

HEARINGS, MEETINGS, LICENSES

8-26-13



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 26, 2013 at 7:30 PM, for the purpose of discussing the petition filed by Middleborough Gas & Electric Department and Verizon to place two new poles on Fuller Street, pole 78 and 79 to be added to extend pole line by 2 poles for a distance of 360ft. to accommodate electric service to a new house. Anyone desiring to be heard on this matter should appear at the time and place designated.

Stephen J. McKinnon
Allin Frawley
Ben Quelle
Leilani Dalpe
John M. Knowlton
BOARD OF SELECTMEN

MIDDLEBOROUGH GAS & ELECTRIC DEPARTMENT

Electric Division
37 Wareham Street, Middleborough, MA 02346
(508) 947-3023

July 24, 2013

Board of Selectmen
Town of Middleborough
Middleborough, MA 02346

Dear Selectmen,

Enclosed, you will find a petition from the Middleborough Gas & Electric Department and Verizon New England INC. proposing to place two new poles on Fuller Street, Middleboro. Please present this petition at the next Board meeting for usual course of action relative to granting.

Sincerely,



William Taylor
Electric Division Manager

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

July 24, 2013

To the Board of Selectmen in Middleborough, Massachusetts.

Middleboro Gas & Electric Department and Verizon New England INC request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Fuller Street, 2 new pole locations.

The petition proposes to place two (2) new poles on Fuller Street, pole 78 and 79 to be added to extend pole line by 2 poles for a distance of 360 ft. to accommodate electric service to a new house.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-MG&E. No. **2013-02** dated **7/24/13**

Also for permission to lay and maintain underground laterals cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By _____
Manager Rights of Way

Middleboro Gas & Electric

By William E. Taylor
William E. Taylor, Division Manager

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In Board of Selectmen of the Town of Middleboro, Massachusetts,

Notice having been given and a public hearing held, as provided by law, IT IS HEREBY ORDERED;

That the Middleboro Gas & Electric Light Company and Verizon New England INC. be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies date the 24th day of July 2013.

All construction under this order shall be in accordance with the following conditions: Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked-MG&E., No. **2013-02** Dated **7/24/13**

-Filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND INC. not to exceed 40 wires and 4 cables and by said Middleboro Gas & Electric not to exceed the necessary wires, cables and fixtures and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings and not less than 16 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order: -

Street name: Fuller Street.

Description of work: The petition proposes to place new poles 78 and 79 to be added to extend pole line by 2 poles for a distance of 360 ft. to accommodate electric service to a new house.

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Middleboro, Massachusetts held on the _____ day of _____ 2013.

Clerk of Selectman

We hereby certify that on _____ 2013, at _____ o'clock _____ m., at _____ a public hearing was held on the petition of the Middleboro Gas & Electric Department and Verizon New England INC.

For permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of

the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Selectman of the Town of _____
Massachusetts

