

HEARINGS, MEETINGS, LICENSES

8-11-14



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 11, 2014 at 7:30 PM, for the purpose of discussing an application filed by Wetlands Preservation, Inc. on behalf of David Sweetser, High Rock Harding Road, LLC, 275 Grove Street, Suite 2-400, Newton, MA 02466, for the Gateway Commons project in Lakeville, for a Special Permit under the Water Resource Protection District By-law to allow for transportation improvements to Harding Street (Route 44) including road widening and resurfacing, culvert reconstruction, drainage and utility improvements, construction of a wetland replication area (in Lakeville) and other ancillary work, Zoning District: Development Opportunities District, WRPD District Z4. Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: 7/24/14 & 7/31/14

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.



August 8, 2014

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

**Re: Initial Engineering Review
WRPD Application – Harding Street TIP – Rte. 44
ADE Project #2518.29**

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of site plans for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans are dated 1/22/14 and are prepared by TEC, Inc. of Hampton, NH. Note that our review only pertains to the work proposed in the Town of Middleborough, relative to the WRPD bylaw and does not include a review of work in the Town of Lakeville shown on the plans.

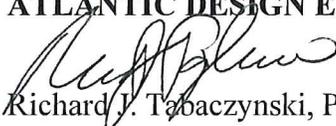
We have the following comments:

1. The WRPD bylaw does not specifically address road widening as proposed by this project, which requires work directly in the wetland and in some areas encroachment further into the 25' zone than existing conditions. The provision for "limited projects" does not appear to apply, as "limited projects", per 310 CMR 10.53 (3) (f), are limited to widening less than a single lane.
2. The catch basin should be equipped with traps/hooded outlets or some other form of water quality measure should be included in the design.
3. Erosion control is recommended for the utility pole and guy-wire located in the wetland area at Sta 22 + 00. Would this guy-wire be considered permanent BVW impact?
4. Is there any downstream protection proposed for the work to be conducted in Poquoy Brook – floating booms, debris barriers, etc.?
5. De-watering plans and details have not been provided.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.


Richard J. Tzabaczynski, P.E.
Vice President

Cc: TEC, Inc.

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough

Massachusetts

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



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Christopher Peck
D. P. W. Director

August 6, 2014

Town of Middleborough
Board of Selectmen
10 Nickerson Avenue
Middleborough, Ma 02346

Subject: High Rock Harding Road, LLC -WRPD Special Permit Application

Dear Board Members,

At your request I have reviewed Water Resource Protection District (WRPD) Application on behalf of the Middleborough Department of Public Works. As part of the package we received the following:

- "Petition Packet for a WRPD Special Permit associated with the Transportation Improvement Project", Narrative and plans, prepared Wetlands Preservation, Inc., dated June 30, 2014.

At this time the Department of Public Works has no comments on this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Peck".

Christopher Peck
Director of Public Works

Cc: Town Manager
Planning Board



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Board of Selectmen

CC: Ruth Geoffroy, Town Planner
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner
Christopher Peck, DPW Director

FROM: Patricia Cassady, Conservation Agent 

DATE: August 1, 2014

RE: W.R.P.D. Application: TIP Project/Route 44

The Middleborough Conservation Commission issued an Order of Conditions on June 9, 2014 for this project after a thorough peer review by David Varga, P.E. of BSC Group. This Order of Conditions is valid till June 9, 2017. This project is also partially proposed in Lakeville, Massachusetts. The Middleborough Conservation Commission worked closely with the Lakeville Conservation Commission during this review process under the Wetlands Protection Act (M.G.L. Ch. 131, Sec. 40 and Regulations 310 CMR 10.00 *et seq.*). A copy of the Order of Conditions issued is at the back of the submission to the Board of Selectmen.

The Commission voted also to add several special conditions to the project and there plans to be routine site inspections during the construction process.

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

pjc



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

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

July 28, 2014

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

RE: W.R.P.D. Application for TIP Project/ Route 44 Harding Street, Lakeville
Assessor's Map: 022 Lot: 006.

Honorable Board,

I have received the application filed by Wetlands Preservation, Inc. with the plans submitted by Steven C. Gioiosa, P. E. of SITEC Civil and Environmental Engineering for the Special Permit under the Water Resource Protection District By-law.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d



June 30, 2014

Ms. Jackie Shanley, Executive Assistant
Board of Selectmen's Office
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

Re: Water Resource Protection District Special Permit Application
Transportation Improvement Project – Route 44
Middleborough, MA

Dear Ms. Shanley:

Wetlands Preservation, Inc. ("WPI") is submitting the attached application for a Water Resource Protection District ("WRPD") Special Permit associated with the Transportation Improvement Project recently approved by the Middleborough Conservation Commission ("MCC") and the Lakeville Conservation Commission ("LCC") for Route 44. The scope of the transportation improvements are consistent with the Massachusetts Department of Transportation ("MassDOT") M.G.L. Chapter 30, Section 61 Finding.

The Transportation Improvement Project is a project associated with providing safe traffic conditions on Route 44 in association with the access and egress from Gateway Commons, a commercial facility proposed in Lakeville, Massachusetts. The Gateway Commons Project has been previously permitted by the Town of Lakeville and similar transportation improvements, including the improvement of Poquoy Brook culvert, have been approved through the Lakeville Conservation Commission ("LCC"), concurrent with the MCC's review and approval. The Gateway Commons' project and associated transportation improvement projects in Lakeville and Middleborough have received Orders of Conditions ("OOC's") from their respective Conservation Commissions, following a very thorough engineering peer review by an independent engineer (Dave Varga, P.E., from the BSC Group) retained by the two Towns.

We have included as part of this application both the required permit application form and a written narrative explaining the project components and the manner in which it will comply with the WRPD bylaws and regulations. In addition to the written narrative, we have provided a copy of the NOI application with associated site plans and associated Stormwater Management Report, and we have included the peer reviewer comments and their resolution and their final

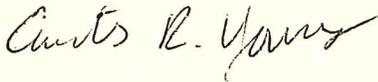
Ms. Jackie Shanley
June 30, 2014
- Page 2 -

comment letter to the MCC prior to the issuance of the OOC. We have also included a copy of the OOC which was issued by the MCC in early June of this year.

We understand that typically there may be a peer review required for this type of a project, however, we would request consideration of the fact that the applicant has already expended significant funds for a thorough engineering peer review as part of the Conservation Commission review of the Notice of Intent ("NOI") application submitted for the work.

We look forward to discussing the special permit with you at your earliest convenience, and to this end, should you have any questions or require any additional information with regard to this application, please do not hesitate to contact us.

Very truly yours,



Curtis R. Young
President

CRY:cb

Enclosures

cc: David Sweetser, High Rock Harding Road, LLC
Michael Cahill, Compass Realty
Thomas McGarrigle, Commercial Construction Consulting, Inc.
Dan Aquiar, SITEC
Mikel Myers, TEC
Lakeville Conservation Commission
Middleborough Conservation Commission

#3476.2WRPDSP6.30.14



**WRPD Special Permit Application
Transportation Improvement Project
Harding Street (Route 44)
Middleborough, Massachusetts 02346**

Prepared for:

David Sweetser
High Rock Harding Road, LLC
275 Grove Street, Suite 2-400
Newton, MA 02466

Prepared by:

Wetlands Preservation, Inc.
47 Newton Road
Plaistow, NH 03865

WPI Job #3476.2

June 30, 2014

**WRPD SPECIAL PERMIT APPLICATION
TRANSPORTATION IMPROVEMENT PROJECT
ROUTE 44**

TABLE OF CONTENTS

Cover Letter

Petition Application

Checklist for Site Plans

Checklist for Project Written Narrative

Written Narrative – Project Description & Compliance Statements

- Certified Abutters Listings – Town of Middleborough Assessor’s Office
- Notice of Intent Application
- Site Plans
- Stormwater Report
- Order of Conditions - Middleborough
- Final Peer Review Comments & Responses

Copy of Board of Selectmen Application for License

PETITION APPLICATION FOR A WRPD SPECIAL PERMIT

Five (5) complete paper sets of the petition application, including all required documents, such as engineering plans, must be filed with the Town Clerk at 20 Centre Street (former Eastern Bank building), 1st floor, Middleborough, MA. The Town Clerk's office will forward all petitions for a Special Permit to the Board of Selectmen's office.

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

A. Location of property in question:

Street address: * - see below
Map & Lot N/A
Zoning District Development Opportunities District
(General Use, Business, Industrial, Residence A, Residence B, or Residence Rural)
WRPD District Z4
(Z1, Z2, Z3, Z4)

B. To allow for:

transportation improvements to Harding Street (Route 44) including road widening and resurfacing, culvert reconstruction, drainage and utility improvements, construction of a wetland replication area (in Lakeville) and other ancillary work.

(As shown on the attached plan)

Example: To allow for an addition of 12' x 20' to the building at 1234 Nickerson Avenue, Map #, Zoning district, WRPD District (A or B), presently used as a residence for the purpose of a dental office by the owner occupant. There will be a maximum of three employees.

