

## CORRESPONDENCE

8-8-11

1	Robert Malcolm	Edgeway Mobile Home Park
2	Permanent Cable Committee	6/28/11 Meeting Minutes
3	ABCC	Advisory re Farmer-Brewer license
4	Health Department	EEE
5	National Grid	Safety brochure - pipeline emergencies
6	Comcast	Internet Essentials
7	U.S. Census	2012 Census
8	Donald Ziniti	Networking Support Plus
9	DEP	Order of Conditions - Winthrop Atkins Co., Inc.

Lakeville, MA  
52 Lyn Lane, Edgeway  
July 29, 2011

Middleboro Board of Selectmen/Rent Board  
Residents of Edgeway Park,

I have shown below a print of my check #. for \$290.00 payable to Land Restoration Fund. That payment would normally be for rent but must repay me for the expense I've been forced to bear as a result of thievery and other improper behavior on the part of the current operators of Edgeway and their friends.

Your building inspector has stated recently to others, that the problem which I corrected didn't exist. Indeed! How does he explain that over half the homes, at least, in Edgeway, have been shown to suffer from drainage problems? He is either incompetent, dishonest, or both.

The current operator of Edgeway, and Twin Coaches, Heidi Balben, has paid herself a quarter of a million dollars, yet is unwilling to state the legal basis of her position. We know that she would have everyone believe that she has been appointed by Corey Farcas, her son, who is administrator of the Estate of Wayne Williams and claims to be Trustee of Edgeway and President of Twin Coaches, both of which he came by fraudulently, thanks to the manuvering of their co-conspirator, Gerry Marsan. Fool'em as long as you can.

I won a landmark decision from the SJC which enabled my business to exist until health forced me to quit. I don't get nostalgic. I'm still dealing in the same raw material. I will prevail here, as well.

Respectfully,

Robert Malcolm,  
Grantor, Beneficiary  
of Edgeway Realty  
Trust

ROBERT MALCOLM REVOC TRUST  
LAKEVILLE, MA 02347  
JULY 29 2011  
CHECK ARMOR  
TRAUD PROTECTION  
PAY TO THE ORDER OF: ROBERT MALCOLM / LAND RESTORATION FUND \$ 290.00  
HUNDRED NINETY and 00/100 DOLLARS  
FOR DEPOSIT ONLY  
Robert Malcolm

Middleborough Permanent Cable Committee  
Minutes 6/28/11  
7:00 P.M.  
Town Hall IT Department

Meeting scheduled for June 28, 2011. Submitted by Bob Silva

Present: Middleborough Permanent Cable Committee: Bob Silva, Roger Brunelle, Kevin Franzosa, Steve Callahan and Adam Pelletier. Karen Foye in attendance.

**Motion made by Steve, 2<sup>nd</sup> by Adam to accept amended minutes of 6/14. ( June 20 to June 21)  
PASSED**

**Motion made by Kevin, 2<sup>nd</sup> by Adam to pay A&M Construction PASSED**

**Motion made by Kevin 2<sup>nd</sup> by Adam to reimburse Roger Brunelle \$232.50 PASSED**

**Motion made by Adam, 2<sup>nd</sup> by Kevin to pay HP computer \$604.20 PASSED**

**Motion made by Steve, 2<sup>nd</sup> by Kevin to pay LCN \$190.00 (Service) PASSED**

**Motion made by Steve, 2<sup>nd</sup> by Kevin to pay LCN \$8,304.00 (change order) PASSED**

Roger discussed LCN doing work at the C.O.A. adding a phone at a cost of \$1,914.50, but may only need a system phone.

Discussed access fee charge of \$4.41, need to question Mary about cost.

Discussed revenues for year 1-10 from Comcast and Verizon year 1-15. Roger mentioned he will discuss with Town Manager about revenues.

Need AC units for room with racks and server room. To contact outside contractor.

