CONTROL OFFICER / INSPECTOR *POSTING*

| | |
|---|---|
| ***POSTING DATE:*** | ***July 31, 2015*** |
| ***POSITION:*** | ***Animal Control Officer/Inspector***<br>***Any interested parties should apply in writing to Robert Buker with application and resume included. This is an upgrade for an existing position within the Health Department.*** |
| ***WAGES:*** | ***In compliance with General Municipal Employees Group*** |
| ***HOURS:*** | ***Varies, weekends, evenings and holidays a must.*** |
| ***DUTIES:*** | ***To perform a variety of duties under the direction of the Health Officer including coverage of the dog shelter and emergency callouts.*** |
| ***QUALIFICATIONS:*** | ***Applicants must have a valid driver's license, ability to work weekends, evenings and holidays a must, with a back ground of working with animals. Physical and Rabies vaccination required. Animal Control Certification preferred.*** |
| ***POSTING CLOSES:*** | ***August 14, 2015*** |

***Pursuant to Federal Regulations 51.55 (g) (k) (6) the Town of Middleboro does not discriminate based on handicapped status in admission or access to, or treatment in its programs and activities.***

***Cc: All town departments***

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# Federal Emergency Management Agency

Washington, D.C. 20472

July 20, 2015

IN REPLY REFER TO:

Allin Frawley
Chairperson, Board of Selectmen
Town of Middleborough
10 Nickerson Avenue
Middleborough, Massachusetts 02346

Case Number: 12-01-1695V
Community: Town of Middleborough,
Plymouth County, Massachusetts
Community No.: 250275
Effective Date: July 17, 2015
Revised FIRM Panel Nos:
25023C0303K, 25023C0304K, 25023C0308K,
25023C0309K, 25023C0311K, 25023C0312K,
25023C0313K, 25023C0316K, 25023C0318K,
25023C0319K, 25023C0431K, 25023C0432K,
25023C0433K, 25023C0434K

REVALIDATION 2

Dear Mr. Frawley:

When a new National Flood Insurance Program (NFIP) map panel becomes effective, it automatically supersedes previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision-based on Fill [LOMR-Fs] and Letters of Map Amendment [LOMAs]) that have been issued on that map panel, even if they are still valid and should apply to the new NFIP map as well. Because a revised NFIP map has been prepared for your community, it is necessary for the Federal Emergency Management Agency (FEMA) to take administrative action to prevent valid LOMR-Fs and LOMAs from being superseded. Accordingly, the purpose of this letter is to revalidate the determinations for properties and/or structures in your community as described in the LOMR-Fs and LOMAs previously issued by FEMA on the dates listed below. As of the above-referenced effective date, these LOMR-Fs and LOMAs will revise the effective NFIP map for the referenced community, dated July 16, 2015, and will remain in effect until superseded by a revision to the NFIP map panel on which the property is located.

Please be advised, the revalidation letter effective July 18, 2012, case number 06-01-B033V, for the Town of Middleborough has been superseded. All LOMR-Fs and LOMAs from that letter have been reviewed and have been incorporated into this updated revalidation letter if appropriate. Please note all LOMCs with effective dates after July 18, 2012, that are located on non-revised panels for your community, will remain valid until superseded by a revision to the NFIP map panel on which the property is located. The LOMCs on non-revised NFIP map panels are not included in the table below. The FEMA case numbers, when available, property identifiers, Flood Insurance Rate Map (FIRM) Panel numbers, and current flood insurance zones of the revalidated LOMR-Fs and LOMAs are listed below.

| Case No. | Date Issued | Identifier | Map Panel No. | Zone |
|---|---|---|---|---|
| 00-01-0328A | 06/08/2000 | 104 RIVERS EDGE DRIVE | 25023C0316K | X |
| 05-01-0721A | 08/30/2005 | 33 BOEN COURT -- TAX MAP 40, LOT 27 | 25023C0316K | X |
| 06-01-B188A | 02/23/2006 | 232 OLD CENTER STREET (MA) | 25023C0312K | X |
| 06-01-B466A | 05/23/2006 | 136 RIVERS EDGE (MA) | 25023C0316K | X |
| 12-01-2280A | 09/18/2012 | LOT 1 – 20 HARDING STREET | 25023C0313K | X |

| Case No. | Date Issued | Identifier | Map Panel No. | Zone |
|---|---|---|---|---|
| 13-01-0532A | 12/11/2012 | LOT 2 – 7 PLYMOUTH STREET | 25023C0311K | X |
| 13-01-0600A | 01/15/2013 | ASSESSORS MAP 39, LOT 2237 – 230 OLD CENTER STREET | 25023C0312K | X |
| 13-01-0984A | 02/21/2013 | 48 MONTELLO STREET | 25023C0319K | X |
| 14-01-2641A | 08/05/2014 | LOT 2267, BLOCK MAP 40 – 57 CROSS STREET | 25023C0316K | X |

The letters shown below were revalidated by case number 06-01-B033V. They are revalidated automatically by this letter because they are not located on a revised FIRM panel.

| Case No. | Date Issued | Identifier | Map Panel No. | Zone |
|---|---|---|---|---|
| 95-01-076A | 10/09/1995 | 7 LAKEVIEW TERRACE | 25023C0338J | X |
| 97-01-148A | 09/23/1997 | WOOD LAKE TERRACE – LOTS 139 & 220-222 – 1 LAKEVIEW TERRACE | 25023C0338J | X |
| 98-01-244A | 06/03/1998 | MAP R67, LOT 3 – FRANCE STREET | 25023C0458J | X |
| 99-01-1132A | 09/29/1999 | 81 FAYE AVE | 25023C0451J | X |
| 03-01-0808A | 03/24/2003 | ASSESSOR'S MAP 61, LOT 6221—208 THOMAS STREET | 25023C0338J | X |
| 06-01-B657A | 07/27/2006 | PURCHASE STREET, LOTS 9-10 (MA) | 25023C0343J | X |
| 11-01-1382A | 04/19/2011 | MAP 66, LOT 6325 – 41 TISPAQUIN STREET | 25023C0451J | X |

Because these revalidated LOMR-Fs and LOMAs will not be printed or distributed to primary map users, such as local insurance agents and mortgage lenders, your community will serve as a repository for these new data. We encourage you to disseminate the information reflected by this letter throughout your community so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information.

If you feel a LOMC has been omitted from the list that should have been included, we encourage you to submit the LOMC for re-determination. When requesting a re-determination, we ask that a cover letter be sent along with a copy of the original determination letter to: LOMC Clearinghouse, 847 South Pickett Street, Alexandria, Virginia 22304-4605.