C. Submitted by:

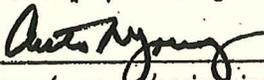
Curtis R. Young
Printed full name (Individual)

Signature (Individual)

47 Newton Rd, Plaistow, NH 03865
Address

603/382-3435
Daytime telephone

Wetlands Preservation, Inc.
Printed company name/engineering firm


Signature (company/engineering rep.)

cryoung@wetlandwpi.com
Email address

¹
* Approximately 700' east on Route 44 from the center line of the Poquoy Brook culvert and an approximately 800 foot section of Route 44 east of the Route 44 bridge over Route 495. Refer to site plans for specific road section.

CHECKLIST FOR SITE PLANS

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

| No. | Description | Initial | N/A |
|-----|---|------------|------------|
| 1. | One (1) electronic version of the site plans must be filed with the Board of Selectmen's office via email at jshanley@middleborough.com . | <u>CSJ</u> | — |
| 2. | Five (5) paper copies of the site plan must be filed with the Town Clerk's office, along with five (5) paper sets of the petition application (see top of "Petition Application" form). | <u>CSJ</u> | — |
| a. | Show locus to reasonable scale (use corner of the site plan page). | <u>CSJ</u> | — |
| b. | Show existing and proposed street lines, number & name. | <u>CSJ</u> | — |
| c. | Show existing and/or proposed building, including accessory buildings. | <u>CSJ</u> | — |
| d. | Show driveway and driveway openings. | <u>CSJ</u> | — |
| e. | Show natural waterways (if any). | <u>CSJ</u> | — |
| f. | Show distance from structure to wetlands. | <u>CSJ</u> | — |
| g. | Show the location of all wetlands, which must be determined by a wetland's specialist, i.e., flagged on site plans, the area which is within twenty-five (25) feet of the wetland, the total area and location of the portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones. | <u>CSJ</u> | — |
| h. | Show setback dimensions or distances from street and abutters. | — | <u>CSJ</u> |
| i. | Show the footage for all lines of the property and the total area (either in square footage or acreage). | — | <u>CSJ</u> |
| j. | Show topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems. | <u>CSJ</u> | — |
| k. | Show details for work done or proposed for any component outlined in No. 1(j) (above). | — | <u>CSJ</u> |
| l. | The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer. * | <u>CSJ</u> | — |

Note: If the site has no approval required other than a home lot, then a Land Surveyor stamp will be accepted.

* NOTE: plans are MassDOT format and stamped by Civil Engineer only. Separate existing conditions plans for the survey of the roadway are provided and stamped by the surveyor.

CHECKLIST FOR PROJECT WRITTEN NARRATIVE

| No. | Description | Initial | N/A |
|-----|--|-----------|-----------|
| 1. | Provide a written narrative explaining how you see the project complying with the WRPD bylaws and regulations. | <u>ay</u> | — |
| 2. | The submittal contains a Certified Abutter's list obtained from the Assessor's office, Town Hall, 10 Nickerson Ave. | <u>ay</u> | — |
| 3. | If your petition requests alterations or additions to a building, or structure, you should bring detailed plans which show the proposed alterations or additions. | <u>ay</u> | — |
| 4. | The submittal contains calculations for any proposed on-site stormwater retainage, storage tanks and spill containment, on site drainage and recharge. | <u>ay</u> | — |
| 5. | The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover. | <u>ay</u> | — |
| 6. | The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods. | — | <u>ay</u> |
| 7. | The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers, or oil, that the appropriate methods have been provided to contain any spillage. | <u>ay</u> | — |
| 8. | The submittal contains a statement that outside stored material will have no impact to the groundwater. | — | <u>ay</u> |

**PROJECT DESCRIPTION
TRANSPORTATION IMPROVEMENTS
MIDDLEBOROUGH & LAKEVILLE, MA
DEP FILE # Middleborough: SE-220-1209 / Lakeville: 192-0609**

High Rock Harding Road, LLC, the Applicant for this Water Resource Protection Overlay District Special Permit, is constructing a commercial facility on Harding Street, in Lakeville, Massachusetts, in close proximity to the Middleborough/Lakeville town lines. Associated with that development, the Massachusetts Department of Transportation (“MassDOT”) has required certain transportation improvements to provide safe access and egress from that site. These include the addition of one lane in the east and west bound directions in the vicinity of the site entrance; the replacement of the Poquoy Brook culvert which is in a poor state of repair; and the repaving of a short section of Route 44, associated with the 495 interchange.

The primary site located in Lakeville has received its required wetland permits as have the transportation improvement elements both through the Lakeville Conservation Commission (“LCC”) and through the Middleborough Conservation Commission (“MCC”). The proposed transportation improvements are needed to address existing safety and operation deficiencies regarding the intersection geometry, conflicting turning movements, and vehicle delay, and to provide access and additional intersection capacity for traffic volumes generated by the proposed Gateway Commons development.

The proposed improvements include roadway widening and resurfacing, installation of a traffic signal, culvert reconstruction, drainage and utility improvements, construction of a wetland replication area, and other ancillary work. Two areas of highway improvements are proposed within Middleborough. The first is the replacement of the Poquoy Brook culvert, the widening of Harding Street, approximately 700 linear feet east of the Poquoy Brook culvert. The second area of work includes minor pavement resurfacing to eliminate existing pavement markings, and is proposed just east of the bridge carrying Route 44 over Interstate 495, and extends easterly towards the Middleborough rotary for approximately 800 linear feet. This work is proposed entirely within the existing roadway cross section to eliminate pavement markings where they have been altered. Work in this area is proposed within the 100’ Buffer Zone to Bordering

Vegetated Wetland (“BVW”) in Middleborough, however, no work is proposed in this second area within the 25’ No Disturb Zone. Portions of the proposed work in the first area will occur within jurisdictional wetland resource areas and the 25’ Buffer Zones, including BVW, Land Under Water (“LUW”), Bordering Land Subject to Flooding (“BLSF”) and 200’ Riverfront Areas (“RA”) of Poquoy Brook. As in areas of the site, the wetland is at the toe of existing slope, much of the work proposed is within the 25’ No Disturb Zone, and is associated with the widening of the road and/or replacement of the culvert.

For purposes of additional site development information, the reader is referred to the attached Notice of Intent application and Order of Conditions (“OOC”) issued by the Conservation Commission for the proposed work. It should be noted that the work is solely associated with the reconstruction of the Poquoy Brook culvert, which is in poor state of structural repair, and the road widening and resurfacing. As a result of the impact to wetland resource areas in both Lakeville and Middleborough, a wetland replication area has been proposed and is shown on the enclosed site plans. While the impact to wetlands occurs both in Middleborough and Lakeville, the only accessible location for wetland replication was on a parcel in Lakeville, and the Conservation Commission has suitably conditioned their OOC to provide monitoring of that area and will have future assurance of its compliance in mitigating any wetland related impacts associated with the project.

The proposed project was specifically designed to minimize impacts to wetland and buffer zone areas as a result of the desire to minimize the area utilized for mitigation and to assure a minimum disruption of wetland resource areas. As this drainage basin contains Cold Water Fisheries, specific provisions for subsurface storage and treatment of stormwater have been made within the design of the project to assure protection of those Cold Water Fishery resources. While the nature of the work does not allow significant infiltration, the regrading of the shoulder of the road to more evenly distribute site runoff will eliminate the focused runoff areas within Middleborough and assist in increased infiltration on the shoulder. All shoulder areas will be loamed and seeded so as to allow ground cover to develop following any regrading. Deep sump catch basins will be installed in runoff collection areas in the road widening and culvert replacement section of the road. It should be noted that regrading and construction would be

done within the confines of an erosion control barrier to restrict unnecessary ground disturbances as well as to control turbidity and site runoff. It should also be noted that the submittal does require disturbance of soil within the water table, which is necessitated both by the replacement of the Poquoy Brook culvert, as well as side slope grading requirements. There are, however, to be no storage of hazardous waste, sledges, de-icing chemicals, fertilizers or oil, or other such material associated with the construction or the long term operation of the highway. There will be no outside stored material associated with the transportation improvement project in Middleborough. Any temporary laydown areas for construction material will be maintained on the Lakeville site and have no impact on groundwater quality or quantity.

Stormwater Management

As indicated above, the transportation improvement project includes work in both Lakeville and Middleborough. The current Route 44 sections that will be under reconstruction have no stormwater management facilities associated with them. As a result of the presence of the Gateway Commons site entryway, the Applicant has designed a stormwater system which will collect runoff from portions of the Lakeville highway improvement section in deep sump catch basins and will route that water to a subsurface detention facility located under the access driveway to the proposed site. While the Poquoy Brook culvert interferes with treatment of Middleborough site runoff within that system, the overall drainage basin which the Middleborough roadway sections drains into will benefit by the improved stormwater management system provided in the Lakeville section of the project. It should be noted that drainage from the Lakeville section will be treated both through deep sump catch basins, a StormCeptor System, and the detention facility prior to release to the Leonard Washburn Brook drainage which discharges a short distance north of Route 44 to the Poquoy Brook drainage. Discharge from the detention facility will provide full treatment of stormwater discharge, and will provide the detention of water associated with the increased impervious area associated with the highway improvements. The subsurface treatment and detention of the runoff moderates temperature impacts in runoff to the Cold Water Fisheries resources of Leonard Washburn and Poquoy Brooks. Associated with the stormwater management facilities are long term pollution

prevention plans and operations and maintenance programs for the stormwater BMPs to assure long term function and compliance.