**Motion made by Roger, 2<sup>nd</sup> by Kevin to reimburse Karen Foye \$78.97 for MCCAM postcard to send to past bulletin board subscribers. PASSED**

**Motion made by Roger, 2<sup>nd</sup> by Steve to make part of the Policies and Procedures that general public not in IT Department after 5 PM unless Cable Committee is meeting. PASSED**

**Motion made by Roger, 2<sup>nd</sup> by Steve to have R. Treano draft a letter to be sent to all Selectmen about FCC language concerning profanity and swearing done on air. Discussion about that we are a live broadcast and do not have the capability to bleep out profanity and swearing. PASSED**

**Motion made by Roger, 2<sup>nd</sup> by Kevin to Adjourn PASSED**

**Next meeting will be July 19 in the IT department.**



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, MA 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

**THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY**

The Alcoholic Beverages Control Commission ("the Commission") endeavors to support and enhance the agricultural community, ensure the long-term viability of agriculture, and support farms that protect the common good in many ways including maintaining open spaces in communities. Through the issuance of Farmer-Brewery licenses, the Commission proudly encourages the development of domestic farming and the people who help it thrive.

Each Farmer-Brewer license exists for the specific public purpose of "encouraging the development of domestic farms." To advance this public purpose, the law requires that a Farmer-Brewer grow cereal grains or hops for the purpose of producing malt beverages. While a licensed Farmer Brewer may import malt, cereal grains fermentable, sugars and hops, this does not eliminate the basic growing requirement. The Commission recently issued a decision relative to Farmer-Brewery licenses. A Farmer-Brewer is any person who grows cereal grains or hops for the purpose of producing malt beverages and who is licensed to operate a Farmer-Brewery.

In its decision, the Commission held that each applicant for a Farmer-Brewery license must document that it grows cereal grains or hops of at least 50%, in the aggregate, of the quantity of cereal grains and hops needed to produce the gallonage of malt beverages estimated to be produced by the applicant during the license term. The Commission also held that when that applicant contracts exclusively for the rights to the yield of cereal grains or hops produced from acreage of domestic farmland that applicant will also be considered to grow "cereal grains or hops for the purpose of producing malt beverages" as required by this law.

For example, if an applicant estimates it will produce "X" barrels of malt beverages in calendar year 2012, and that to produce this volume of malt beverages it will require 200 bushels of cereal grains and 4 bushels of hops, the applicant is required to produce evidence that it grows at least 102 bushels of cereal grains and/or hops used to produce the malt beverages, or that the applicant has exclusive contracts rights to the yield of cereal grains or hops produced from acreage of domestic farmland, or some combination thereof that reaches the "at least 50%" required amount.

The decision dictates compliance with the letter as well as the spirit of Massachusetts General Laws chapter 138, §19C. The Commission put the industry on notice that it will apply this ruling prospectively and, specifically, during the next annual renewal cycle to ensure that every applicant for a Farmer-Brewer license meets the state law definition of farmer-brewer. Moreover, applicants that do not meet the criteria for a Farmer-Brewer license are welcome to apply for a manufacturer's license. If you have questions concerning this Advisory or would like more information, please call Executive Director Ralph Sacramone at 617-727-3040.

(Issued: Monday, August 1, 2011)

**Jacqueline Shanley**

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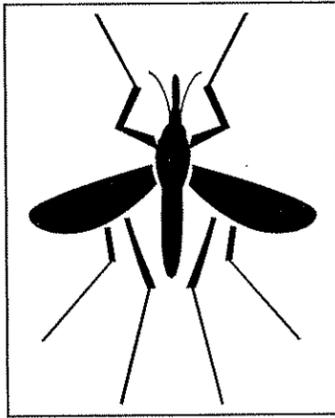
**From:** Jeanne Spalding  
**Sent:** Friday, July 29, 2011 11:50 AM  
**To:** All Town Department Heads  
**Cc:** 'Jane Lopes'  
**Attachments:** image001.jpg; image002.gif

July 29, 2011

Recent reports from the Department of Public Health indicate that **mosquito samples collected from in the Bridgewater area have tested positive for Eastern Equine Encephalitis virus (EEE)**. Species: *Culiseta melanura* Collection Date: 7/19/11 **There has been a consistent increase in WNV mosquito activity in the Boston area, and we are monitoring this closely as we continually assess human EEE and WNV risk levels.**

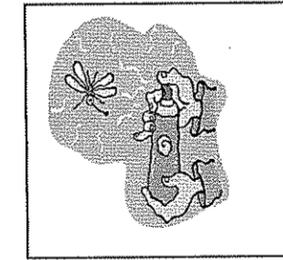
*Jeanne Spalding, Health Officer*  
Middleborough Health Dept.  
Middleborough Area MRC  
20 Centre St.  
Middleborough, MA 02346  
508-946-2408