If you have any questions regarding this matter, please contact the FEMA Regional Office at 99 High Street, Sixth Floor, Boston, Massachusetts 02110. Copies of previously issued LOMR-Fs and LOMAs, if needed, can be obtained by contacting the FEMA Map Information eXchange (FMIX), toll free at (877) 336-2627 (877-FEMA-MAP).

Sincerely,

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enc.: Revalidated Letters of Map Change for Town of Middleborough

cc: LOMC Subscription Service Subscribers
Community Map Repository
Ruth M. Geoffroy, Planning Director, Town of Middleborough
Paul Fellini, Construction Administrator, Town of Middleborough
Patricia J. Cassady, Conservation Agent, Town of Middleborough
Robert Numes, Town Manager, Town of Middleborough

7

# Town of Fairhaven

Department of Planning & Economic Development
Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone (508) 979-4082 · FAX (508)-979-4087

RECEIVED
TOWN CLERK
2015 JUL 29 P 1:22
FAIRHAVEN,
MASS.

Town of Fairhaven
Notice of Public Hearing
Fairhaven/Middleborough FY13 CDBG – Final Public Hearing
Fairhaven FY14 CDBG –Public Hearing

The Town of Fairhaven will hold a Public Hearing at 6:55 P.M. on August 3, 2015, in the Banquet Room, Town Hall, 40 Center Street, Fairhaven, MA to hear public comment on the outcome and effectiveness of the FY13 Community Development Block Grant, including the reconstruction of Elliot Lane in Fairhaven and Sprout and Park Streets in Middleborough and the Housing Rehabilitation Program in both communities, will also be held.

A discussion of the outcome and effectiveness of the activities of the FY14 Community Development Block Grant, including the reconstruction of Francis Street and the Housing Rehabilitation Program, will also be held.

Any persons or organizations will be given the opportunity to be heard and the Town will make reasonable accommodations for the disabled with one week's prior written notice to the Selectmen's Office.

Geoffrey Haworth, II, Chairman
Fairhaven Board of Selectmen

BOS 8

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

# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE220-1245
MassDEP File #

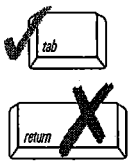
eDEP Transaction #

Middleborough
City/Town

## A. General Information

**Please note:** this form has been modified with added space to accommodate the Registry of Deeds Requirements

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




1. From: Middleborough
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

| Amelia | Tracy |
|---|---|
| a. First Name | b. Last Name |

Renewable Generation MA, LLC
c. Organization

77 Pond Avenue, Suite 101
d. Mailing Address

| Brookline | MA | 02445 |
|---|---|---|
| e. City/Town | f. State | g. Zip Code |

4. Property Owner (if different from applicant):

| | |
|---|---|
| a. First Name | b. Last Name |

Jericho Christian Fellowship, Inc.
c. Organization

17 Jericho Road
d. Mailing Address

| Middleborough | MA | 02346 |
|---|---|---|
| e. City/Town | f. State | g. Zip Code |

5. Project Location:

| 17 Jericho Road | Middleborough |
|---|---|
| a. Street Address | b. City/Town |
| Map 65 | Lots 3714, 3772 &2916 |
| c. Assessors Map/Plat Number | d. Parcel/Lot Number |

Latitude and Longitude, if known: 41d52m30s (d. Latitude) 70d53m31s (e. Longitude)

## A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

| | |
|---|---|
| Plymouth | |
| a. County | b. Certificate Number (if registered land) |
| 14055/16160 | 54/133 |
| c. Book | d. Page |

7. Dates:

| | | |
|---|---|---|
| June 4, 2015 | July 16, 2015 | 7/24/2015 |
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Solar Electric Generation Facility 17 Jericho road, Middleborough, Massachusetts (7 Sheets)

| | |
|---|---|
| Andrews Survey & Engineering, Inc. | Paul B. Hutnak, P.E. & Byron J. Andrews, P.L.S. |
| b. Prepared By | |
| July 13, 2015 | 1"=40' and 1"=50' |
| d. Final Revision Date | e. Scale |

| | |
|---|---|
| Stormwater Management Narrative & Checklist | July 13, 2015 |
| f. Additional Plan or Document Title | g. Date |

## B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply
b. ☐ Land Containing Shellfish
c. ☒ Prevention of Pollution
d. ☒ Private Water Supply
e. ☐ Fisheries
f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply
h. ☒ Storm Damage Prevention
i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

## B. Findings (cont.)

**Denied** because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) — 27-feet (a. linear feet)

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|---|---|---|
| 4. ☐ Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. ☐ Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. ☐ Land Under Waterbodies and Waterways | a. square feet | b. square feet | c. square feet | d. square feet |
| | e. c/y dredged | f. c/y dredged | | |
| 7. ☐ Bordering Land Subject to Flooding | a. square feet | b. square feet | c. square feet | d. square feet |
| Cubic Feet Flood Storage | e. cubic feet | f. cubic feet | g. cubic feet | h. cubic feet |
| 8. ☐ Isolated Land Subject to Flooding | a. square feet | b. square feet | | |
| Cubic Feet Flood Storage | c. cubic feet | d. cubic feet | e. cubic feet | f. cubic feet |
| 9. ☐ Riverfront Area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |

## B. Findings (cont.)

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

| | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|---|---|---|
| 10. ☐ Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. ☐ Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. ☐ Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. ☐ Coastal Beaches | a. square feet | b. square feet | c. nourishment cu yd | d. nourishment cu yd |
| 14. ☐ Coastal Dunes | a. square feet | b. square feet | c. nourishment cu yd | d. nourishment cu yd |
| 15. ☐ Coastal Banks | a. linear feet | b. linear feet | | |
| 16. ☐ Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. ☐ Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. ☐ Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. ☐ Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. ☐ Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. ☐ Land Subject to Coastal Storm Flowage | a. square feet | b. square feet | | |

## B. Findings (cont.)

* **#22.** If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings | b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. The work is a maintenance dredging project as provided for in the Act; or
   b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
   c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

## C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

9. No work shall be undertaken until the Order has become final and then has been 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 upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number SE220-1245 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. 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.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

## C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
    (1) ☒ is subject to the Massachusetts Stormwater Standards
    (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

    **If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

    a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

    b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
    *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
    *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
    *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

## C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

*iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

*v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

## C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See Attached Standard Conditions. Special Conditions include: Submitting the SWPPP Plan under the EPA NPDES Permit to the Conservation Commission, All existing debris, stockpiles of soils and asphalt are to be removed and taken off-site to a licensed facility prior to the start of construction.**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

**Standard Conditions DEP File #: SE220-1245**
**Applicant: Amelia Tracy, Renewable Generation MA, LLC**

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.

2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.

3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.

4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.

5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
   a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
   b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program;
d. Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.

7. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones (unless authorized to do so) under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.

8. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.

9. There shall be no pumping of water from wetland resource areas.

10. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this OOC.

11. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.