The proposed construction activities within the highway right-of-way will be controlled by an extensive system of erosion and sedimentation devices consisting of soil socks, hay bales and silt fence depending on specific locations. These will be maintained during construction and there will be specific monitoring programs required with both the Notices of Intent as well as the NPDES permit issued by EPA to control the proposed activities on site during construction.

Resource Protection District Compliance

The proposed project associated with the transportation improvements in Middleborough are not intended nor expected to have any potential for impact to the drinking water quality or quantity for the residents, institutions or businesses in the town of Middleborough. The highway improvements are intended to improve safety, control traffic flow, and allow safe access and egress from the Gateway Commons project located in Lakeville. The highway improvement projects associated with the project will provide an overall improvement in the treatment of runoff from Route 44. The increased runoff from the increased impervious area associated with the road widening will be mitigated through the stormwater management system such that no increase in runoff will occur as a result of the proposed project. This means that water flows within Leonard Washburn Brook and Poquoy Brook will be maintained and no loss of water from the drainage basin will be incurred. Construction will be carefully monitored by both the Conservation Commission and applicant monitors under the OOC and the NPDES permit and, as a result, construction activities will be controlled so as to minimize any temporary or permanent contamination of the environment as a result of construction activities. Construction of a safer intersection and better traffic management will also lead to a reduced likelihood of any temporary or permanent contamination of the water resources associated with accidents along Route 44 in the vicinity of the work.

Poquoy Brook has been identified as a Cold Water Fishery Resource by the Division of Fisheries and Wildlife, and the design of the stormwater management system associated with the runoff

from the increased pavement area has been designed to moderate stormwater temperatures so as to reduce any impact to the Cold Water Fisheries habitat areas.

The project is within a Z-4 water protection district. It does include work within wetlands and within the 25' No Disturb Zone identified within Section 8.2.9, Section 3D, as requiring a special permit. This special permit would be associated with the access improvements required for the site in order to safely access the project in Lakeville from Route 44. The work also includes the installation of a replacement culvert for a severely degraded culvert associated with Poquoy Brook. The disturbances also include the construction of a wetland replacement area in Lakeville as well as provisions for flood storage mitigation within both Lakeville and Middleborough. It would appear that the project would thus fit under Section 3.D.I, II, and III of Section 8.2.9, WRPA Zone 4 Use Regulations. Note that the Notice of Intent includes the certified abutters list that was notified for both the Notice of Intent submittal as well as for this special permit application.

We believe the proposed project is fully compliant with the intent and purpose of the WRPD bylaw, and will promote the purposes of the Water Resource Protection District in that it; is appropriate to the natural topography, soils, and other characteristics of the site to be developed; will not during construction or thereafter have an adverse environmental impact on the aquifer or recharge areas; and will not adversely affect any existing or potential water supply.



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 11, 2014 at 8:00 PM, for the purpose of discussing an application filed by GAF Engineering Inc. on behalf of G. Lopes Construction & Red Dog Cranberry Co., LLC for a modification to an Earth Removal Permit for property located off Plympton Street, Middleborough, Assessors Map 034, Lots 4315 and 4584. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: 7/24/14

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074



July 24, 2014

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

**Re: *Initial Engineering Review
Earth Removal Permit Modification
G. Lopes Construction and Red Dog Cranberry, LLC
ADE Project #2518.30***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of the site plans and application materials for the above-referenced project relative to a request to modify an existing permit under the Earth Removal bylaw. The plans are dated 1/28/14 and are prepared by GAF Engineering, Inc. for G. Lopes Construction and Red Dog Cranberry, LLC of Taunton, MA.

We have the following comments:

1. The plans provided show minimal information and should be revised/updated to a level of detail consistent with the requirements of the "Plan Checklist" from the Town's Earth Removal application.
2. Is the "Proposed Cranberry Bog" shown on the plan included with this modification/request? Prior plans do not appear to show in this bog configuration.
3. The plans should clearly show the limit of the existing (permitted) earth removal/limit of work in order to show how the revised design relates to what was previously permitted (i.e. how much has it expanded/reduced)?
4. Existing topography is missing in the northern and eastern portions where grading is proposed.
5. An updated Project Plan including truck trips per day and volumes is not provided.
6. De-watering plans, methodologies, details have not been provided. Are there any private wells nearby that may be affected?
7. Calculations and the criteria for sizing the reservoir have not been provided.
8. The depth of the reservoir excavation is not provided. Will blasting be required?

9. The property line setbacks have not been labeled on the plans.
10. Dust control measures have not been provided.
11. The proposed operation times have not been provided.
12. Erosion control measures have not been provided.
13. Are there any wetlands surrounding the pond on the southwestern corner of the site? The buffer zone should be shown to confirm that work is outside of it.
14. The SWPPP required for construction activities and compliance with the NPDES program, when finalized, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.



Richard J. Tabaczynski, P.E.
Vice President



Town of Middleborough

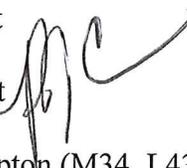
CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Board of Selectmen
Ruth Geoffroy, Planning Director
Christopher Peck, DPW Superintendent

FROM: Patricia J. Cassady, Conservation Agent 

RE: Earth Removal Application – Off Plympton (M34, L4315, 4584)

DATE: August 1, 2014

This memorandum is in response to the earth removal permit that the above-mentioned applicant has submitted to the Board of Selectmen.

The Conservation Commission first issued the Order of Conditions for this project on 6/25/2002 and it was valid till 6/25/2005. The Commission then issued an extension permit that was valid for another 3 years till 6/25/2008. Then there was a second extension permit issued that was valid till 6/25/2011. Through the State's Permit Extension Act the permit was then valid for an additional 4 years so the Order of Conditions is valid till 6/25/2015.

At this time I think it would be beneficial to have the property inspected. I would like to verify that the wetland line is still present and if not the wetland flags should be re-established.

If you have any further questions, don't hesitate to contact the Conservation Office at 508-946-2406.

Thank you

pjc

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough

Massachusetts

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



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Christopher Peck
D. P. W. Director

August 5, 2014

Board of Selectmen
10 Nickerson Avenue
Middleborough, Ma 02346

Subject: Application for Modifications to Earth Removal Permit 2009-04 Review Letter

Dear Board Members,

I have reviewed the Application for Modification to Earth Removal Permit 2009-04 as submitted by G. Lopes and Red Dog Cranberry, Co., LLC. As part of the submittal I received the following:

- Application for Modification to Earth Removal Permit 2009-04 submitted by G. Lopes and Red Dog Cranberry, Co., LLC, prepared by GAF Engineering, dated March 6, 2014.
- Plan dated January 28, 2014, labeled "Site Plan of Reservoir and Cranberry Bog Development", prepared for G. Lopes Construction and Red Dog Cranberry, LLC, prepared by GAF Engineering.

The Department of Public Works comments are as follows:

1. The Applicant should provide an updated project plan showing project scheduled and tasks to be completed during that time frame.
2. It is recommended that the existing Earth Removal conditions remain in place.
3. The Applicant should provide the anticipated extent of blasting. The Applicant should notify the Middleborough Police and Fire Departments when blasting is planned on site.

Sincerely,

A handwritten signature in black ink, appearing to read "C.P." or similar initials.

Christopher Peck
Director of Public Works



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

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

July 28, 2014

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

RE: W.R.P.D. Application for modifications to Earth Removal Permit 2009-04, G Lopes Construction & Red Dog Cranberry Co., LLC off Plympton Street, Assessor's Map: 034 Lots: 4315 & 4584.

Honorable Board,

I have received the plan submitted by William Madden, P. E. of G.A.F. Engineering for modifications to the existing cranberry bogs.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d



Town of Middleborough

Massachusetts

Board of Selectmen

MEMORANDUM

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

FROM: Jackie Shanley, Executive Assistant to Board of Selectmen

DATE: July 15, 2014

SUBJECT: **Application for Modifications to Earth Removal Permit, 2009-04
G. Lopes Construction & Red Dog Cranberry Co., LLC
Off Plympton Street, Assessors Map 034, Lots 4315 & 4584**

Attached is a request filed by G.A.F. Engineering, Inc. on behalf of G. Lopes Construction & Red Dog Cranberry Co., LLC for modifications to Earth Removal permit for property located Off Plympton Street.

Please note that this **permit is presently valid until 12/21/16** because of the Permit Extension Act.

This request will be addressed at the Selectmen's meeting on Monday, **August 11, 2014 at 8:00 PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, August 6th by 12 Noon.**

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

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



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

March 6, 2014

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

Re: Earth Removal Permit No. 2009-04
G. Lopes Construction & Red Dog Cranberry Co., LLC.
Off Plympton Street, Middleborough, MA
G.A.F. Job No. 03-5945

Honorable Selectman,

Attached herewith please find a copy of the proposed modifications to the originally proposed cranberry bog layout. The current plan illustrates a reservoir in the area originally proposed as cranberry bog sections 4 & 5. This reservoir will provide adequate water supply to the existing, and newer, cranberry bog acreage. The cranberry bog operator frequently had insufficient water for proper crop needs. The new reservoir will provide adequate water for present and future needs. The final 1½ acre bog has yet to be constructed. The USDA Farm Plan has been updated to reflect this change.