**EEE ALERT**  
**FOR SOUTHEAST MA**  
(EASTERN EQUINE ENCEPHALITIS)

**August 4, 2011**



- USE INSECT REPELLENT
- WEAR PROTECTIVE CLOTHING

**“INCREASED RISK FOR EEE”**  
**In southeast Massachusetts.**

**Recent reports from the Department of Public Health indicate that *Culiseta melanura* mosquito samples collected on 8/1/11 from Raynham have tested positive for EEE.**

**This is in addition to the Bridgewater area having tested positive for Eastern Equine Encephalitis virus (EEE). Species: *Culiseta melanura* Collection Date: 7/19/11. There has been an increase in EEE here in the southeast and residents are advised to take precautions!**

**\*CALL THE MIDDLEBOROUGH HEALTH DEPT. FOR MORE INFORMATION: 508-946-2408\***  
**\*CALL PLYMOUTH MOSQUITO CONTROL FOR SPRAYING: 781-585-5450 OR FAX 781-582-1276\***

Dear Public Official,

National Grid is dedicated to the safe and reliable delivery of natural gas to our customers in Massachusetts. As part of our annual public awareness efforts, we have enclosed an important safety brochure, "Your actions can be just as important as ours," that provides an overview of our extensive damage prevention program and a guide for recognizing and responding to pipeline emergencies. As you know, we work very closely with local emergency response officials on training, drills and exercises to prepare for such emergencies.

As a public official, you need to be aware of important safety issues. Please take a moment to review the enclosed material. To be truly effective, we must reach a wider audience. We would greatly appreciate your assistance in sharing this information with other key personnel within your organization.

National Grid owns and operates nearly 10,930 miles of underground natural gas pipelines in Massachusetts. Our almost 36,300 miles of pipelines in New York State and New England make us the largest distributor of natural gas in the Northeast. Federal and state agencies extensively regulate the design, construction, operation and maintenance of these pipelines. Our natural gas delivery infrastructure includes high-pressure transmission pipelines used to transport large quantities of natural gas. Detailed information about these pipelines can be made available to the appropriate emergency agencies in your area. Due to security concerns, we do not widely publicize this information.

For additional information on transmission pipelines in your area, please see the National Pipeline Mapping System at [www.npms.phmsa.dot.gov/PublicViewer/](http://www.npms.phmsa.dot.gov/PublicViewer/).

It is important for the public to be aware of how vital these pipelines are in our energy infrastructure, the potential hazards they pose, how to avoid accidents and what to do should an accident occur.

Pipeline failures are rare. According to the National Transportation Safety Board, natural gas pipelines provide the highest level of public safety as compared to any other mode of transportation. When failures do occur, the leading cause is third-party damage during excavation projects. Although accident prevention is a critical task for National Grid, the public also has a significant role in the prevention of third-party damage, whether it is through the use of Dig Safe<sup>®</sup>, as explained in the brochure, or by reporting suspicious activity near pipelines.

If you have any comments or questions about our pipeline management and emergency preparedness programs, please contact the following Regional Director, Community & Customer Management for your county.

**MA North: Essex and Worcester counties** - Aleta Fazzone at 508-860-6386 or

**MA South: Barnstable, Bristol, Middlesex, Norfolk, Plymouth and Suffolk counties** –  
Joseph C. Carroll at 617-263-3385

Thank you for your attention to this matter.

Sincerely,

Marcy L. Reed  
President, Massachusetts

Enclosure

## Natural Gas Pipeline Safety

## Your actions can be just as important as ours.

Whether you are at home, at work or in a public place, it's likely you are in an area served by natural gas pipelines. These pipelines quietly, reliably and efficiently deliver natural gas every day for use by residential, commercial and industrial customers.

Like all forms of energy, natural gas must be handled properly. Despite the industry's excellent safety record, a gas leak caused by damage to a pipeline may pose a hazard and has the potential to ignite.

Many pipelines are underground in public areas. Line markers are sometimes used to indicate their approximate location. The markers display the name of the pipeline operator and the telephone number where the operator can be reached in the event of an emergency.

It is important for you to be familiar with the characteristics of natural gas and be prepared to react quickly and properly to ensure your safety and the safety of your family and coworkers.

## Using Your Senses

A gas leak is often recognized by smell, sight or sound.