12. Any material placed in wetland resource areas by the applicant without express authorization under this OOC shall be removed by the applicant upon demand by the Conservation Commission or its agent.

13. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.

14. Removal and storage of hazardous waste, if in an area subject to protection under the Wetlands Protection Act shall be as follows:
a. Removal and storage shall be conducted only when approved and directed by DEP, the U.S. Environmental Protection Agency (EPA) or other applicable state or federal agency under which remedial activities are

b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
c. All hazardous materials, products and waste produced , stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.

15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.

16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.

17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.

## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No

2. The _____ hereby finds (check one that applies):
   Conservation Commission

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   _____ _____
   1. Municipal Ordinance or Bylaw 2. Citation

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   _____ _____
   1. Municipal Ordinance or Bylaw 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

# WPA Form 5 – Order of Conditions

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

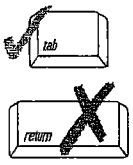
Provided by MassDEP:
SE220-1245
MassDEP File #

eDEP Transaction #

Middleborough
City/Town

## E. Signatures

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




This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

7/24/2015
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

Five
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

John Neely

D. Jeffrey Erickson

Jacqueline Schmidt

John J. Medeiros

Diane C. Stewart

Janet Miller

Steven Ventresca

☒ by hand delivery on 7/24/2015
Date

☐ by certified mail, return receipt requested, on
Date

## F. 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 MassDEP Regional Office to issue a Superseding Order of Conditions. 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 providing written information to the Department prior to issuance of a Superseding Order.

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 ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

## G. Recording Information

Prior to commencement of work, this Order of Conditions 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 this page 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:

17 Jericho Road
Project Location

SE220-1245
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
County

Book

Page

for:
Property Owner

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

14055/16160
Book

54/133
Page

In accordance with the Order of Conditions issued on:

7/24/2015
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

BOS 9

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

# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE220-1246
MassDEP File #

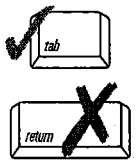
eDEP Transaction #

Middleborough
City/Town

## A. General Information

**Please note:** this form has been modified with added space to accommodate the Registry of Deeds Requirements

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




1. From: Middleborough
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Amelia — a. First Name
Tracy — b. Last Name
Renewable Generation MA, LLC — c. Organization
77 Pond Avenue, Suite 101 — d. Mailing Address
Brookline — e. City/Town
MA — f. State
02445 — g. Zip Code

4. Property Owner (if different from applicant):

a. First Name
b. Last Name
Bayside Agricultural, Inc. — c. Organization
2417 Cranberry Highway — d. Mailing Address
Wareham — e. City/Town
MA — f. State
02571 — g. Zip Code

5. Project Location:

0 Taunton Street — a. Street Address
Middleborough — b. City/Town
Map 48 — c. Assessors Map/Plat Number
Lot 4659 — d. Parcel/Lot Number

Latitude and Longitude, if known: 41d53m40s — d. Latitude; 70d56m50s — e. Longitude

## A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

| | |
|---|---|
| Plymouth | |
| a. County | b. Certificate Number (if registered land) |
| 4866 | 337 |
| c. Book | d. Page |

7. Dates: June 4, 2015 (a. Date Notice of Intent Filed) | July 16, 2015 (b. Date Public Hearing Closed) | 7/24/2015 (c. Date of Issuance)

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Solar Electric Generation Facility, 0 Taunton Street, Middleborough, Massachusetts (7 Sheets)

| | |
|---|---|
| Andrews Survey & Engineering, Inc. | Paul B. Hutnak, P.E. & Byron J. Andrews, R.L.S. |
| b. Prepared By | |
| July 13, 2015 | 1"=40' and 1"=60' |
| d. Final Revision Date | e. Scale |
| Stormwater Management Narrative & Stormwater Checklist | July 13, 2015 |
| f. Additional Plan or Document Title | g. Date |

## B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply  b. ☐ Land Containing Shellfish  c. ☒ Prevention of Pollution
d. ☒ Private Water Supply  e. ☐ Fisheries  f. ☐ Protection of Wildlife Habitat
g. ☒ Groundwater Supply  h. ☒ Storm Damage Prevention  i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

## B. Findings (cont.)

**Denied** because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) — 25-feet (a. linear feet)

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|---|---|---|
| 4. ☐ Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. ☐ Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. ☐ Land Under Waterbodies and Waterways | a. square feet | b. square feet | c. square feet | d. square feet |
| | e. c/y dredged | f. c/y dredged | | |
| 7. ☐ Bordering Land Subject to Flooding | a. square feet | b. square feet | c. square feet | d. square feet |
| Cubic Feet Flood Storage | e. cubic feet | f. cubic feet | g. cubic feet | h. cubic feet |
| 8. ☐ Isolated Land Subject to Flooding | a. square feet | b. square feet | | |
| Cubic Feet Flood Storage | c. cubic feet | d. cubic feet | e. cubic feet | f. cubic feet |
| 9. ☐ Riverfront Area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |

## B. Findings (cont.)

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

| | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|---|---|---|---|---|
| 10. ☐ Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. ☐ Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. ☐ Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. ☐ Coastal Beaches | a. square feet | b. square feet | c. nourishment (cu yd) | d. nourishment (cu yd) |
| 14. ☐ Coastal Dunes | a. square feet | b. square feet | c. nourishment (cu yd) | d. nourishment (cu yd) |
| 15. ☐ Coastal Banks | a. linear feet | b. linear feet | | |
| 16. ☐ Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. ☐ Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. ☐ Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. ☐ Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. ☐ Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. ☐ Land Subject to Coastal Storm Flowage | a. square feet | b. square feet | | |

## B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings | b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. The work is a maintenance dredging project as provided for in the Act; or
   b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
   c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

## C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

9. No work shall be undertaken until the Order has become final and then has been 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 upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number SE220-1246 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. 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.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

## C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
    (1) ☒ is subject to the Massachusetts Stormwater Standards
    (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

    **If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

    a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

    b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
    *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
    *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
    *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

## C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

*iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

*v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

## C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):
**See Attached Standard Conditions. Special Conditions are to show that the fence is to be raised 6-inches off the ground and is to show on the As-built plans as such.**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

**Standard Conditions DEP File #: SE220-1246**

**Applicant: Amelia Tracy, Renewable Generation MA, LLC**

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.

2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.

3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.

4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.

5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
   a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
   b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
c. All hazardous materials, products and waste produced , stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.

15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.

16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.

17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.

b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
c. All hazardous materials, products and waste produced , stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
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e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.

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Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.