I trust the foregoing is sufficient for your immediate use. Please feel free to contact me with any questions or comments you may have.

Very truly yours,

William F. Madden, P.E.

WFM/jld

cc. G.Lopes, Lopes Construction/ Red Dog Cranberry Co., LLC.

266 MAIN ST.
WAREHAM, MA
02571
TEL 508.295.6600
FAX 508.295.6634

gaf@gaf-eng.com

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

APPLICATION FOR LICENSE OR LICENSING TRANSACTION (PLEASE TYPE OR PRINT CLEARLY)

DATE March 26, 2014

NAME OF APPLICANT G. Lopes Construction and Red Dog Cranberry Bog, LLC

ADDRESS OF APPLICANT 565 Winthrop Street, Taunton, MA 02780

ASSESSORS MAP & LOT Map 034 Lot 4315

DAYTIME TELEPHONE _____

EMAIL ADDRESS _____

NAME OF BUSINESS G. Lopes Construction and Red Dog Cranberry Bog, LLC

OWNER OF PROPERTY TO BE LICENSED Red Dog Cranberry Bog, LLC

ADDRESS OF PROPERTY TO BE LICENSED 109 Plympton Street, Middleboro, MA

ASSESSORS MAP & LOT Map 034 Lot 4315

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____

Class I Automobile Dealer License _____

Class II Automobile Dealer License _____

Class III Automobile Dealer License _____

Weekday Entertainment _____

Sunday Entertainment _____

WRPD _____

Earth Removal Permit

Liquor License _____

Junk Dealer _____

Automatic Amusement Device _____

Other _____

Anticipated Start Date for Business: On-going

Days & Hours of Operation: 7:30 am to 4:30 pm Monday through Friday

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?

If yes, explain:

Yes, existing Earth Removal

Signature

Muriel Madden agent

Please bring to the Treasurer/Collector's office @ the Town Hall Annex, 20 Center Street, 3rd floor to obtain confirmation/signature that no outstanding taxes/municipal charges exist.

Dear Treasurer/Collector:

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

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

Judy M. MacInnis



The Board of Selectmen, acting in its capacity as the Board of Health, will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 11, 2014 at 8:30 PM, for the purpose of approving Title V (septic system) Regulations for the Town of Middleborough. Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: July 24th & July 31, 2014

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

20 Center Street

Jeanne Spalding
Health Officer

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

MEMO

TO: Board of Selectmen/Health

FROM: Jeanne Spalding, Health Officer

DATE: August 8, 2014

RE: Board of Health Local Regulations

The Health Dept. has been working on updating and codifying the local Board of Health regulations. We started with the septic regulations as they were the most comprehensive and difficult.

The septic regulation draft you reviewed in a workshop previously has been modified to reflect some of the Board's comments and a section regarding "Industrial Wastewater Holding Tanks" has been added. The regulation as presented has been reviewed by the Town's attorney and comments from the local engineers have been considered.

Also included for the Board to consider voting on this evening is an administrative regulation relative to variance authority suggested and written by the Town Attorney, Dan Murray. This regulation clarifies the authority of the Board and the Health Officer to offer a variance process for any aspect of a local regulation if the protection of public health and the intent of the regulation can be met.

Please contact me if you have any questions.



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

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

REGULATION

5.000 Sewage Disposal

5.001 Authority:

This regulation is promulgated pursuant to the authority granted to the Middleborough Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations."

5.002 Definitions: Words in this 5.000 Sewage Disposal regulation which are defined in Title 5 of the State Environmental Code 310.CMR 15.000 shall have the same meaning as defined 310.CMR 15.000, except for the word "Bedroom" which shall be defined as follows:

Bedroom: A room in compliance with the State Sanitary Code 105 CMR 410.000, and the State Building Code; A finished habitable room providing privacy with floor space area of 70 square feet or more and an operable window with a minimum opening of 20"x 24".

5.003 Subsurface Sewage Disposal Systems (SSDS)

A) Percolation Tests (perc)

1. Effluent Loading Rates-Soil Absorption Systems-Percolation Rates (Original Effective Date: January 1, 2004, Published: December 31, 2003)
 - a) The allowable effluent loading rates (gpd/sq.ft.) for soil absorption systems shall be set forth in 310 CMR 15.242(1)(a) with a maximum allowable percolation rate of 30 minutes per inch as set forth in 310 CMR 15.242(1)(a).

- b) *The allowable effluent loading rates (gpd/sq.ft.) for soil absorption systems shall be set forth in 310 CMR 15.242(1)(b) with a maximum allowable percolation rate of 60 minutes per inch and effective as of January 1, 2004 shall not be applicable in the Town of Middleborough.*
- c) *Any provisions of 310 CMR 15.242(2), 15.243, 15.245, 15.249, 15.405 and 15.417 which are in conflict with section 1. Of this regulation shall not be applicable in the Town of Middleborough.*
2. All perc tests shall be scheduled through the Middleborough Health Department office after receipt of payment with a perc test application which includes the signature of the legal owner of the property and the name of the certified soil evaluator conducting the perc test. A Trench Permit shall be obtained from the Building Dept. prior to the perc test.
 3. The certified soil evaluator/engineer shall locate all wells, utilities, property lines and existing system components prior to the perc test.
 4. DEP Soil Evaluation Form 11 signed by the certified soil evaluator shall be submitted to the Health Dept. within 30 days of the perc test with the tests pits' survey location on a plan. For new construction test pits' location shall be stamped by a Registered Land Surveyor.
 5. All deep test holes and perc holes are to be at least 20' apart, preferably at the perimeter of a proposed system and representative of the soils in which the system will be constructed.
 6. Perc tests are valid for 2 years. Extension of perc tests for 2 year increments may be approved at the discretion of the Health Dept. after review of soil and groundwater information and with documentation of test pit survey location, approved soil report, letter of request and extension fee.
 7. Only state certified soil evaluators may conduct official percolation tests.
 8. All official percolation tests are to be witnessed by a Middleborough Health Department representative.
 9. Standard rulers are to be used for perc tests. Marked incremental indicators may be in addition to standard rulers for visual clarity.
 10. No more than two inches of clean stone may be used in the base of the perc hole to minimize scouring.
 11. Dewatered perc tests are prohibited.
 12. Any disagreement with the Health Dept. representative witnessing the perc regarding the soils or groundwater elevation shall require objective evaluation by the Soil Conservation Service or other soils professional approved by the Health Dept. at the expense of the applicant.

B) Septic Plan and System Requirements

1. No septic components shall be constructed or installed in a roadway or right of way, including utility companies' rights of ways.
2. Three sets of plans, one having an original stamp and signature of the design engineer/sanitarian, shall be submitted with a completed application for a disposal works construction permit, soil evaluation form and plan review fee.
3. The design engineer/sanitarian shall verify the location, elevation and number of all building sewer outlet structures on existing systems to be included on the plans prior to submission.
4. The design engineer/sanitarian shall include design criteria on the plans in compliance with 5.006 Level of Lowest Floor .

5. Two compartment tanks or two tanks in series shall be installed for all septic upgrade or repairs needing tank replacement and for new construction.
6. A DEP approved effluent filter shall be installed on outermost tee for any system repair or new construction and specifically for all systems that require a pump system.
7. The septic system leaching area shall be 200' distance from all domestic water supply wells with a perc rate of 5 min/inch or less.
8. Plans submitted are required to provide all information as indicated in 310 CMR 15.220.
 - a) System sizing calculations are to be complete and clearly located on septic plans.
 - b) All Lengths of pipe and slope shall be included.
 - c) The same plans are to be submitted to all departments involved and any revised plans shall be provided to all departments as needed such as Building Dept. and Conservation.
9. Three As-built plans, one of which has an original stamp and signature of the design engineer/sanitarian, shall be submitted to the Health Dept. within 30 days completion of a septic system along with the Certificate of Compliance signed by the design engineer/sanitarian and installer.
10. As-built plans shall have all of the site information and design calculations from the proposed plan with the field verified swing ties to all components, setbacks of components to structure, system elevations, and all other pertinent information including water supply.
11. As-built plans shall include lengths of pipes and slope, distances from all components to house and other significant structures.
12. All As-built plans shall include final grades over the system, side slopes and breakout grades where necessary.
13. As-built plans shall include all accurate locations of septic components, pump system alarm box location, all utilities, waterlines, driveways, relevant resource areas and building structures on the lot including barns with paddock areas, sheds, garages and house.
14. No structures, patios, decks, sheds, pools, or other similar structures or installations shall be placed on a septic system or reserve area.
15. All proposed system repairs shall meet maximum feasible compliance.
16. All variance requests shall be submitted as separate document citing the code or regulation for which a variance is sought and hardship justification for the variance request.
17. Verification of proper discharge for water treatment devises is required.