CERTIFICATE

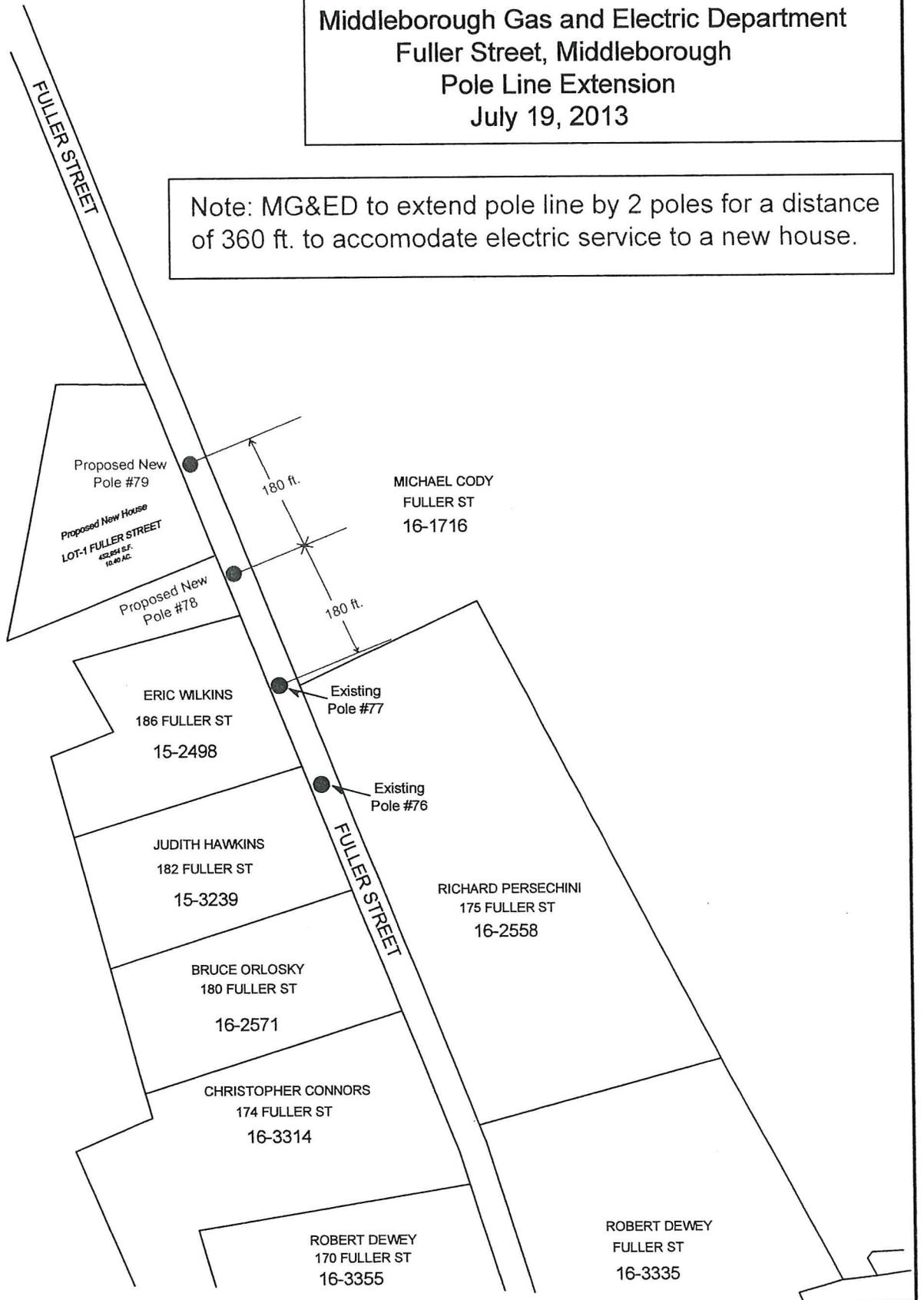
I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of _____ Massachusetts, on the _____ day of _____ 2013, and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

Middleborough Gas and Electric Department
Fuller Street, Middleborough
Pole Line Extension
July 19, 2013

Note: MG&ED to extend pole line by 2 poles for a distance of 360 ft. to accomodate electric service to a new house.





Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

August 21, 2013

Ross & Joanne Bickford
C/O Karen Smith
P.O. Box 3121
Brewer, ME 04412

Sent Via Certified Return-Receipt mail
7009 3410 0001 1399 4818 and U.S. mail

RE: 27 Webster Street, Middleborough, MA 02346 Map 58D Lot 1571

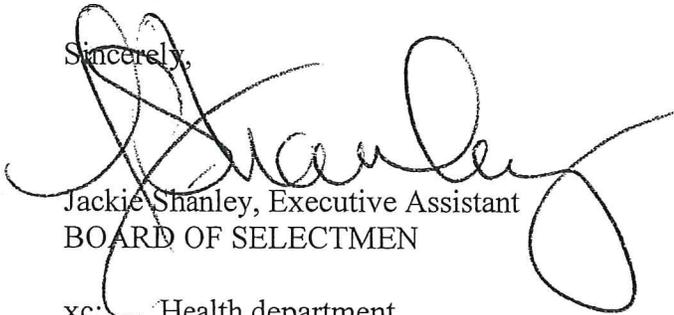
Dear Ms. Smith:

As a follow up to the former verbal notice given to you by the Middleborough Health department, please be advised that the Middleborough Board of Selectmen, acting in its capacity as the Board of Health, will hold a Condemnation hearing on Monday, August 26, 2013 at 7:35 PM to discuss and consider multiple ongoing complaints received by its Health department relative to the above referenced address.

The Board anticipates your attendance at the date and time designated above.

Thank you.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health department



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer

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

August 8, 2013

*Ross & Joanne Bickford
C/O Karen Smith
PO Box 3121
Brewer, ME 04412*

RE: 27 Webster Street Middleborough, MA 02346 Map 58D Lot 1571

Ms. Smith,

On August 2, 2013 the Health Department received a complaint regarding Ross Bickford occupying this dwelling, lighting fires with in the dwelling unit and defecating and urinating outside on the property. Also, provided was a police department report dated June 7, 2013 that describes the unsanitary and hazardous living conditions with in the dwelling. Further descriptions revealed other conditions such as portions of the ceiling falling down throughout the dwelling, no appliances at what appeared to be a kitchen, two chairs and a couch in the living room that were stained and smelled of urine and no bathroom facilities in this dwelling.

On August 2, 2013 the Health Department obtained permission from you to enter the property to placard the dwelling as Uninhabitable due to the seriousness of these conditions. During this time the Health Department observed evidence of feces on a broken toilet and in clothing on the back porch. Also observed in the back yard of the property is a large amount of debris including but not limited to large piles of multiple bagged trash and broken appliances.

*Due to the unsanitary conditions of this property, not having electrical services, State Sanitary Code Chapter II 410.255 Amperage, and water services, State Sanitary Code Chapter II 410.180 Potable Water, the Middleborough Health Department hereby **ORDERS CONDEMNATION** of this dwelling in accordance with State sanitary Code 410.950 Condemnation, Placarding and Vacating Dwellings. A Board of Selectman Hearing is to be scheduled for August 26, 2013 in regards to the condemnation of this dwelling.*

*You are responsible for maintaining this property and dwelling in a safe non-hazardous way that does not create a nuisance. You are hereby **ORDERED** to **IMMEDIATELY** take remediation steps and other preventive measures to ensure the dwelling cannot be occupied and is secured in such a manner to prevent persons or wild life from occupying this dwelling.*

*In **ADDITON**, it is your responsibility to maintain such parcel of land in a clean and sanitary condition free from garbage, rubbish or other refuse according to State Sanitary Code Chapter II 410.602 Maintenance of Areas Free from Garbage and Rubbish.*

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

All Rights, claims, and defenses are reserved and not waived.

Failure to comply with this order letter may result in the Health Department seeking legal action through Housing Court.

Please contact Jessica Gardner at 508-946-2408 if you have any questions.

*Very truly yours,
For the Board of Health*

*Jeanne Spalding
Health Officer*

*Jessica Gardner
Animal/Health Inspector*

*Cc: Charles Cristello, Town Manager
Certified: 7012 1010 0001 5391 5488
Sent Regular Mail*



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer

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

June 3, 2013

*Ross & Joanne Bickford
C/O Karen Smith
PO Box 3121
Brewer, ME 04412*

RE: 27 Webster Street Middleborough, MA 02346 Map 58D Lot 1571

Ms. Smith,

On May 17, 2013 the Health Department received a complaint regarding Ross Bickford occupying this dwelling evidenced by witnessing him in the dwelling, having multiple candles lit throughout the house and having guests. Also reported was seeing wild animals entering and exiting the dwelling.