**SMELL** - Natural gas is colorless and odorless. A distinctive, pungent odor, similar to rotten eggs, is added so that you'll recognize it quickly. Not all transmission lines are odorized.

**SIGHT** - You may see a white cloud, mist, fog, bubbles in standing water or blowing dust. You may also see vegetation that appears to be dead or dying for no apparent reason.

**SOUND** - You may hear an unusual noise like roaring, hissing or whistling.

## What You Should Do if You Suspect a Leak

- ▶ MOVE to a safe environment.
- ▶ CALL us immediately.
- ▶ DO NOT smoke or operate electrical switches or appliances. These items may produce a spark that might ignite the gas and cause an explosion.

- ▶ DO NOT assume someone else will report the condition.
- ▶ Provide the exact location, including cross streets.
- ▶ Let us know if sewer construction or digging activities are going on in the area.

## Know What You're Digging Into

Whether you are digging a fence post or planting a tree, the greatest risk to underground natural gas pipelines is accidental damage during excavation. Excavation damage accounts for almost 60 percent of all reported pipeline incidents. Even minor damage such as a gouge, scrape, dent or crease to a pipeline or its coating may cause a leak or failure.

To protect pipelines and other underground facilities, the law requires that all excavators contact the local One Call Center—Dig Safe® (811 or 888-344-7233), before excavation work begins on public or private property.

The One Call Center will contact the owners of underground facilities in the immediate area so the location of pipelines can be marked prior to excavation. This service is performed at no cost to you.

Underground pipelines often run along a public street, but may also be under private

*continued on back*



For Gas Emergency Service 24 Hours a Day 7 Days a Week Call:

In the Greater Boston Area:  
1-800-233-5325

for all other areas of Massachusetts:  
1-800-548-8000

In New Hampshire:  
1-800-833-4200

In Rhode Island:  
1-800-640-1595

[www.nationalgridus.com](http://www.nationalgridus.com)

Call Before You Dig. Contact Dig Safe® at:

811 or 1-888-DIG-SAFE (344-7233)

[www.digsafe.com](http://www.digsafe.com)

property. The area along each side of the pipeline is known as a right-of-way, which gives the facility owner the "right" to restrict certain activities, even on private property. Right-of-way locations must be respected and are usually marked on maps filed with local municipalities. The One Call Center can provide excavators with specific details regarding precautions required in addition to having the location of underground facilities marked. Failure to comply with the law can jeopardize public safety, result in costly damages and lead to substantial fines.

### Our Commitment to Safety

Safety is the natural gas industry's top priority. The industry spends billions of dollars each year to maintain the gas distribution system's excellent safety record. We work with industry peer groups and state regulators on methods and programs designed to ensure the safe operation of the natural gas distribution system. And, as new technologies are developed in pipeline design, construction, inspections and operations, we will continue to invest in pipeline integrity programs, ensuring safe and secure delivery of natural gas.

We work very closely with industry and government agencies on a variety of measures used to ensure pipeline safety including:

- ▶ Coordination with local One Call Centers - Dig Safe®
- ▶ Visual inspection programs
- ▶ Design and construction techniques
- ▶ Workforce training
- ▶ Industry safety practices and government oversight
- ▶ Pipeline markers and facility mapping
- ▶ Public education programs

Training and periodic drills are also conducted with emergency responders to prevent and prepare for emergencies. These exercises test procedures, logistics, communications and more. Emergency plans and procedures are periodically updated and made available to state authorities.

Additional information can be obtained through the following organizations:

National Pipeline Mapping System  
([www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov))  
Pipeline and Hazardous Materials  
Safety Administration  
(<http://primis.phmsa.dot.gov/comm/GeneralPublic.htm>)

### An Important Safety Message

#### Trenchless Utility Construction & Sewer Clogs

Your home or business is probably served by several underground utilities, such as gas, water and sewer pipes, and perhaps electric, telephone or fiber optic cables. Even if you do not have all these lines serving your building, they may run down the street or on a right-of-way. Remember to call Dig Safe (811 or 888-344-7233) before beginning any digging project to have the utilities' lines mapped out. Unfortunately, in most states sewer lines may not be clearly identified making them difficult to locate.