C) Electrical Specifications for Pump Chambers

1. Any electrical work associated with a septic system installation shall be done by a licensed electrician that has obtained an electrical permit in the Town of Middleborough and all work to be inspected by the Middleborough Electrical Inspector.
2. Any conduits extending into a manhole and/or septic tank, pump chamber or tight tank shall incorporate a sweep extending in the appropriate direction so as not to cause fraying or degradation of wiring insulation in contact with said conduit edge. Any opening of said conduit edge shall be sealed to prevent water and/or gases from migrating.
3. Junction boxes shall not be located within manholes or tanks and shall have a separate acceptable vessel enclosing such box with a watertight and secured access at grade.

4. Any pump system requiring floats (and when a pressure transducer is not otherwise specified) shall have a removable float tree of a non-corrosive material shall be utilize to separate float cords.
5. All electrical components and materials shall conform to the State Electrical Code where applicable, when electrical components are specified, including a separate hard-wired alarm circuit.
6. As-built plan shall include the location of the pump system alarm box.

D) Installers

1. Installers shall have a current Disposal Works Installers Permit with the Town of Middleborough to install or repair systems in the Town of Middleborough.
2. All Disposal Works Installers Permits expire at the end of the calendar year in which they are issued unless revoked earlier for cause due to disciplinary action.
3. Installers shall be responsible for obtaining the Disposal Works Construction Permit for any system repaired or installed in the Town of Middleborough prior to construction. The Installer's signature is required on Disposal Works Construction Permit. (A signed document filed with the Health Dept. by the installer designating an alternative representative to sign and pick up a permit is allowable.)
4. Installers shall provide a minimum of 24 hour advanced notice for all requested inspections to be scheduled through the Health Dept. office only.
5. Installers shall have the Health Dept. stamped approved plan on site at all times during construction.
6. Installers shall contact the design engineer and the Health Dept. to report any problems during the construction and obtain approval for any field changes to the approved design plan. Failure to comply with this requirement will result in an immediate "cease and desist" on the construction of this system and possible disciplinary action against the installer's Disposal Works Installers Permit.
7. Installers shall have the engineer's final system and inspection with system elevations reported to the Health Dept. before a final inspection is conducted by the Health Dept.
8. The installer or his representative shall be present for the final inspection from the Health Dept. or other arrangement as approved by the Health Inspector in advance.
9. It is the responsibility of the installer to ensure the Certificate of Compliance is signed by the installer and the engineer and returned to the Health Dept. with the As-built plans within 30 days completion of the system.
10. The inspection port shall be brought to grade or within 6" of grade and identified on the asbuilt plan and located with swing ties.

5.004 Title 5 Inspection Reports

1. Official Title 5 inspections and reports shall be done by state approved Title 5 inspectors.
2. All multi- unit housing, including nursing homes, and motels, with onsite septic systems shall have an Official Title 5 inspection every 3 years and the report shall be filed with the Middleborough Health Dept. within 30 days of the inspection. (Legal in-law apartments in single family homes exempted.)
3. All restaurants with onsite septic systems shall have an Official Title 5 inspection every 3 years and the report shall be filed with the Middleborough Health Dept. within 30 days of the inspection.
4. All commercial businesses with onsite septic systems shall have an Official Title 5 inspection every 5 years and the report shall be filed with the Middleborough Health Dept. within 30 days of the inspection.

5. Any septic system in the Town of Middleborough with cesspool(s), privies, or overflow cesspool components shall be considered as non-compliant and an automatic failure of the Official Title 5 inspection and shall require a complete system replacement.
6. Any tank inlet and outlet covers, pump chamber covers and distribution box covers shall be watertight and brought to within 9"-12" of grade.
7. Verification of proper discharge for water treatment devices is required and noted in report.
8. Any dwelling that exceeds the number bedrooms present than what the septic system capacity was designed for shall be considered an automatic failure for the Title 5 inspection report.
9. All Title 5 inspectors shall perform a walk through inspection of the dwelling to verify the presence or absence of a domestic garbage grinder and the number of bedrooms as defined.
10. Any dwelling containing a domestic garbage grinder where the septic capacity has not been designed to accommodate the additional flows shall be considered an automatic failure of the Title 5 inspection report. (removal of the domestic garbage grinder shall be an acceptable correction to gain compliance of this section.)
11. At time of a repair or replacement of a septic system, any system in the Town of Middleborough with a septic tank over 20 years old shall be replaced with a compliant tank.
12. Official Title 5 inspections shall include pumping of septage from the tank (s), pit(s), cesspool(s), or other similar structures and components of a septic system, by a septic hauler licensed in the Town of Middleborough and inspection by the Title 5 inspector.
13. Official Title 5 inspection reports filed with the Health Dept. shall include:
 - a) A \$50.00 report review fee when filed with the Health Dept.
 - b) A Plan showing swing ties to all septic components, location and distance of the septic components to well(s) or water supply lines.
 - c) Pictures of all components depicting the condition.
 - d) Septage pumping information that includes date of pumping, quantity of effluent pumped, and identity of licensed pumper.

5.005 Minimum Lot Sizes (Original Effective Date: September 13, 1971.)

The Board of Health hereby adopts, under the provisions of General Laws, Chapter 111, Section 31 and any other power thereto enabling, the following regulation:

1. *No dwelling, building or structure to be served by an on-site source of potable water and individual subsurface sewerage disposal system shall hereafter be erected, placed or converted on any lot having an area of less than thirty-thousand square feet unless a variance has been granted by the Board of Health.*
2. *No building, dwelling or structure to be connected to the municipal water supply system shall hereafter be erected, placed or converted on any lot having an area of less than fifteen-thousand thousand square feet unless a variance has been granted by the Board of Health.*

5.006 Level of Lowest Floor (Original Effective Date: October 5, 1995)

1. *The level of the lowest floor, including basement, if any, of any building which is constructed to be occupied by human beings as living space shall be at least two feet (2') above the high groundwater elevation as defined by 310 CMR 15.103 (3) of the State Environmental Code, Title 5, unless perimeter drainage is installed as noted in the next paragraph. (b)*

2. *The level of the lowest floor may be less than two feet (2') above the high groundwater elevation if adequate perimeter drainage is installed to withstand the effect of seepage. Furnace and utilities are to be protected from the effects of flooding. The use and design of perimeter drainage shall be subject to the approval of the Board of Health or their appointed inspector.*
3. *In cases where an onsite septic system is to be installed, the high groundwater elevation will be determined by a certified soil evaluator at the time of the percolation test.*
4. *In cases where Town sewer will serve the building, a certified soil evaluator shall determine the high groundwater elevation by observation of soils in an excavation at the proposed building location on the lot.*
5. *The elevation of high groundwater determined by the soil evaluator, together with the level of the lowest floor of the building, must be noted on the building site plan and on the final AS-Built site plan by an approved registered professional.*
6. *In areas of very poorly drained, poorly drained or moderately drained soils as defined by the Plymouth County Soils Survey, a registered professional engineer shall determine that there exists a means of safe and adequate passage from the street to the house in periods of high groundwater or flooding, and shall certify the same on the building site plan and the final As-Built plan.*

5.007 Septage Haulers/Pumpers

1. Businesses that provide services in the Town of Middleborough for hauling/pumping septage, grease or other waste shall obtain a permit from the Middleborough Health Dept.
2. The Fee shall be \$200.00 for septage hauler/pumping business with one truck and \$50. for each additional truck.
3. Permits are valid on a calendar year basis.
4. Permit applications, for new or renewal, shall be submitted to the Health Dept. thirty days before the expiration of the current septage hauler/pumper permit. Along with a copy of truck registration(s) and liability insurance. Renewal applications after this time will be charged a double fee.
5. Permit holders shall provide the Health Dept. a monthly report due by the 15th of the following month listing all pumping within the Town of Middleborough, location of pumping, date of pumping, source (septic tank, cesspool, tight tank, grease trap, etc.), gallons pumped and location of ultimate disposal.
6. Every truck used for hauling/pumping septage shall have a clearly visible site glass and all hoses and fittings in good repair with no leaks.
7. All septage hauler/pumpers dumping at the Middleborough Wastewater Plant shall provide and maintain a \$5000. bond to the Town of Middleborough on an annual basis for any unpaid dumping fees.

5.008 Portable Sanitary Facilities

1. Companies supplying and/or servicing portable sanitary facilities within the Town of Middleborough shall obtain a Septic Hauler/Pumper Permit from the Health Dept.
2. Portable sanitary facilities are required on all construction sites that do not have existing usable sanitary facilities.
3. Every portable sanitary facility shall be cleaned and sanitized on a weekly basis or more often if needed.

5.009 Sewage Pump Stations

1. The owner and/or operator of an existing privately-owned septic waste pumping station (“pumping station”) which is used in connection with transmission of septic waste to be introduced into the municipal sewer system shall by September 1, 2014 submit to the Town of Middleborough Health Department and Superintendent of the Town of Middleborough Wastewater Enterprise Department the following:

(a) Complete plans for the pumping station;

(b) The location or address of the pumping station and the record owner of the land where the pumping station is located;

(c) Identification of all real estate and/or facilities which are served by the pumping station including Middleborough Assessors Map and Lot number(s) for each parcel of real estate and/or facility and the complete legal name of the owner(s) of each parcel or facility;

(d) Complete legal name, address and telephone number of the owner, person or legal entity who is responsible for the operation, maintenance and repair of the pumping station; and

(e) Copies of all reports regarding monitoring, service or maintenance performed with respect to the pumping station after June 30, 2011.