## D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No

2. The _____ hereby finds (check one that applies):
Conservation Commission

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   _____ _____
   1. Municipal Ordinance or Bylaw 2. Citation

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   _____ _____
   1. Municipal Ordinance or Bylaw 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

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

# WPA Form 5 – Order of Conditions

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

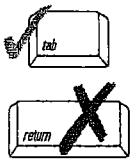
Provided by MassDEP:
SE220-1246
MassDEP File #

eDEP Transaction #

Middleborough
City/Town

## E. Signatures

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




This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

7/24/2015
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

Five
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

D. Jeffrey Erickson

John J. Medeiros

Janet Miller

☒ by hand delivery on 7/24/2015
Date

John Neely

Jacqueline Schmidt

Diane C. Stewart

Steven Ventresca

☐ by certified mail, return receipt requested, on
Date

## F. 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 MassDEP Regional Office to issue a Superseding Order of Conditions. 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 providing written information to the Department prior to issuance of a Superseding Order.

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 ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

## G. Recording Information

Prior to commencement of work, this Order of Conditions 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 this page 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:

0 Taunton Street
Project Location

SE220-1246
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
County

Book

Page

for:
Property Owner

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

4866
Book

337
Page

In accordance with the Order of Conditions issued on:

7/24/2015
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

10

# KELLY ENGINEERING GROUP, INC

CIVIL ENGINEERING CONSULTANTS - LAND PLANNERS –LAND SURVEYORS

FORM Q LIST

Date: 7/27/2015

To: Board of Selectmen, Town Manager, Business & Industrial Commission, Historical Commission
10 Nickerson Avenue
Middleborough, MA 02346

Building Inspector, Conservation Commission, Health Department, ZBA,
20 Centre Street
Middleborough, MA 02346

Gas & Electric Department – 32 S. Main Street
Police Department – 99 North Main Street
Fire Department – 125 North Main Street
DPW – 48 Wareham Street

Job name and location: 151 Campanelli Drive
Middleborough, MA

We are sending herewith:

____ Originals __X__ B & W Prints ___ Photostats

___ Shop Drawings ___ Specifications ___ Other

For your: _ Approval __ Comment _ Information _X_ Use

| Project No. | No. of Copies | Latest Date | Description |
|---|---|---|---|
| 2015-045 | 1 | 7/24/15 | Site Development Plans |
| 2015-045 | 1 | 7/24/15 | Special Permit Application |

REMARKS:

Please call the office if you have any questions.

*Plans on file in Selectmens Office

By: Hilde Karpawich
Hilde Karpawich

Sent by: _X_ Messenger ____Blueprinter ___ USPS/Federal Express __ Certified Mail

ZERO CAMPANELLI DRIVE BRAINTREE MA 02184 -
PHONE: 781 843 4333 - FAX: 781 843 0028 - EMAIL:hkarpawich@kellyengineeringgroup.com

# REPORT TO ACCOMPANY SPECIAL PERMIT

## 07/24/15

## 151 CAMPANELLI DRIVE
## MIDDLEBOROUGH, MA

*PREPARED FOR:*

151 CAMPY ASSOCIATES, LLC
P.O. BOX 670815
FLUSHING, NY 11367

*PREPARED BY:*

KELLY ENGINEERING GROUP, INC.
CIVIL ENGINEERING CONSULTANTS
0 CAMPANELLI DRIVE BRAINTREE MA 02184
PHONE: 781 843 4333 FAX: 781 843 0028

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KELLY ENGINEERING GROUP, INC.
CIVIL ENGINEERING CONSULTANTS

0 Campanelli Drive · Braintree · MA 02184
Phone: 781 843 4333 Fax: 781 843 0028

July 24, 2015

Town of Middleborough
Planning Board
20 Center Street
Middleborough MA 02346

Re: Special Permit Application
151 Campanelli Drive
Campanelli Industrial Park
Middleborough, MA

Dear Members of the Board:

On behalf of our client, 151 Campy Associates, LLC, we are pleased to submit the following documents:

- 1 original copy of Special Permit Application Form.
- 1 original copy of the Certified List of Abutters (to be provided when completed by the assessor's office).
- 1 original copy Form Q
- 8 Copies of the Site Development Plans sheets 1-5, dated 7/24/15.
- 8 Copies of the Report to Accompany Special Permit Application dated 7/24/15.
- 8 Copies of the Garage Schematic by MF Design Architecture dated 7/17/15.
- Application Fee Check in the amount of $1,260 (Calculated as follows: $1,000 + 1,300 s.f x $0.20/ s.f = $1,260.00)

The purpose of these documents is to respectfully request that the Board issue a site specific Special Permit modification as required by Condition #32 of the Master Permit to allow redevelopment on 151 Campanelli Drive as described in the Site Development Plans. The site is located to the east of Bedford Street and to the north of Campanelli Drive.

The proposed project involves the construction of an approximately 1,300 s.f. garage to accommodate a commercial vehicle for a new tenant. The existing parking lot will be reconfigured to accommodate the proposed garage. The site has been designed to fully comply with the Master Special Permit requirements.

The garage will house a mobile Public Service Access Point (PSAP) for the Massachusetts State Police. A PSAP is essentially a backup 911 call center in case the local 911 call center is unavailable for some time. Additionally, during a large scale emergency they are able to provide the main 911 dispatch with an overflow answering capacity when activated. The vehicles are able drive to any emergency to provide a mobile command center for crisis management.

If you have any questions or desire additional information please feel free to call.

Sincerely,

KELLY ENGINEERING GROUP, INC.

David Noel Kelly
2015.07.24 16:41:52
-04'00'

David N. Kelly, P.E., President

**KELLY ENGINEERING GROUP, INC.**
0 Campanelli Drive-Braintree-MA 02184 Phone 781 843 4333

# Application Form

FORM ONE

PLANNING BOARD
TOWN OF MIDDLEBOROUGH
MIDDLEBOROUGH, MASSACHUSETTS 02346

APPLICATION FOR HEARING A SPECIAL PERMIT

DATE: 07/13/15

Name of applicant or Appellant: **151 Campy Associates, LLC**

Address: **P.O. Box 670815, Flushing, NY 11367**

Location of Property: **151 Campanelli Drive, Campanelli Business Park, Middleborough, MA**

Applicant is: **Owner**
(Owner, tenant, licensee, prospective purchaser)

Nature of application or appeal: **The owner requests that a Special Permit be granted per Condition #32 of the Master Special Permit and the Town of Middleborough Bylaw to allow the construction of a garage to accommodate the storage of a vehicle**

Applicable section of Building, Zoning By-Law: **Master Special Permit restated June 11, 2002**
**Section IX of the Bylaw**

I hereby request a hearing before the Permit or Special Granting Authority with reference to the above noted application or appeal.