#### Why is Sewer Damage during Trenchless Construction Especially Important?

Most sewer blockages are due to tree roots, grease or other routine clogs. In some rare instances, a sewer blockage may follow trenchless construction. The fact that a damaged sewer can take a long time to become blocked means that the excavator who may have caused the damage is long gone from the location. When a sewer blockage is cleared with mechanical clearing tools, there is a risk of cutting through a live electric line, a fiber cable, a water pipe or natural gas pipe that may have accidentally broken the sewer during trenchless construction. Cutting through an electric line or natural gas pipe while clearing a sewer is certainly a risk to avoid.

#### What if I Have a Clogged Sewer?

The best suggestion is to have a professional inspection of your sewer using a camera to verify the nature of a blockage before attempting to clear it. Many sewer cleaning and plumbing contractors have this equipment.

#### What if a Pipe or Cable is Seen in the Sewer Line?

Please call National Grid at 877-370-5047 to safely remove the line and repair the sewer. These are rare situations, but they present a serious risk if ignored. If a utility line has caused the blockage, the utility company will remove the line and make repairs at its expense.

.....  
For additional safety information, please go to [www.nationalgridus.com](http://www.nationalgridus.com).

Please keep this important information for future reference.  
.....

This is an important notice. Please have it translated.

Este é um aviso importante. Queira mandá-lo traduzir.  
Este es un aviso importante. Sírvase mandarlo traducir.  
Avis important. Veuillez traduire immédiatement.

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG  
XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY  
Questa è un' informazione importante, si prega di tradurla.

Это очень важное сообщение.  
Пожалуйста, попросите чтобы  
вам его перевели.

July 22, 2011

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

**RE: Internet Essentials<sup>SM</sup>**

Dear Chairman and Members of the Board:

I am writing to inform you of an exciting new program by Comcast designed with the assistance of the Federal Communications Commission (FCC) to help bridge America's digital divide, called **Internet Essentials<sup>SM</sup>**. In conformity with the National Broadband Plan, the program addresses key barriers to Internet access and adoption by providing affordable Internet access, the opportunity to purchase a computer and training to low-income families with at least one child receiving free lunches under the National School Lunch Program.

**The Internet Essentials<sup>SM</sup> program will be available starting in the 2011 "back to school" season. Eligible participants will receive:**

- Comcast home Economy Internet service for \$9.95 per month plus applicable taxes and fees, with no activation fees, no additional equipment rental charges, no credit checks, no price increases and no long-term contracts;
- The option to purchase a pre-configured computer for 149.99 (plus applicable taxes); and
- Access to online, in print and classroom based digital literacy training.

An entire household will be eligible to participate in the program if the household i) is located where Comcast offers Internet service; ii) has at least one child receiving free lunch through the National School Lunch Program; iii) has not subscribed to Comcast Internet service within the last 90 days; and iv) does not have an overdue Comcast bill or unreturned equipment.

Participating families may be able to benefit from Internet Essentials<sup>SM</sup> for the entire life of their child's K-12 education, as long as they remain eligible.

**In order to reach as many eligible families as possible, we could use your help!** We have met with the Governor, the Secretary of Education and several state education associations all of which support the program. We are currently working with local school districts on ways to get the word out about the program to eligible students. Your support in getting the word out to your residents would be very helpful. We want to make sure all students and families of eligible students are aware of this great program.

XC: Calde Committee

Additional information on the Internet Essentials<sup>SM</sup> program can be found at [www.internetessentials.com](http://www.internetessentials.com). To get involved in spreading the word about the program, sign up on our partner portal, [www.internetessentials.com/partner](http://www.internetessentials.com/partner) to download materials such as flyers, brochures and posters.

If you have any questions regarding the Internet Essentials<sup>SM</sup> program please feel free to contact me @ [Mary\\_Okeeffe@cable.comcast.com](mailto:Mary_Okeeffe@cable.comcast.com) or by telephone at (508) 477-7738.

Sincerely,

*Mary O'Keeffe*

Mary O'Keeffe  
Sr. Manager, Government & Regulatory Affairs

2012

# Census of Governments

The 2012 Census of Governments is fast approaching. All of us have a strong interest in the early and successful completion of the 2012 Census of Governments as it will directly impact your government and the communities you serve by producing statistics about government organization, public employment and government finance.