2. Any person or legal entity who proposes to construct and operate a privately-owned pumping station (“proposed pumping station”) which will be used in connection with the transmission of septic waste to be introduced into the municipal sewer system before discharging any septic waste into the municipal sewer system shall submit to the Town of Middleborough Health Department and Superintendent of the Town of Middleborough Wastewater Enterprise Department the following:

(a) Complete plans for the proposed pumping station;

(b) The location or address of the proposed pumping station and the record owner of the land where the proposed pumping station will be located;

(c) Identification of all real estate and/or facilities which will be served by the proposed pumping station including Middleborough Assessors Map and Lot number(s) for each parcel of real estate and/or facility and the complete legal name of the owner(s) of each parcel or facility; and

(d) Complete legal name, address and telephone number of the owner, person or legal entity who will be responsible for the operation, maintenance and repair of the proposed pumping station.

3. The owner and/or operator of a pumping station and of a proposed pumping station which has been constructed and is operating shall submit to the Town of Middleborough Health Department and Superintendent of the Town of Middleborough Wastewater Enterprise Department copies of all reports regarding monitoring, service or maintenance of a pumping station and of a proposed pumping station which has been constructed and is operating within forty-five (45) days after the date of a report.

5.010 Industrial Wastewater Holding Tanks (IWHT)

A) In compliance with 310 CMR 15.04 sections: 4,5,6, and 7, an industrial wastewater holding tank may be required under 314 CMR 18.00 which applies to all persons who own or operate a holding tank, mobile tank, or container that meets all of the following criteria:

- 1) the holding tank, mobile tank, or container is used exclusively to accumulate or store industrial wastewater generated on-site or off-site;
- 2) the industrial wastewater in the holding tank, mobile tank, or container will be transported directly to an off-site facility for recycling, treatment, or disposal; and
- 3) the wastewater accumulated or stored in the holding tank, mobile tank, or container is nonhazardous non-domestic industrial wastewater. 314 CMR18.00 applies to new and existing holding tanks, mobile tanks, and containers. Holding tanks include above-ground holding tanks and in-ground holding tanks. Holding tanks also include tanks created by the conversion of septic tanks or oil and water separators for exclusive use as industrial wastewater holding tanks.

B) A permit from the Middleborough Health Department is required for a new Industrial Wastewater Holding Tank (IWHT) and for repairs to an existing IWHT. The permit shall be subject to the following requirements:

1. The owner or operator of an IWHT which is proposed as new or which is existing and is proposed to be repaired shall file an application for an IWHT permit with the Health Department. The application shall include two (2) sets of plans showing the design and location of the IWHT containing an engineer's original signature and stamp.
2. An application for a permit for a new IWHT shall be accompanied by payment of \$50.00 for a plan review fee and \$150.00 for a permit fee. An application for a permit for repairs to an existing IWHT shall be accompanied by payment of \$50.00 for a plan review fee and \$50.00 for a permit fee.
3. Any person who physically installs a new IWHT or repairs an existing IWHT must have a current Disposal Works Installers Permit issued by the Health Department.
4. Installers of IWHT, either new or repairs of existing IWHT, shall give the Health Department a minimum of twenty-four hour notice prior to backfilling the installation so that the Health Department may inspect the installation before the installation is backfilled.
5. Within thirty (30) days after completion of work on an IWHT installation, the holder of the IWHT permit shall submit to the Health Department the following:
 - (a) A certification of the IWHT installation signed by an engineer containing an as-built plan showing complete details of the design, layout, survey location and alarm system location for the installation.
 - (b) Town of Middleborough Electrical Inspector approval and a copy of the DEP certification forms.
 - (c) A list of materials/products which will be disposed of in the IWHT; and the name, address and telephone number of the party who will service the IWHT.

5.011 Variances

The Health Officer may vary the application of any provisions of 5.000 with respect to any particular case if in the Health Officer’s opinion, enforcement of the provision from which a variance is sought would be manifestly unjust and/or the person requesting a variance has established that a reasonable level of protection of public health and safety can be achieved without enforcement of the provision.

- a) Every request shall be in writing and shall make reference to the specific provision for which a variance is sought and a statement as to hardship or level of protection.

Any person aggrieved by the decision of the Health Officer on a request for variance shall be entitled to a hearing before the Board of Health and such person shall file with the Board of Health within seven days after notice of decision, a written request to for hearing.

5.012 Penalties

- 1. Failure to comply with the provisions of this regulation may result in the levy of fines of not less than \$100.00 but no more than \$1000.00 for each violation. Each day’s failure to comply with the provisions of this regulation shall constitute a separate violation.

5.013 Severability

- 1. Each provision of this regulation shall be construed as separate to the end that, if any Provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall remain in full force and effect.

Hearing Notification Dates and Location: _____

Effective Date: _____

Published Location and Date: _____: _____, _____

Board of Health Hearing Date: _____

Town of Middleborough Board of Selectmen/Health:



**TOWN OF MIDDLEBOROUGH
HEALTH DEPARTMENT**

20 Center Street

Jeanne Spalding
Health Officer

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

MEMO

TO: Board of Selectmen/Health

FROM: Jeanne Spalding, Health Officer

DATE: July 30, 2014

RE: Board of Health Local Regulations

The Health Dept. has been working on updating and codifying the local Board of Health regulations. We started with the septic regulations as they were the most comprehensive and difficult.

I have attached for the Board to consider an administrative regulation relative to variance authority suggested and written by the Town Attorney, Dan Murray. This regulation clarifies the authority of the Board and the Health Officer to offer a variance process for any aspect of a local regulation if the protection of public health and the intent of the regulation can be met.

I request that the Board review this regulation and if we can get it on the agenda for the next meeting, consider voting on it for adoption.

Please contact me if you have any questions.



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

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

REGULATION

1.000 Variances

1.001 Authority: This regulation is promulgated pursuant to the authority granted to the Middleborough Board of Health by Massachusetts General Laws, Chapter 111, Section 31.

A) Review and Issuance Authority:

The Middleborough Board of Health or Middleborough Health Officer may vary the application of any provision of a regulation adopted by the Board of Health pursuant to Massachusetts General Laws, Chapter 111, Section 31. A variance may be granted only when in the opinion of the Board of Health or Health Officer –

- (1) The person requesting a variance established that enforcement of the health regulation provision from which a variance is sought would be manifestly unjust; and
- (2) The person requesting a variance established that a reasonable level of protection of public health and/or public safety can be achieved without enforcement of the provision from which a variance is sought.

B) Variance Request:

Every request for a variance shall be in writing, shall state the specific provision of a regulation from which a variance is sought and include in the request facts, reason(s) and argument why enforcement of the provision would be manifestly unjust and facts, reason(s) and argument why and how a reasonable level of protection of public health and/or public safety can be achieved without enforcement of the provision.

C) Appeal:

Any person aggrieved by the decision of the Health Officer on a request for variance shall be entitled to a hearing before the Board of Health and such person shall file with the Board of Health within seven days after notice of decision, a written request for hearing.

Chairman

Date Regulation Adopted: _____

Effective Date of Regulation: _____



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 12, 2014 at 8:40 PM, for the purpose of discussing an application filed by Marcus, Errico, Emmer & Brooks, P.C. on behalf of Cumberland Farms, Inc., for a Special Permit under the Water Resource Protection District By-law to allow for the raze and rebuild of a convenience store and gasoline station at 150 S. Main Street, Assessors Map 581, Lot 4265, Zoning District – General Use, WRPD District Z2. Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: May 1st & May 8th, 2014

Payment forthcoming – Advertiser #300074

continued to: 6/2, 6/16, 7/14, 7/28, 8/11



August 7, 2014

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

**Re: Final Engineering Review
WRPD Application – Cumberland Farms – 150 South Main Street
ADE Project #2518.26**

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our final engineering review of site plans and stormwater calculations for the above referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The site plans are revised dated 7/16/14 and the revised Stormwater Management Report is dated 7/16/14. Both are prepared by Civil Design Group, LLC for Cumberland Farms, Inc. of Framingham, MA. Note that our review only pertains to the stormwater management system and does not include a review of zoning, underground fuel tanks, spill containment systems, hazardous materials storage, etc.

The revised plans and calculations have addressed the comments from our previous review letters. We offer the following for the consideration of the board:

1. The drainage system design proposes that a portion of entrance drives will drain onto South Main and Clark Street. MassDOT approval will be required. It is our understanding that MDOT typically wants all runoff captured on-site. Therefore, this approval is critical to the stormwater design as proposed. We suggest a condition that if the MDOT requires changes, revised plans should be submitted to the Board for review and approval.
2. The drainage basin butterfly valve does not appear to be in a very accessible location.
3. The sizing of the Stormceptor water quality unit should be confirmed with the manufacturer as it is in a partially submerged condition under all storm events.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.