Signed: [signature]

Signed: JEREMIE LEDERER

July 9th 2015

Title: MANAGER

Received from the above applicant:

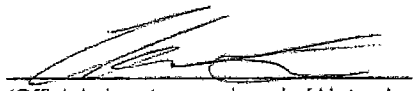
Filing Fees: **$1,000 + (1,300 s.f. x $0.20/ s.f.) = $1,260**

Engineering Fees: **TBD**

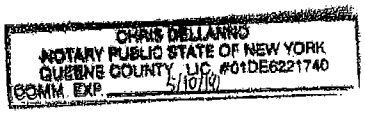
(Owner)
COMMONWEALTH OF MASSACHUSETTS

_____.ss

On this 9 day of July, 2015, before me, the undersigned notary public, personally appeared Jeremie Leaders, proved to me through satisfactory evidence of identification, which was NYS DL 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.



(Official signature and seal of Notary)




(Owner)
COMMONWEALTH OF MASSACHUSETTS

On this _____day of_____, 2015, before me, the undersigned notary public, personally appeared_____, proved to me through satisfactory evidence of identification, which was_____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.

_____
(Official signature and seal of Notary)

(Owner)
COMMONWEALTH OF MASSACHUSETTS

On this _____day of_____, 2015, before me, the undersigned notary public, personally appeared_____, proved to me through satisfactory evidence of identification, which was_____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.

_____
(Official signature and seal of Notary)

**KELLY ENGINEERING GROUP, INC.**
0 Campanelli Drive-Braintree-MA 02184 Phone 781 843 4333

# Compliance with Master Special Permit

# Compliance with Third Amended and Restated Master Special Permit Issued by the Planning Board dated June 11, 2002

***Condition 1: This is the definition section***

***Condition 2: This condition requires that the project be constructed in accordance with the original and amended Master Special Permit application and site plans.***

The following document demonstrates that this has been accomplished.

***Condition 3: This condition refers to the dimensional requirements of the project.***

As can be seen from the zoning legend on Sheet 3 of the Site Development Plans, all of these dimensional requirements have been met.

***Condition 4: This condition refers to the density of development of the entire premises.***

The modifications proposed by this Fourth Modification of Special Permit, including the construction of the garage, will cause the total floor area to increase by approximately 1,300 s.f. and the total allowable net floor area for the development is 2,167,000 s.f. This minimal addition of total floor area will not cause the allowable net floor area for the entire development to be exceeded. According to the Third Modification of Special Permit; Record of Proceedings and Decision issued by the Middleborough Planning Board dated May 6, 2003, if the previous project and all others proposed at that time were constructed, the total building area in the park is approximately 1,270,068 s.f. (a total of 2,167,000 being authorized under the Master Permit), and open space would be in excess of 62%.

***Condition 5: This condition refers to off street parking.***

As shown on the site development plans this condition has been met. The parking required is:

Office: 1 space / 300 s.f = 58,540 ± s.f. x 1/ 300 = 195 spaces
Warehouse: 1 space / 1,000 s.f. = 1,300 ± s.f. x 1/1000 = 1 space
Total required parking = 196 spaces

246 spaces are provided which is greater than that required.

***Condition 6: This condition refers to off-street loading areas.***

The provisions of Condition No. 5 of the Master Permit require two loading areas. Two loading areas have been provided.

Office: One space for the first 50,000 s.f., one for each additional 100,000 s.f.

*Condition 7: This condition refers to building design standards.*

The proposed building is a small accessory structure of approximately 1,300 s.f. to accommodate a state police vehicle. As described in the attached "151 Campanelli Garage Schematic" by MF Design Architecture dated 7/17/15, the building will consist of metal siding with colors that match the existing office building. It is requested that the Board approve this design as allowed by Condition 7(b), "other material approved by the Planning Board". The building is located in an area of the site not visible from Bedford Street and over 300' from Campanelli Drive.

*Condition 8: This condition refers to lots on the East side of Bedford Street and states that lots shall not have access onto Clay or Old Center Streets.*

Condition No. 8 of the Master Permit has been satisfied. Access will be limited to Campanelli Drive.

*Condition 9: This condition applies to lots on the west side of Bedford Street.*

The premises are located on the east side of Bedford Street, therefore Condition No. 9 of the Master Permit is not applicable.

*Condition 10: This condition refers to negotiating in good faith with the owner of land of "N or F Spink".*

The project is not located on Leona Drive.

*Condition 11: This condition requires access from Bedford Street to the Nordblom parcel easterly of Clay Street*

This condition does not apply at this time. The Definitive Subdivision Plan provides for future access.

*Condition 12: This condition requires that a 22' wide strip be reserved along each side of Bedford Street for future roadway widening*

A 22' wide strip was reserved as part of the Definitive Subdivision Plan. It is shown on Sheet 3 of the Site Development Plans.

*Condition 13: This condition requires that a traffic signal be installed when necessary to accommodate traffic generated by the project.*

The project will not cause any significant traffic increase for the development. The proposed garage will accommodate one vehicle and will remove 12 parking spaces from the development.

***Condition 14: This condition requires that the Applicant pay its fair share contribution to traffic studies for the Middleborough Circle.***

This condition does not apply to this project at this time.

***Condition 15: This condition requires traffic counts to be performed after the construction of each 250,000 s.f of floor area on the project.***

This project involves the construction of a 1,300 ± s.f. garage which is well under the 250,000 s.f. threshold.

***Condition 16: This condition refers to water supply***

There shall be no alteration or impact to the existing water line on or near the property. The applicant shall comply with any conditions and requirements regarding the provision of water.

***Condition 17: This condition refers to the sewer line extension***

This work was completed.

***Condition 18: This condition refers to Buffer Zones***

The buffer zones shown on the Master Special Permit plans have been respected by this project.

***Condition 19: This condition requires the posting of "no salt" signs on the premises.***

"No Salt" signs have been installed as required by the Special Permit.

***Condition 20: This condition requires that parking lots be provided with catch basins which have sumps at least 2' deep and hooded outlets.***

The stormwater management system comlplies with current DEP standards for stormwater management but does not involve the construction of any catch basins.

***Condition 21: and 22: These conditions require the installation of groundwater monitoring wells and compliance with State and Federal Hazardous Material Regulations.***

The Applicant is currently researching the status of the monitoring wells. They will provide the Planning Board with information once it is available.

*Condition 23: This condition requires conveyance of the cemetery to the Titicut Parish Cemetery Association or other entity designated by the Town.*

The cemetery property was previously conveyed to the Titicut Parish Cemetery Association.

*Condition 24: This condition requires the placement of fire hydrants in the project at the locations designated by the Middleborough Fire Department.*

Fire hydrants have been previously installed on the property. The construction of the garage does not require the installation of an additional hydrant.

*Condition 25: This condition requires fire protection systems in the building.*

Fire protection systems are not required for a detached garage of this size. The existing building contains fire protection systems.

*Condition 26: This condition deals with permanent park signs for the development.*

No additional signage is proposed at this time.