XC: Town Clerk



**U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. Census Bureau**

Jeffersonville IN 47134-0001

OFFICIAL BUSINESS  
Penalty for Private Use \$300

**GUS(P)** (07-2011)

This October your office will receive the 2011 Governments Units Survey and we are counting on you to ensure that it receives prompt attention, is completed, and returned as soon as possible. If you have any questions, please contact us at 1-800-242-2184 or email us at [govs.cms.inquiry@census.gov](mailto:govs.cms.inquiry@census.gov)

PRESORTED  
FIRST-CLASS MAIL  
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U.S. Census Bureau  
Permit No. G-58



ID 25312815100000 902 1102 00 0  
SEQ001-66879



MIDDLEBOROUGH TOWN

ATTN: Chairman  
10 NICKERSON AVE  
MIDDLEBORO MA 02346-2287

**Jacqueline Shanley**

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**From:** Donald Ziniti <dziniti@hotmail.com>  
**Sent:** Thursday, July 21, 2011 4:21 PM  
**To:** Jacqueline Shanley  
**Subject:** Networking Support Plus

21 Johnson Drive  
Lakeville, Massachusetts 02347  
July 21, 2011

Marsha L. Brunelle, Chairman  
Alfred P. Rullo, Jr.  
Muriel C. Duphily  
Stephen J. McKinnon  
Steven P. Spataro  
Allin Frawley

Dear Middleborough Board of Selectmen,

I wish to make you aware of a group operating in Middleborough. This group, called Networking Support Plus, meets on Wednesday, at noon, in a meeting room in the basement of the Middleborough Public Library. This group of unemployed men and women meet weekly to network, discuss options for seeking new employment opportunities and provide needed support for one another through the difficult times of being unemployed. The Chair of this group is a Middleborough resident known to all of you, Judy Bigelow. She has been and continues to be instrumental in leading group discussions, bringing in guest speakers and supplying updates on local issues of interest to all members.

I believe this group is most worthy of your involvement and support. A few minutes of your time attending one of the weekly meetings might provide each of you with a more intimate understanding of the tremendous problems associated with being unemployed, problems facing the group and the individual members. This is a group of people with common experiences and concerns who provide emotional and moral support for one another and represent "the story behind the story" of unemployment. Most are Middleborough residents. Some are collecting. Many have exhausted their benefits but still attend the sessions in the hopes of hearing about a job opening. Nothing glamorous; perhaps a local restaurant looking for a part-time dishwasher or a school looking for janitorial service; all get the attention of the group.

Please, look into this group. It's comprised of truly good people, your constituents in need of your help now, more than ever.

Thank you.

Donald Ziniti





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE220-1151  
 MassDEP File #  
 eDEP Transaction #  
 Middleborough  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Plymouth  
 a. County 1883 b. Certificate Number (if registered land) 490  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: April 11, 2011 June 16, 2011 July 14, 2011  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Site Plan for Notice of Intent Residences at Star Mill 35 East Main Street Middleborough  
 Massachusetts - See attached List  
 Advanced Concepts Engineering Corp. Dana R. Clow, P.E. & Glenn D Odone Jr.,  
 b. Prepared By R.L.S.  
 June 16, 2011  
 d. Final Revision Date e. Scale \_\_\_\_\_
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	2200 _____ a. square feet	2200 _____ b. square feet	4834 _____ c. square feet	4834 _____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE220-1151  
 MassDEP File #  
 eDEP Transaction #  
 Middleborough  
 City/Town

**B. Findings (cont.)**

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

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



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE220-1151  
 MassDEP File #  
 eDEP Transaction #  
 Middleborough  
 City/Town

**B. Findings (cont.)**

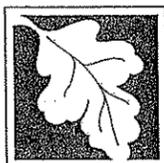
\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:  
 a. square feet of BVW \_\_\_\_\_ b. square feet of salt marsh \_\_\_\_\_
23.  Stream Crossing(s):  
 a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings \_\_\_\_\_

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE220-1151  
MassDEP File #  
eDEP Transaction #  
Middleborough  
City/Town

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

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number        SE220-1151 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE220-1151  
MassDEP File #  
eDEP Transaction #  
Middleborough  
City/Town

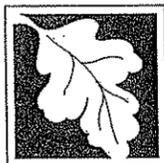
**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
  - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
  - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
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Provided by MassDEP:  
SE220-1151  
MassDEP File #  
eDEP Transaction #  
Middleborough  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
  