The Middleborough Health Department had previously sent you a letter on September 5, 2012 in regards to this dwelling staying unoccupied until electrical services have been restored.

The Middleborough Health Department contacted both the Middleborough Gas and Electric Company and the Middleborough Water Department to confirmed that both electrical and water services have been shut off. Occupying this dwelling without electrical services is a violation of State Sanitary Code Chapter II 410.255 Amperage. Occupying this dwelling without water services is a violation of State Sanitary Code 410.180 Potable Water.

You are responsible for maintaining this property and dwelling in a safe non-hazardous way that does not create a nuisance. You are hereby ORDERED to IMMEDIATELY take remediation steps and other preventive measures to ensure the dwelling cannot be occupied and is secured in such a manner to prevent persons or wild life from occupying this dwelling. You are hereby ORDERED to contact the Health Department

IMMEDIATELY upon receipt of this order with a remediation plan to bring these violations into compliance.

In ADDITION, it is your responsibility to maintain such parcel of land in a clean and sanitary condition free from garbage, rubbish or other refuse according to State Sanitary Code Chapter II 410.602 Maintenance of Areas Free from Garbage and Rubbish.

This dwelling cannot be occupied until electrical services, State Sanitary Code Chapter II 410.255 Amperage, and water services, State Sanitary Code Chapter II 410.180 have been restored to this dwelling. Furthermore, you are required to contact the Middleborough Board of Health to verify these services have been restored before occupancy.

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

All Rights, claims, and defenses are reserved and not waived.

Failure to comply with this order letter may result in the Health Department seeking legal action through Housing Court.

Please contact Jessica Gardner at 508-946-2408 if you have any questions.

***Very truly yours,
For the Board of Health***

***Jeanne Spalding
Health Officer***

***Jessica Gardner
Animal/Health Inspector***

***Cc: Charles Cristello, Town Manager
Certified: 7009 3410 0000 6067 1435***



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer

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

September 5, 2012

*Ross & Joanne Bickford
C/O Karen Smith
PO Box 3121
Brewer, ME 04412*

RE: 27 Webster Street Middleborough, MA 02346 Map 58D Lot 1571

Ms. Smith,

On September 4, 2012 the Health Department received a complaint regarding Ross Bickford littering the above said property with various debris from inside the dwelling onto the front lawn. The caller also stated they had seen Mr. Bickford occupying this dwelling evidenced by witnessing him in the dwelling and having multiple candles lit throughout the house. Also reported was Mr. Bickford burning mattresses at this property on September 3, 2012 which had been confirmed on September 4, 2012 by the Middleborough Fire Department.

On September 4, 2012 the Health department visited this property and observed several piles of various debris including but not limited to trash, household items and furniture. This is a violation of State Sanitary Code Chapter II 410.602 Maintenance of Areas Free from Garbage and Rubbish which states owner of any parcel of land shall be responsible for maintaining such parcel of land in a clean and sanitary condition free from garbage, rubbish or other refuse.

The Middleborough Gas and Electric Company was contacted to determine the status of accessible electricity to this dwelling and had confirmed that no electricity is available to this dwelling. This is a violation of State Sanitary Code Chapter II 410.255 Amperage which states the electrical service supplying each dwelling, dwelling unit, rooming house and/or rooming unit shall supply sufficient amperage to meet the reasonable needs of the occupants. Should the amperage be determined to be inadequate it shall be corrected so that it meets the amperage requirements of 527 CMR 12.00: The Massachusetts Electrical Code.

You are hereby ORDERED to bring the above violation 410.602 Maintenance of Areas Free from Garbage and Rubbish into compliance IMMEDIATLEY upon receipt of this order. This dwelling cannot be occupied until electrical services, State Sanitary Code Chapter II 410.255 Amperage, has been restored to this dwelling. You are hereby ORDERED to contact the Health Department IMMEDIATLEY upon receipt of this order with a remediation plan to bring these violations into compliance.