*Condition 27: This condition deals with permanent park signs for the lot.*

The existing signage for the development will remain. No additional signage is proposed at this time.

*Condition 28: This condition refers to building signs.*

The existing signage for the development will remain. No additional signage is proposed at this time.

*Condition 29: This condition to the Board's right to review signage.*

The existing signage for the development will remain. No additional signage is proposed at this time.

*Condition 30: This condition refers to site lighting.*

No additional lighting is proposed at this time.

***Condition 31: This condition refers to conformance to new subdivision rules and regulations of the Town of Middleborough when adopted.***

The project does conform to the current subdivision regulations where applicable.

***Condition 32: This condition requires that each individual development be subject to a Special Permit.***

A fourth modification to the Site Special Permit is being requested.

***Condition 33: This condition is a general statement regarding the Town's obligations.***

***Condition 34: This condition states that the "project shall not cause any nuisance to surrounding properties and neighborhoods".***

The proposed project has been designed so that it will not cause nuisance to surrounding properties and neighborhoods. The Master Special permit allows development of any site to a maximum of 50% impervious coverage, 0.30 FAR and 50% open Space. The proposed project will result in 60 % ± impervious coverage, 0.20 ± FAR and 40% ± open Space (as allowed by a previously granted Special Permit). Green area will be increased as a result of this project.

The proposed project will be a quiet and clean use. The vehicle will typically be stationary.

***Condition 35: This condition is a general statement regarding conflicts between the Master Special Permit and the Zoning Bylaws***

***Condition 36: This condition requires the construction of a double cul-de-sac at the end of Pleasant Street.***

This condition was previously complied with.

***Condition 37: This condition requires the developer of the Park to contribute to the retrofitting of a fire truck.***

This condition was previously complied with.

***Condition 38: This condition requires the construction of berms and plantings in accordance with Amended Master Special Permit site plans.***

This condition was previously complied with.

*Condition 39: This condition requires the then current owner of any lot not owned by the applicant to provide the Planning Board with an annual report on the status of the buffer plantings in each of the first three years following the date of the Amendment to Master Permit.*

More than three years have passed and this condition was previously complied with.

*Conditions 40 and 41: These conditions are general statement regarding the Master Special permit.*

*Condition 42: This condition requires certain transportation information and reporting.*

The project involves the reduction of number of parking spaces on the lot and the construction of a 1,300 ± s.f. garage to accommodate one van. The garage area is significantly under the 250,000 s.f. threshold for a Traffic Assessment.

**KELLY ENGINEERING GROUP, INC.**
0 Campanelli Drive-Braintree-MA 02184 Phone 781 843 4333

# Abutter List – Form E

**FORM E**

**CERTIFIED LIST OF ABUTTERS**

**SUBDIVISION NAME:** CAMPANELLI BUSINESS PARK **DATE:** June 22, 2015

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

Special Permit for 151 Campanelli Drive – Campanelli Business Park

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

Bruce Campanelli For Iconic CAPITAL LLC
Signature of Applicant

Iconic Capital LLC
Address

118-35 Queens Blvd. Ste 400

Forest Hills, NY

11375

To the Planning Board of the Town of Middleboro:

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

Clerk for the Middleborough Board of Assessors

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

# ABUTTER'S LIST CERTIFICATION PAGE*

Date: June 24, 2015

Planning Board
Board Name for Certification

This is a certified abutter's list for 300 feet in every direction including across the street of Map 039 Lots 1043 & 1096 located at 151 Campanelli Drive in Middleborough, MA 02346.

Ross Lawrence, Clerk
Middleborough Board of Assessors

(This list consists of 1 page with 16 lots)

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

| LOCUS | OWNER NAME | APPLICANT NAME | PAGES |
|---|---|---|---|
| MAP 039 LOTS 1043 & 1096<br>151 CAMPANELLI DRIVE | 151 CAMPY ASSOCIATES, LLC | ICONIC CAPITAL LLC | 1 |
| **REASON FOR PROJECT** | **NAME OF BOARD** | **CONTACT #** | **DATE** |
| SPECIAL PERMIT APPLICATION<br>FOR PARKING LOT MODIFICATION | PLANNING BOARD | HILDE KARPAWICH 781-843-4333 | 6/24/2015 |

| parcel ID | Location | Owner name | C/O Owner | Mailing Address | City | State | Zip |
|---|---|---|---|---|---|---|---|
| 039-1167 | 2 ASH ST | LUDWIG, MICHAEL & CINDY | | 2 ASH ST | MIDDLEBORO | MA | 02346 |
| 039-1812 | CAMPANELLI DR | CAMPANELLI, JOSEPH ETAL TRS | | P O BOX 850985 | BRAINTREE | MA | 02185-0985 |
| 039-271 | 139 CAMPANELLI DR | CAMPANELLI MIDDLEBOROUGH III LLC | | 1 CAMPANELLI DRIVE | BRAINTREE | MA | 02184 |
| 039-1819 | 154 CAMPANELLI DR | 154 CAMPANELLI DRIVE LLC | C/O NET LEASE CAPITAL ADVISORS | 10 TARA BOULEVARD SUITE 130 | NASHUA | NH | 03062 |
| 039-388 | 3 CLAY ST | GUNNISON, ERIC J | | 3 CLAY ST | MIDDLEBORO | MA | 02346 |
| 039-1125 | 5 CLAY ST | HOLMES, ROY M | | 5 CLAY ST | MIDDLEBORO | MA | 02346 |
| 039-1182 | 7 CLAY ST | HOLMES, DAVID & PATRICIA | | 7 CLAY ST | MIDDLEBORO | MA | 02346 |
| 039-1938 | COMMERCE BLVD | MIDDLEBORO PARK LLC | CONROY DEVELOPMENT | 800 TECHNOLOGY CENTER DR | STOUGHTON | MA | 02072 |
| 039-2868 | COMMERCE BLVD EXT | MIDDLEBORO PARK LLC | CONROY DEVELOPMENT | 800 TECHNOLOGY CENTER DR | STOUGHTON | MA | 02072 |
| 038-1485 | LEONA DR | CAMPANELLI, JOSEPH ETAL TRS | | P O BOX 850985 | BRAINTREE | MA | 02185-0985 |
| 038-1616 | 16 LEONA DR | CAMPANELLI MIDDLEBOROUGH IV LLC | | 1 CAMPANELLI DR | BRAINTREE | MA | 02184 |
| 039-1755 | 19 LEONA DR | CAMPANELLI MIDDLEBOROUGH I LLC | | ONE CAMPANELLI DR | BRAINTREE | MA | 02184 |
| 039-318 | OLD CENTER ST | CEPURNEEK, GWENDOLYN A | C/O GWENDLYN DION | 80 MALLARD POINT RD | WIRTZ | VA | 24184 |
| 029-5896 | 181 OLD CENTER ST | PERKINS, THOMAS & BLACK-PERKINS MARY C | | 181 OLD CENTER ST | MIDDLEBORO | MA | 02346 |
| 029-5978 | 183 OLD CENTER ST | IMPRESCIA, MELODY M | | 183 OLD CENTER ST | MIDDLEBORO | MA | 02346 |
| 039-354 | 189 OLD CENTER ST | PENSINGER, MARK & DENISE | | 189 OLD CENTER ST | MIDDLEBORO | MA | 02346 |