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

**See Attached Sheets**

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Conservation Commission hereby finds (check one that applies):

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

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

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

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

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

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**Applicant:** The Heritage Companies

**Representative:** Advanced Concepts Engineering Corp.

**DEP File #** SE220-1151

**Site:** Winthrop-Atkins 35 East Main Street, Middleborough, MA

Plans accepted by the Middleborough Conservation Commission

- 1.) Cover Sheet: Site Plan for Notice of Intent Residences at Star Mill 35 East Main Street, Middleborough, Massachusetts Revised date of June 16, 2011 (As noted, each sheet)
- 2.) Existing Condition Plan: Scale 1" = 40' Revisions: 6/02/2011 Sheet No. 7 Added
- 3.) Layout and Zoning Plan: Scale 1" = 30' Revisions: 6/16/2011 No Change
- 4.) Grading and Drainage Plan: Scale 1" = 30' and Replication Detail Scale 1" = 20' Revisions 6/16/2011 Indicate Replication Area in Grading Plan View
- 5.) Drainage Notes & Details: Bioretention area scale 1" = 5' Revisions 6/16/2011 No Change
- 6.) Erosion Control Plan, Notes & Details: Scale 1" = 20' Revisions 6/16/2011 Add Wetland Replication Area; Adjust Siltation Fence/Limit of Work
- 7.) Wetland Replication Plan: Scale 1" = 20' Revisions 6/16/2011 No Change

**Standard Conditions**

**DEP File #: SE220-1151**

**Applicant: The Heritage Companies**

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
  - a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
  - b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

**Standard Conditions**

**DEP File #: SE220-1151**  
**Applicant: The Heritage Companies**

- c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program;
  - d. Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.
7. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones (unless authorized to do so) under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
8. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.
9. There shall be no pumping of water from wetland resource areas.
10. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this OOC.
11. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.
12. Any material placed in wetland resource areas by the applicant without express authorization under this OOC shall be removed by the applicant upon demand by the Conservation Commission or its agent.
13. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
14. Removal and storage of hazardous waste, if in an area subject to protection under the Wetlands Protection Act shall be as follows:
- a. Removal and storage shall be conducted only when approved and directed by DEP, the U.S. Environmental Protection Agency (EPA) or other applicable state or federal agency under which remedial activities are

**Standard Conditions**

**DEP File #: SE220-1151**  
**Applicant: The Heritage Companies**

- b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
  - c. All hazardous materials, products and waste produced , stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
  - d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
  - e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
  - f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.
15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.
16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.
17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

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

**Special Conditions for The Heritage Companies**

Winthrop-Atkins 35 East Main Street, Middleborough, Massachusetts

DEP File # SE220-1151

1. The wetland replication on the easterly end of the site shall have silt fence installed prior to excavating the area.
2. The Town will provide documentation for discussion on the creation of a river walk easement along the Nemasket River.
3. From the DEP File # sheet: If impacts to resource areas or project size increases beyond that described in the NOI or there are discrepancies therein, you must notify MassDEP and the Commission and request a determination that the criteria of 314 CMR 9.03 have been met before the activity may begin.

Prior to Construction:

1. Prior to any work commencing on site, the applicant shall submit for the Commission's approval a detailed, written sequence of construction.
2. Prior to the commencement of any activity on this site other than the placement of erosion control marker stakes, the applicant shall arrange, at the discretion with the Commission or its agent to conduct a Pre-Activity Meeting between the applicant or the applicant's representative, the persons or supervisor responsible for the work, and a member of the Conservation Commission or its agent.
3. Prior to any activity on site, the limit of work shall be clearly marked with erosion control, construction fencing, stakes or flags, and shall be confirmed by the Commission or its agent. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil or construction activity is to occur beyond this line at any time.

During Construction:

1. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders or any other components shall be fixed immediately.
2. Upon beginning of work, the project supervisor or environmental professional shall submit to the Conservation Commission written progress reports once a month. Progress reports shall indicate what work has been done in wetland resource areas and associated buffer zones, and what work is anticipated to be done over the next reporting period. The reports shall also address the current condition of erosion and sedimentation controls; describe any erosion and sedimentation control repair and/or replacement; and describe any erosion or sedimentation problems and mitigation measures implemented.
3. A copy of this OOC, construction plans, and copies of the documents and reports shall be on site upon commencement and during any site work for contractors to view and adhere to.