I suggested you contact the Middleborough Gas and Electric to come to some agreement so that you could get power turned on and meet some of the basic requirements so that you could occupy this dwelling.

MG&E is governed by an elected Board of Commissioners. The Board addresses all current issues in a public meeting including such things as setting rates, changing service policies and procedures, awarding bids for equipment and discussing issues brought up by any ratepayers and citizens.

The Board generally meets at 7:30pm at the Town Hall and you can check with the G&E for the next meeting if you would like to meet with the Commission. In addition, I suggested you speak with the Town Manager, Charles Cristello. His phone number is 508-947-0928.

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

All Rights, claims, and defenses are reserved and not waived.

Failure to comply with this order letter may result in the Health Department seeking legal action through Housing Court.

Please contact Jessica Gardner at 508-946-2408 if you have any questions.

*Very truly yours,
For the Board of Health*

*Charles Cristello
Health Agent*

*Jessica Gardner
Animal/Health Inspector*

*Cc: Charles Cristello, Town Manager; 27 Webster Street Middleborough, MA 02346
Certified: 7011 3500 0001 3786 1575*

HEALTH DEPARTMENT COMPLAINTS

Complaint From: anonymous

Tel. No:

Address: 27 Webster St

Date: 9/4/12

Complaint: Son living in dwelling and this past weekend was burning mattresses and the fire department was there. Son is now throwing property/ debris all over the yard out of the windows. No electricity to dwelling but confirmed there is running water.

9/4/12 12:00 noon went out observed large piles of debris (see photo's) Will send letter for immediate remediation.JG

9/6/12 Went out to hand deliver letter/tap to door. Ross Bickford present. I explained to him the violations and contents of the letter. He claims he just came down from Maine after 20 years and is cleaning up the property (some of the debris had been removed that was present the previous day). He admits he threw everything from inside the house onto the lawn. He plans to get a dumpster this weekend and continue to clean. I told him I would recheck Monday for dumpster and progress.JG

9/10/12 Went out very much improved, no debris in front yard and there were multiple bags in a pile. No dumpster, however, possibly no need for dumpster. Will follow-up Friday. JG

9/12/12 Ross Bickford called left message will not be there on Friday. 508-627-2065

9/14/12 Drove by property. Front yard cleaned. JG

9/17/12 Karen Smith called received my letter, 207-989-7551

9/18/12 Spoke to Karen Smith in length. Told her electricity and water needs to be restored before anyone could live in the dwelling. Asked her if she could contact her brother to gain access for an inspection of the property. Currently owner is her father whom is deceased and no one has true ownership of the property. Will work for resolve.JG

10/11/12 Went out to property left card for call back. Some remaining trash bags and containers of standing water (I tipped over)

5/6/13 Drove by property still appeared free of debris.JG

5/17/13 Received complaint regarding conditions of the property including "people" living at dwelling.JG

5/19/13 Spoke to Karen Smith in length regarding the complaints and concerns about the property. She stated the nephew cleaned up the property and made sure the house was secure. I asked her if she could get in touch with her brother regarding not occupying the home and to block entrance. I asked her to contact me with plans for remediation. JG

5/31/13 Spoke to Jen Monahan regarding status of property. I explained in length unable to cite anyone because the current owner is deceased. Told her I would look into stipulations to condemn a property. JG

6/3/13 Sent new order letter to Karen Smith. JG

6/14/13 Spoke to Karen regarding letter. Advised me that brother is currently incarcerated. Spoke to in length about ways to board up/block windows doors to make less accessible to property. Nephew will go out and do minimum for now. Offered to meet with nephew to go over some remediation steps. For compliance with safety and health violations. Karen stated she is working on some legal/financial issues with the property to sort out who has ownership. Karen will be down the first week of August. JG

6/19/13 Complaint that Ross and girlfriend are living in the dwelling again. Faxed copy of letter to police department that states there is to be no occupancy.