**FORM E**

**CERTIFIED LIST OF ABUTTERS**

**SUBDIVISION NAME:** CAMPANELLI BUSINESS PARK **DATE:** June 22, 2015

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

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Nicole Campanelli for Iconic CAPITAL LLC
Signature of Applicant

Iconic Capital LLC
Address

118-35 Queens Blvd, Ste 400

Forest Hills, NY

11375

To the Planning Board of the Town of Middleboro:

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

Clerk for the Middleborough Board of Assessors

# KELLY ENGINEERING GROUP, INC

CIVIL ENGINEERING CONSULTANTS - LAND PLANNERS –LAND SURVEYORS

Date: 6/23/2015

To: Town of Middleborough Assessors
10 Nickerson Avenue
Middleborough, MA 02346

Job name and location: 151 Campanelli Drive
Campanelli Industrial Park
Middleborough, MA

Job No: 2015-045

We are sending herewith:

____ Originals __X__ B & W Prints ___ Photostats

___ Shop Drawings ___ Specifications ___ Other

For your: __ Approval __ Comment __ Information __X__ Use

| Project No. | No. of Copies | Latest Date | Description |
|---|---|---|---|
| 2015-045 | 1 | 06/23/15 | Certified Abutters List Request |
| 2015-045 | 1 | 06/23/15 | Form E |
| 2015-045 | 1 | | Locus Sketch |
| 2015-045 | 1 | | $25 Check #1363 |

REMARKS:
**Attached is a request for a Certified Abutter List. Please call if you have any questions and when it is ready. Thank you.**

Please call the office if you have any questions.

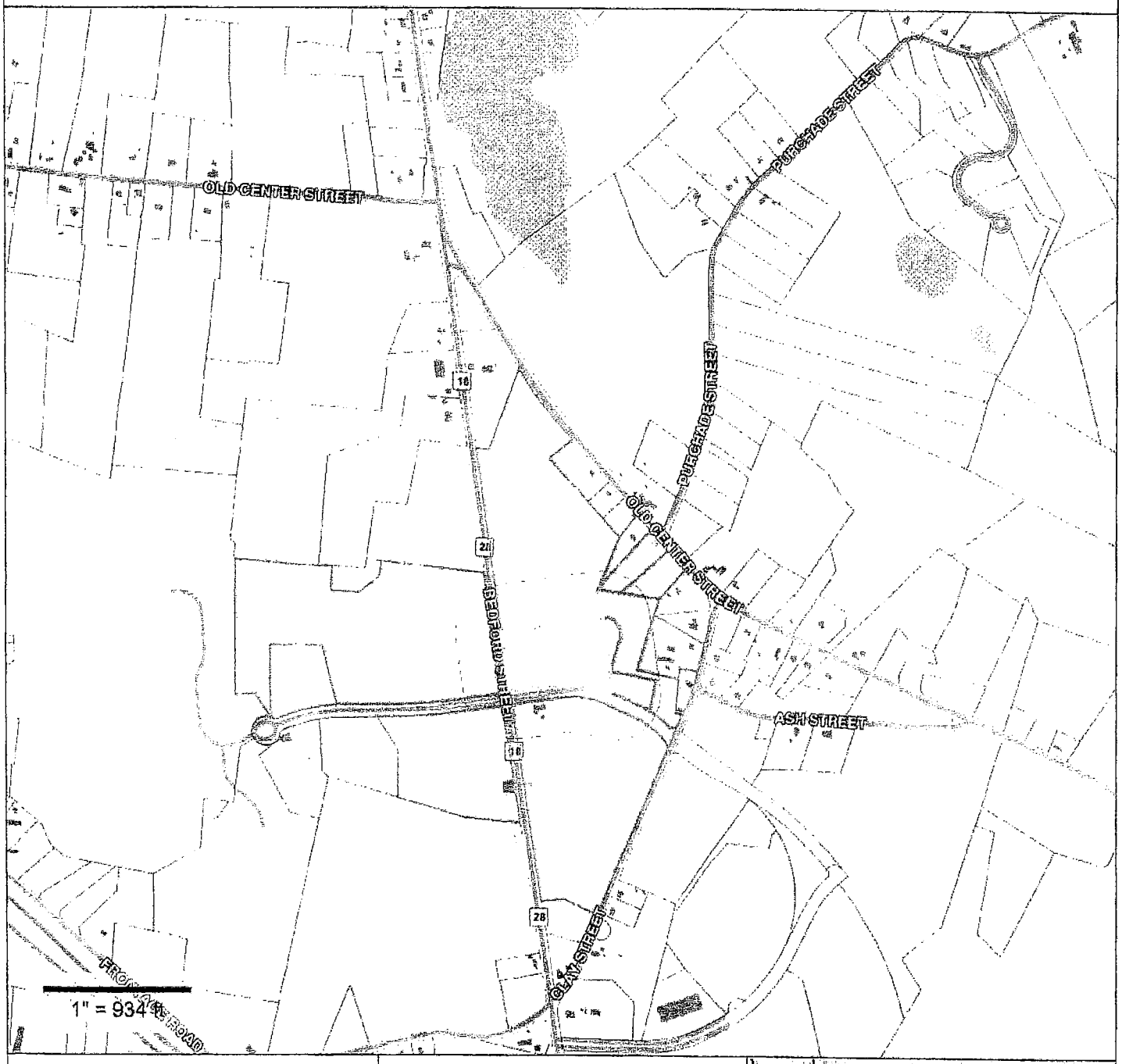
By: Hilde Karpawich
Hilde Karpawich

Sent by: ___ Messenger ____Blueprinter __X__ USPS/Federal Express ___ Certified Mail

ZERO CAMPANELLI DRIVE BRAINTREE MA 02184 -
PHONE: 781 843 4333 - FAX: 781 843 0028 - EMAIL:hkarpawich@kellyengineeringgroup.com