**Special Conditions for The Heritage Companies**

Winthrop-Atkins 35 East Main Street, Middleborough, Massachusetts

DEP File # SE220-1151

4. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its agent during business hours at 508-946-2406.
5. The burial of stumps and any other type of construction refuse or other waste material is prohibited.

Erosion Control:

1. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
2. All existing and proposed catch basins and oil traps on the site or on the streets adjacent to the project shall be protected by Silt Sacks or other device deemed appropriate by the Conservation Commission to prevent sediment from entering the drainage system. Silt sacks or other devices shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order of Conditions have been permanently stabilized and the Commission and/or Staff has formally approved their removal.
3. Dewatering activities shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge toward the wetland resource areas. No discharge of water is allowed directly into an area subject to jurisdiction of the Wetlands Protection Act.

In perpetuity:

1. The maintenance or repair, by the property owner of record or designee, of detention basins, supporting drainage systems, storm water management best management practices, other than those in the public way shall be the responsibility of the applicant/property owner. The design capacity, storm water management treatment capacity, and structural integrity of these facilities must be maintained.
2. De-icing chemicals (e.g., sodium, potassium, and calcium chloride) are prohibited on driveways located in wetland resource areas and buffer zones. This condition shall survive the expiration of this OOC, and shall be included as a continuing condition in perpetuity on the COC.

Stormwater:

1. In the event that groundwater is encountered during the installation of infiltration structures, the applicant shall contact the Conservation Commission immediately to discuss alternative designs/solutions.
2. Pre-development water quality shall be determined by analysis of at least 4 samples collected at the Nemasket River (2) and groundwater on site (2), in the summer and fall for Phosphates, sodium, nitrates, nitrites, and turbidity. The results of the analyses shall be submitted to the Commission, together with a written report detailing the sampling conditions, methods of analyses, detection limit, sensitivity and analytical results.

**Special Conditions for The Heritage Companies**

Winthrop-Atkins 35 East Main Street, Middleborough, Massachusetts

DEP File # SE220-1151

3. Following completion of construction and before a COC may be issued, water samples shall be again collected and analyzed for comparison with the original samples, and the results shall be reported to the Commission in writing. No COC will be issued until post-development monitoring shows that water quality does not differ significantly from pre-development water quality.
4. If the water quality in the post-development samples differs significantly from the pre-development quality, the applicant shall meet with the Conservation Commission to determine what additional measures should be implemented to restore water quality to its pre-development condition.

Replication:

1. The wetland replication shall be performed in accordance with the plans referenced above; including the Planting Plan dated June 16, 2011. The Commission reserves the right to require additional plantings to ensure achievement of 75 percent cover of wetland species within two full growing seasons, as specified in 310 CMR 10.55 (4) (b).
2. The Commission shall be give 48 hours notice prior to the beginning of construction of the replacement area. The Commission must meet with the construction engineer and the wetland specialists to discuss the requirement and to ensure compliance with all special conditions.
3. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas the Commission shall be contacted and a plan for abatement of the problem and proposed restoration/mitigation measures shall be submitted for approval and implementation.
4. Siltation barriers shall be placed at the perimeter of the replication area and at the top of any unstabilized adjacent slope. These will remain in place and be maintained until all areas are completely stabilized.
5. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from wetland alteration or replication activities.



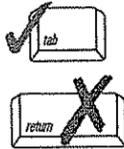
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Provided by MassDEP:  
SE20-1151  
 MassDEP File #

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**E. Signatures**

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



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

July 14, 2011  
 1. Date of Issuance

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

Six  
 2. Number of Signers

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

Signatures:

Jon Burson  
John J. Medina

Steven Ventresca  
DeB...  
Dell...

by hand delivery on  
7/20/2011  
 Date

by certified mail, return receipt requested, on  
 Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

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



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE220-1151  
 MassDEP File #  
 eDEP Transaction #  
 Middleborough  
 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Middleborough  
 Conservation Commission

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

To:

Middleborough  
 Conservation Commission

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

35 East Main Street                      SE220-1151  
 Project Location                              MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth                                      1883                                      490  
 County    Book    Page

for:

Property Owner

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

Book    Page

In accordance with the Order of Conditions issued on:

July 14, 2011  
 Date

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

Instrument Number

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

Document Number

Signature of Applicant