Richard J. Tabaczynski, P.E.
Vice President

Cc: Civil Design Group, LLC

**MARCUS, ERRICO,
EMMER & BROOKS, P.C.**

Attorneys At Law

MEEB

Douglas A. Troyer
781.843.5000 ext. 140
dtroyer@meeb.com
Admitted in: MA & ME

August 8, 2014

VIA FEDERAL EXPRESS MAIL

Joel H. Fishman, Esq.
271 Canton Street
Stoughton, MA 02072

Re: Cumberland Farms, Inc. Application for Special Permits and/or Findings
for Properties Located at 431 South Main Street - Map 69, Lot 51 and 433
South Main Street – Map 69, Lot 50 – Single Residences B and GWPD

Dear Mr. Fishman,

As you are aware, this office represents Cumberland Farms, Inc. (“CFI”) in connection with the above-referenced matter. This correspondence shall serve as CFI’s response to your Memorandum dated August 4, 2014. Please be advised that I have used the same numbers identified in your August 4th memorandum for ease and consistency.

1. Survey

I direct your attention to the ATLA/ACSM LAND TITLE SURVEY PLAN, Plan CFG 2.0 dated January 28, 2014, which was submitted in support of CFI’s project. (A copy of this plan is attached hereto as **Exhibit “A”** for your convenience). It is CFI’s position that this plan is accurate and has been certified by Glenn D. Odone, Jr., Registered Land Surveyor No. 45068. The survey was conducted by Odone Survey & Mapping using an on-the-ground survey of the property on December 3, 2013.

As shown on **Exhibit A**, there is an existing chain link fence running between our client’s property lines from west to east. As discussed at the public hearing, CFI is willing to remove the existing chain link fence and construct a new 6’ white vinyl fence running along the property line between our client’s properties, as identified on **Exhibit A**. (See also revised Site Plan attached hereto as **Exhibit “B”**). It is my client’s position that adding this new fence will not only improve the aesthetics of the area, but also enhance the screening between our client’s properties. Should your client not wish for CFI to install the white vinyl fence, CFI would be amendable to leaving the chain link fence in its current location as well. Please advise of your client’s position.

2. Underground Storage Tanks

Representatives of CFI, including its engineer and in-house planning personnel meet with the Town Engineer, Building Inspector, Fire Chief, Deputy Fire Chief, Board of Health representative and other various officials prior to CFI's submission of its Site Plan in order to address the layout of the project. After numerous meetings with town officials, and even as recently as this week, CFI has submitted its Site Plan which it believes to be the best Site Plan for this site taking into consideration all federal, state and local regulations. At this time, it is not feasible for CFI to relocate the underground storage tanks and intends to proceed with its application as outlined in **Exhibit "B"**. However, in order to address your client's concerns, I provide the following in response to your August 4, 2014 memo.

The references to the regulations at issue concerning CFI's request to remove and install new Double-Wall Fiberglass Underground Storage Tanks ("UST") regarding its continued operation of a gasoline station at the property can be found at Article 27 of the Town of Sharon Bylaws and the Rules and Regulations of the Board of Health for the Town application, and M.G.L. c. 148, § 13 for the state license. For your convenience, I have attached hereto as **Exhibit "C"** CFI's Application to the Board of Health for permission to modify its existing underground storage of gasoline, Memorandum in Support of the Application and plans. These materials provide in great detail the proposed tanks, component information, leak detection systems, dispenser information, fire suppression systems, testing, inventory and sensor controls, response to leaks procedures (see Attachment 3 appended to **Exhibit C**), and third party inspections. Please be advised that the Board of Health has scheduled a hearing for August 20, 2014 to discuss CFI's application.

I have also attached hereto as **Exhibit "D"** a copy of CFI's application for Amended License pursuant to M.G.L. c. 148, § 13 regarding the installation of the new USTs. Please be advised that this application must be heard by the Board of Selectmen who will schedule a hearing after the Board of Health has issued its position on the above-referenced application.

The USTs will have continuous leak detection sensors, monitoring wells in the pad surrounding the tanks, and built-in precision test capability. CFI is also proposing to install a Veeder-Root TLS-350 interstitial monitoring system with an audio-visual alarm system. This state-of-the-art tank monitoring system manufactured by Veeder-Root provides continuous monitoring of the interstitial space of the double-walled tanks and leak detection that meets all applicable EPA regulations. The tank inventory monitor is connected to CFI's central computer system for dispatching trucks. Tank overfills are prevented because CFI's dispatcher will schedule deliveries only when tanks are empty and require filling. An additional feature of this system is that, if any other system monitors are activated, the dispatcher is automatically notified. The system also notifies on-Site store employees immediately when the sensor is activated. When the tank is being filled, the inventory monitor acts as a high-level gauge activating an audio-visual alarm when the volume in the tank reaches 90%. The driver is required to be at the tanker truck manifold and, therefore, has sufficient time to stop flow into the tank. Further, spill containment manholes, located where the tanker hose connects to the fill pipe, are required to contain 5 gallons of potential spill. Fuel dispensing hoses are equipped with

August 8, 2014

Page 3

“break away connections” that prevent spills should a customer forget to return the nozzle to the dispenser.

It is CFI’s position that these design and institutional features, such as the double-wall tanks and sophisticated monitoring system, which are further detailed in CFI’s submission to the Town of Sharon Board of Health, provide adequate Site and environmental protection and offer a technologically superior facility equipped to address any potential environmental concerns. I am hopeful that after you and your client review the attached materials that you both will recognize that the proposed upgrade to the gasoline operation at CFI’s property, enhances the environmental quality of the Site by providing systems that meet and exceed those mandated by state and federal regulations.

3. Lighting

I direct your attention to **Exhibit “E”** which identifies the lights along our client’s common boundary. Please be advised that the highlighted lights “D1” have been reduced from 14’ to 12’ and that CFI has added lighting shields. **Exhibit E** also shows the exact number of candles. Finally, please be advised that in its application, CFI has already requested that exterior lights be extinguished a half an hour after closing.

4. HVAC Systems

I direct your attention to **Exhibit “F”** which contains the Exterior Elevation plans that identify the location of the mechanical units, including the HVAC systems. As you will see, the area is located on the second floor of the building and is screened with soundproofing Acoustic Barrier fence which is both aesthetically pleasing and reduces noise levels.

5. Trees

I direct your attention to Landscaping Plan, which is attached hereto as **Exhibit “G”**. CFI currently unable to determine exactly how many trees will need to be taken down due to the existing fence enclosures on the property. However, at this time, CFI anticipates that two trees will need to be removed. CFI is willing to conduct an on-site visit with your client prior to removal of any trees in order to discuss the removal of trees and filed mark the trees that are to remain.

6. Prior Special Permits

I provided the Board with copies of all prior special permits obtained regarding the properties at issue in this matter. For your convenience, I attach hereto as **Exhibit “H”** a copy of CFI’s Memorandum in Support of its Application and direct your attention to Attachments

With regard to the remaining concerns identified in your client’s memo which was attached to your August 4, 2014 correspondence, I believe that this office’s Memorandum in Support of its Application (see **Exhibit H**) addresses those issues.

August 8, 2014

Page 4

Finally, please be advised that I filed with the Town today a revised set of plans which addressed the comments made by the Board and your client during the July 9th public hearing. I have attached hereto as **Exhibit "I"** a full revised set of plans which will be before the Board at the Public Hearing on August 13, 2014. For your information, the major changes include the following:

- Building size reduced from 4,541 sq. ft. to 4,250 sq. ft.
- Modified western curb cut on S. Main Street to Right In only (with scored concrete rumble strip to facilitate truck movement and appropriate signage).
- Lighting plan modified to provide shields on all the area lights, lower area lights by remote fills and air tower from 14'H to 12'H, and remove the area light that was adjacent to the tanks.

I am hoping that after you and your client review this letter and the supporting materials, that you find that CFI has reasonably addressed all of your client's issues regarding the project. Please contact me to advise of your client's position prior to the August 13, 2014.

Thank you for your attention to this matter, and I look forward to hearing from you.

Sincerely,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.