8/2/2013 Jen & Susan came into office. Spoke in length regarding legal standings of the property. Explained we are hoping to gain access to property when Karen comes down from Maine. Received copy of police report that officer gained access will contact that officer for more details. Jen & Susan have concerns because Ross Bickford was lighting fires in the house and defecating and urinating outside.

8/2/13 Spoke to Officer John Guenard regarding conditions of the property. Requested a detailed outline of what was observed during his response to the property on 7/7/13.

8/2/13 Due to report from officer and no facilities deemed Uninhabitable and went out to property with two officers to placard all entry door ways. Observed broken toilet on back porch and feces on porch and ground near entry way (see pictures).

8/2/13 Sargent Macweitz called informed us that the Middleboro Police Department cannot remove anyone from inside the dwelling.

8/6/13 Received report from Officer Guenard.

8/8/13 Received complaint from Jen Monahan that Ross still occupying the property. Explained to her that I had sent all the necessary paper work to the police department and to contact the town manager. I also informed her that a board of selectman hearing will occur on the 26th.

8/9/13 Spoke to Karen Smith regarding scheduling a full inspection of the property. Karen has agreed to an inspection for Thursday at 11:00 am. She would like to see the property first as well as speak to a lawyer prior to inspection.

8/14/13 Received call from Karen Smith cancelling appointment. She would like to consult with a lawyer first because of liability of having no insurance on the property.

UNINHABITABLE!

DEEMED UNFIT FOR HUMAN HABITATION.

DO NOT USE FOR LIVING PURPOSES OR REMOVE
THIS PLACARD EXCEPT BY WRITTEN ORDER

OF THE UNDERSIGNED.

 8/2/13-1

MIDDLEBOROUGH BOARD OF HEALTH
TOWN HALL
MIDDLEBOROUGH, MASS.

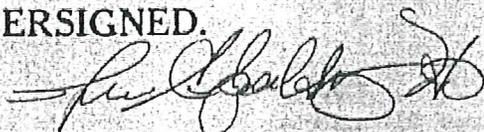
#1 Front Door

UNINHABITABLE!

DEEMED UNFIT FOR HUMAN HABITATION.

DO NOT USE FOR LIVING PURPOSES OR REMOVE
THIS PLACARD EXCEPT BY WRITTEN ORDER

OF THE UNDERSIGNED.

 8/2/13-2

MIDDLEBOROUGH BOARD OF HEALTH
TOWN HALL
MIDDLEBOROUGH, MASS.

#2 glass side door

UNINHABITABLE!

glasssidedoor

DEEMED UNFIT FOR HUMAN HABITATION.

DO NOT USE FOR LIVING PURPOSES OR REMOVE
THIS PLACARD EXCEPT BY WRITTEN ORDER
OF THE UNDERSIGNED.

Ken Schable JD 8/2/13-3

MIDDLEBOROUGH BOARD OF HEALTH

**CHAPTER XX
TOWN OF MIDDLEBOROUGH
GENERAL BY-LAWS**

DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

Section 1. Purpose

Increased and contaminated stormwater runoff is a major cause of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Middleborough's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-Law are:

1. to prevent Pollutants, as defined herein, from entering the Town of Middleborough's municipal separate storm sewer system (hereinafter, the "MS4");
2. to prohibit illicit connections and unauthorized discharges to the MS4 to the maximum extent practicable;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges;
5. to establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.
- ~~6. to provide the authority for the adoption of regulations by the Board of Selectmen to aid in the implementation and enforcement of this Bylaw.~~

Section 2. Definitions

For the purposes of this By-Law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Town of Middleborough Board of Selectmen [the Board]), its employees or agents designated to enforce this By-Law.