Town of Middleborough

June 22, 2015




**Property Information**

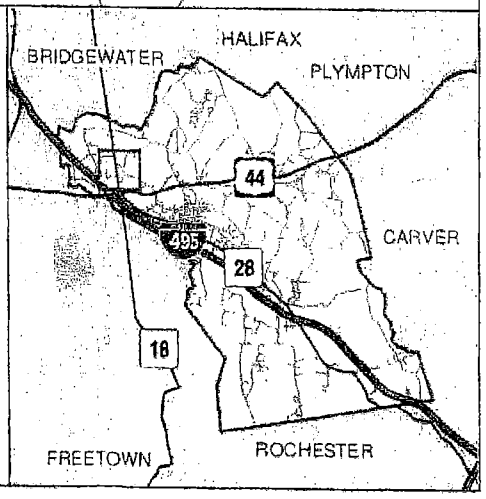
| | |
|---|---|
| **Property ID** | 039-1043 |
| **Location** | 151 CAMPANELLI DR |
| **Owner** | 151 CAMPY ASSOCIATES, LLC |

300 ft. Abutters

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 12/31/2014



CAMPANELLI, JOSEPH ETAL TRS
P O BOX 850985
BRAINTREE, MA 02185-0985

IMPRESCIA, MELODY M
183 OLD CENTER ST
MIDDLEBORO, MA 02346

151 CAMPY ASSOCIATES, LLC
P O BOX 670815
FLUSHING, NY 11367

CAMPANELLI MIDDLEBOROUGH III LLC
1 CAMPANELLI DRIVE
BRAINTREE, MA 02184

154 CAMPANELLI DRIVE LLC
C/O NET LEASE CAPITAL ADVISORS
10 TARA BOULEVARD SUITE 130
NASHUA, NH 03062

HOLMES, ROY M
5 CLAY ST
MIDDLEBORO, MA 02346

CAMPANELLI, JOSEPH ETAL TRS
P O BOX 850985
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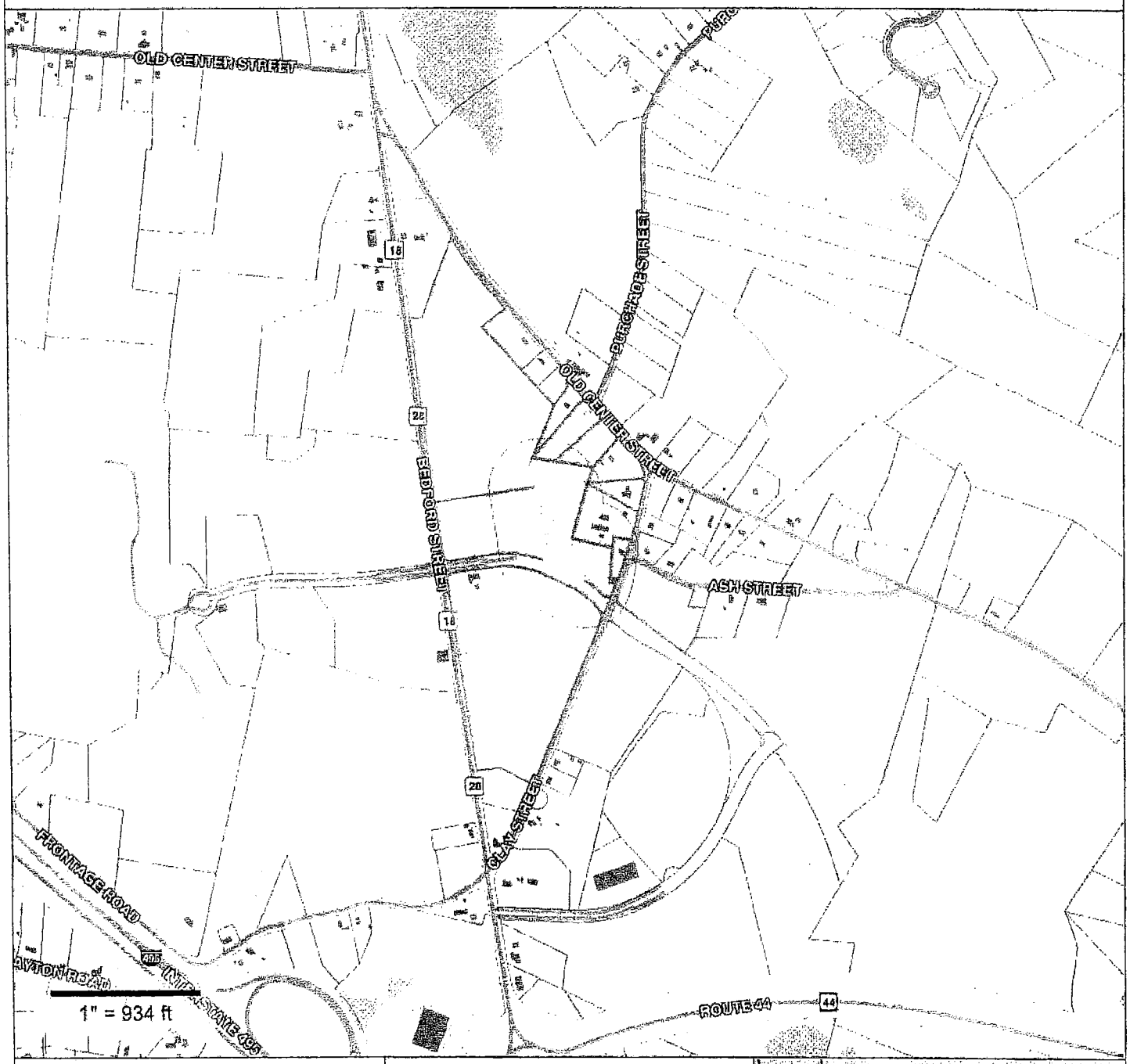


**Property Information**

| | |
|---|---|
| **Property ID** | 039-1096 |
| **Location** | CAMPANELLI DR |
| **Owner** | 151 CAMPY ASSOCIATES, LLC |

300 ft. Abutters

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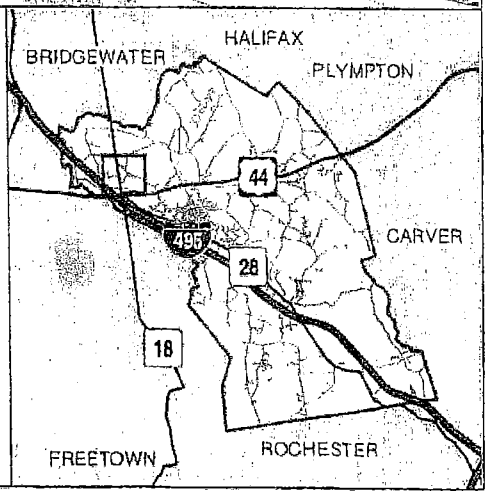
Parcels updated 12/31/2014



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MIDDLEBORO PARK LLC
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800 TECHNOLOGY CENTER DR
STOUGHTON, MA 02072

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