Douglas A. Troyer

cc: Cumberland Farms, Inc. (via email only)
Phil Henry (via email only)



Town of Middleborough

CONSERVATION COMMISSION

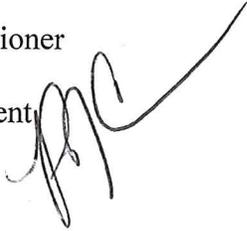
20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

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

MEMORANDUM

TO: Board of Selectmen

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

FROM: Patricia Cassady, Conservation Agent 

DATE: August 1, 2014

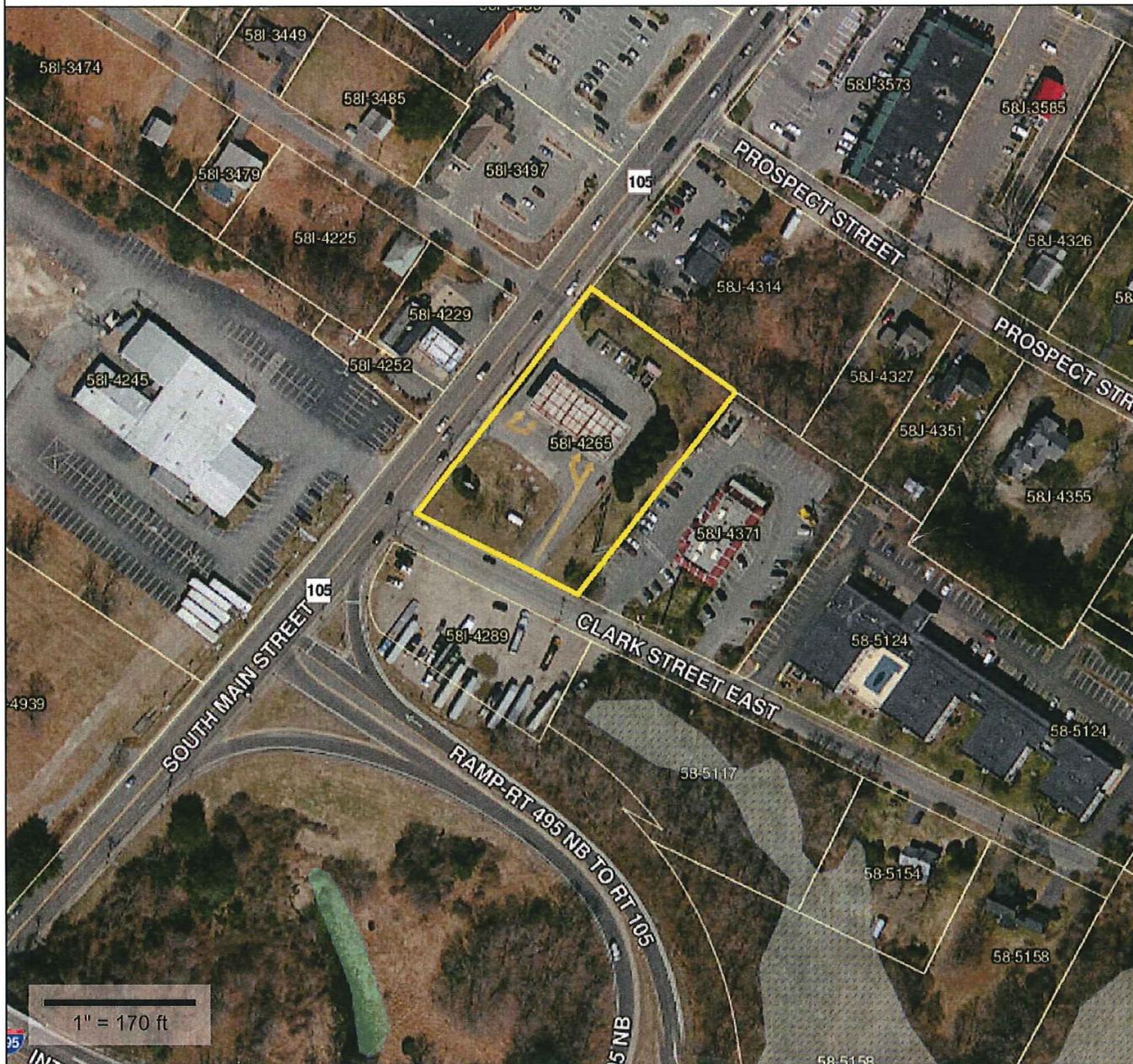
RE: W.R.P.D. Application: 150 South Main Street (M581, L4265)

It would be helpful if the applicant can show that they are greater than 100-feet away from the wetland depicted on the attached wetland mapping from the town's Map Geo program. It appears that the proposed project is close to this wetland that is associated with the Nemasket River.

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

pjc

150 South Main Street



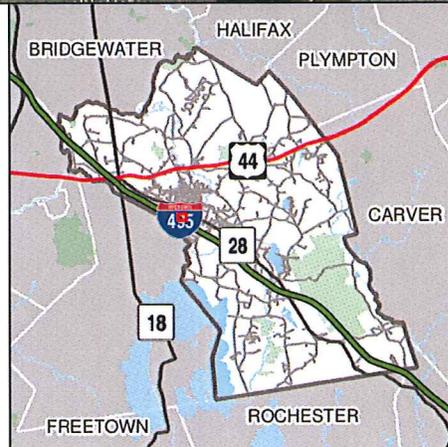
Property Information
Property ID 58I-4265
Location 150 SOUTH MAIN ST
Owner CUMBERLAND FARMS, INC
 ATTN: AP-V2030



**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 12/31/2012



Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

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

Christopher Peck
D. P. W. Director

August 6, 2014

Town of Middleborough
Board of Selectmen
10 Nickerson Avenue
Middleborough, Ma 02346

Subject: Cumberland Farms #150 South main Street-WRPD Special Permit Application

Dear Board Members,

At your request I have reviewed Water Resource Protection District (WRPD) Application on behalf of the Middleborough Department of Public Works. As part of the package we received the following:

- "Application for a WRPD Special Permit" for Cumberland Farms Inc., relating to property at 150 South Main Street, prepared by Civil Design Group., dated July 16, 2014.

The Department of Public Works comments are as follows:

1. The Applicant/Contractor shall be required to apply for a trench permit and road opening permit, for any work being completed on Clark Street east.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ch Peck".

Christopher Peck
Director of Public Works

Cc: Town Manager
Planning Board



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

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

August 4, 2014

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

RE: Water Resource Protection District Application for Cumberland Farms located at
150 South Main Street, Map: 581 Lot: 4265

Honorable Board,

I have reviewed the plans submitted by Attorney Douglas A. Troyer of Marcus, Errico, Emmer & Brooks, P. C. for his request for a W.R.P.D. Special Permit for Cumberland Farms located at 150 South Main Street. The proposed plan now has the required front 25' landscaped buffer area.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d



Town of Middleborough

Massachusetts

Board of Selectmen

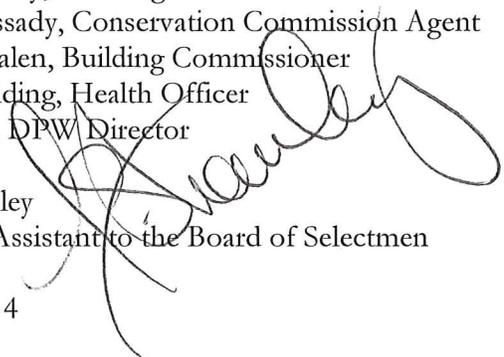
MEMORANDUM

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

FROM: Jackie Shanley
Executive Assistant to the Board of Selectmen

DATE: July 22, 2014

SUBJECT: **W.R.P.D. Application – Cumberland Farms**
150 South Main Street
Map 581, Lot 4265



Attached is an addendum just filed by the applicant re the above referenced matter.

This application is scheduled to be heard by the Board of Selectmen at its meeting on **July 28, 2014 at 8:30 PM, however, will be continued to August 11th.**

Please provide **remarks or concerns** regarding the request to the Selectmen's Office **by, or before, Noon on Wednesday, August 6th.**

Thank you.

Attachments

July 18, 2014

VIA EMAIL ccristello@middleborough.com
AND HAND-DELIVERY

Charles Cristello
Town Manager
Town of Middleborough
20 Centre Street
Middleborough, MA 02346

Re: Application for Water Resource Protection District – Z2 Special Permit submitted by Applicant Cumberland Farms, Inc. Relating to Property Located at 150 South Main Street, Map 58I, Lot 4265 - General Use District – WRPD Z2 Overlay

Dear: Mr. Cristello:

Pursuant to discussions with the Town during and after the May 12, 2014 Public Hearing before the Town of Middleborough Board of Selectmen (“Board”) regarding Cumberland Farms, Inc.’s (“CFI”) above-referenced application for a WRPD-Z2 Special Permit, CFI submits the following supplemental materials in support of its application:

1. Five (5) full size copies of CFI’s Revised Site Plan Set;
2. Five (5) 11 x 17 copies of CFI’s Revised Site Plan Set;
3. Five (5) copies of CFI’s Revised Storm Water Management Report; and
4. CD containing an electronic version of the Revised Site Plan Set and Revised Storm Water Management Report.

It is CFI’s position that the revised materials address the comments raised by the various Town Departments, Board Members, as well as Atlantic Design Engineers, Inc.’s (“Atlantic”) peer reviews concerning this project to date.

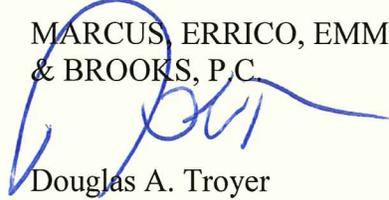
Additionally, it is CFI’s understanding that the Public Hearing concerning the above-referenced project has been continued to Monday, July 28, 2014 at 8:30 p.m. Should the various Town Departments and Atlantic not have sufficient time to review and provide comments on this revised submission in advance of the July 28, 2014 hearing, CFI is amendable to a further continuance if necessary.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.



Douglas A. Troyer

cc: Cumberland Farms, Inc. (via email only)
Philip Henry, P.E. (via email only)
Gary McNaughton, P.E., PTOE (via email only)
Jackie Shanley (via email only)