BEST MANAGEMENT PRACTICE ("BMP"): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLCIT CONNECTION: A surface or subsurface drain or conveyance, which allows an unauthorized discharge of pollutants into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water; and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-Law.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 87. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 87, of this By-Law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, tennis/sports courts and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Middleborough.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, unincorporated entity, business enterprise, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) ~~non-hazardous liquid and solid wastes and~~ yard wastes;

(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ~~ordinances, accumulations and floatables;~~

(5) pesticides, herbicides, and fertilizers, unless applied in accordance with manufacturer's instructions;

(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;

(7) dissolved and particulate metals above EPA's ambient water quality criteria;

(8) animal wastes;

(9) rock, sand, salt, soils unless applied for the purpose of public safety ~~during winter conditions;~~

~~(10) construction wastes and residues; and~~

~~(11) noxious or offensive matter of any kind.~~

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of

water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability

This By-Law shall apply to flows entering the municipally owned storm drainage system.

Section 4. Authority

This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Section 5. Responsibility for Administration

The Board shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to agents of the Board.

Section 6. Regulations

~~The Board may promulgate rules and regulations to implement and enforce the purposes of this By-Law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.~~

Section 67. Prohibited Activities

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any Pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

~~Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.~~

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board.

Section 78. Exemptions

The following activities shall be exempt from the prohibitions under Section ~~67~~:

Discharge or flow resulting from firefighting activities.

Discharge or flow resulting from DPW ice and snow control operations

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Waterline flushing;
- (2) Flow from potable water sources;
- (3) Springs;
- (4) Natural flow from riparian habitats and wetlands;
- (5) Diverted stream flow;
- (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharge from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing and temporary fundraising car wash events;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided verbal notification is given to the Board or its duly authorized agent prior to the time of the test;
- (14) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the

United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;

(15) Discharge for which advanced written approval is received from the Board or its agent as necessary to protect public health, safety, welfare or the environment; and

(16) Discharge allowed under a Planning Board-issued special permit/subdivision approval or under a Conservation Commission-issued Order of Conditions

Section 89. Sump Pumps

All sump pumps tied into the MS4 shall be registered with the Authorized Enforcement Agency. If, for reasons of protecting public health or the environment, the Authorized Enforcement Agency deems it necessary, disconnection of sump pump(s) or pretreatment of discharge may be required.

Section 910. Emergency Suspension of Storm Drainage Access

The Board may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 101. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in, or which may result in, discharge of pollutants to the MS4 or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Middleborough Fire and Police Departments. In the event of a release of non-hazardous material, the person shall notify the Authorized Enforcement Agency no later than the next business day. The person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 112. Enforcement

The Board or an authorized agent of the Board shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all criminal remedies for such violations.

Orders. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

If the property owner violates more than one provision of this By-Law, each provision so violated shall constitute a separate offense.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

Section 123. Severability

Any person that violates any provision of these regulations may be punished by fines of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. The Board or its duly authorized agent is an authorized officer to impose such fines.

The provisions of this By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this By-Law.

Section 134. Transitional Provisions

Property owners shall have 30 days from the effective date of the By-Law to comply with its provisions provided good cause is shown for the failure to comply with the By-Law during that period.

ARTICLE _____:

To see if the Town will vote to amend its Zoning By-laws for the purpose of regulating the locations of registered marijuana dispensaries by adding a new use to the TABLE OF USES in Section 3.1, Subsection D – COMMERCIAL USES so that the new use is permitted in the General Use A (GUA) District by special permit from the Board of Appeals but not otherwise and that the by-laws read as follows:

TABLE OF USES									
PRINCIPAL USE	RA	RB	RR	B	I	GU	GUX	GUA	CD
D. COMMERCIAL USES									
34. Registered Marijuana Dispensary	N	N	N	N	N	N	N	ZBA	N

, or act anything thereon.