

**HEARINGS, MEETINGS, LICENSES**  
**9-10-12**

## Jacqueline Shanley

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**From:** Jo <jruthwicz.mha@verizon.net>  
**Sent:** Monday, August 13, 2012 12:13 PM  
**To:** Jacqueline Shanley  
**Subject:** CPA Committee - Citizen at Large appts

Jackie

The CPA committee needs to hold a joint meeting with the Selectmen in Sept to reappoint the 2 at large members with a one year term – they were appointed 9/19/11

Could you let me know what date is good

Thanks  
jo

Re-appoint:

- ① MARK BELANGER
- ② MAUREEN FRANCO



The Middleborough Board of Selectmen will hold a public hearing on Monday, August 20, 2012 at 7:45 PM in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Leonard's Auto LLC, for a Class II Automobile Dealer's license for the premises located at 407B Wareham Street, Middleboro, MA (Assessors Map 080, L3649). Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: August 9, 2012

Payment will be forwarded to S. Coast Media, 25 Elm St., New Bedford, MA 02740. Advertiser #300074

continued to 9.10.12 @ 7:25pm

## Jacqueline Shanley

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**From:** Charles Cristello  
**Sent:** Tuesday, September 04, 2012 8:06 AM  
**To:** Jacqueline Shanley  
**Cc:** Adam Bond  
**Subject:** FW: gas station - Wareham St.

Jackie, We will have to continue the WRPD hearing again given that the applicant will need a finding from the Board of Appeals. Charlie

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**From:** Decas, Murray & Decas [<mailto:decasmurraydecas@yahoo.com>]  
**Sent:** Thursday, August 30, 2012 10:40 AM  
**To:** Charles Cristello  
**Cc:** Robert Whalen  
**Subject:** gas station - Wareham St.

August 30, 2012

Charles J. Cristello, Town Manager (*via email*)

RE: Gasoline station - 407 Wareham St. – addition of Class 2 auto dealership

Dear Charlie:

You asked what is needed under zoning for the referenced property to add a Class 2 dealership. The property is reportedly in the General Use District as well as the WRPD District (Z2).

Bob Whalen advised that the gas station use antedates zoning, so the gas station use is a lawful non-conforming use. Service stations are allowed in Z2 only by special permit (Section XI-F-3-h).

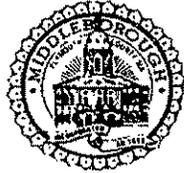
My opinion is that addition of the Class 2 dealership requires two zoning actions:

1. A finding from the Board of Appeals under Section VI-A-5 that the alteration is not substantially more detrimental than the existing non-conforming use is to the neighborhood.
2. A special permit from the Board of Selectmen under Section F-3-a of the WRPD part of the Zoning By-law (Section XII). Alteration of an existing use which does not conform to the WRPD District must not increase the existing nonconformity or create a new nonconformity.

I do not know whether the proposed alteration will satisfy the requirements of Section F-3-a.

I think that Section F-3-j does not present an obstacle to issuance of a WRPD special permit in this case. The lot is already 80%-90% impervious given the existing paving and buildings. I assume that the proposed Class 2 dealership will not involve increasing the percentage of impervious cover on the lot.

Very truly yours,



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

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

Publish: May 17, 2012

Payment forthcoming

continued to 9.10.12 @ 7:30pm

JAMES M. BURKE  
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BROCKTON, MASSACHUSETTS 02301-1791  
TELEPHONE (508) 587-8900

RECEIVED  
SEP 5 2012  
BOARD OF SELECTMEN  
MIDDLEBOROUGH, MA

FAX (508) 587-0167

September 4, 2012

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

RE: Estate of Wayne Williams

Gentlemen:

This is a formal notification that I have been appointed by the Plymouth County Probate Court as the successor Legal Representative of the Estate of Wayne Williams. The estate controls the legal interest in the mobile home park known as Edgeway in the Town of Middleborough. Edgeway is owned by I.S.M. Leasing, Inc. as it is the Trustee of the Edgeway Realty Trust. In 2001, your Board entered into certain stipulations with the predecessor trustee in the action entitled, Whalen v. Corey Farcas, Trustee, Superior Court Docket No. CV2004-01471-A, a copy of which is attached and marked as Exhibit A and further entered into an Agreement with Mr. Farcas under the Middleborough Rent Board, a copy of which is attached and marked as Exhibit B.

Based on the information supplied to me following my appointment, a significant amount of work was done under the Agreement for Judgment that resulted in the issuance of a permit under Massachusetts General Law, Chapter 140. It also appears that all of the work contemplated by the Agreement has not been completed during the timing sequences required. I am now formally asking the Board to extend the deadlines established in those various agreements and to enter into a modification of those agreements.

The Agreement for Judgment specifically requires that certain work relating to a 100 foot buffer be performed by September 15, 2012. See Section 8 of the Agreement for Judgment. As disclosed to you in my recent appearance before your Board, the work required under that section of the Agreement will cost approximately One Hundred and Thirty-six Thousand (\$136,000.00) Dollars to perform and neither the estate nor the Edgeway Realty Trust have sufficient funds to meet that obligation. I also disclosed to

you at that meeting that based on the matter of Reimels v. Administrator of the Estate of Wayne Wesley Williams, Plymouth County Superior Court, Docket No. CA2007-02878B, the estate does not have the ability to finance those repairs due to the existing liens of record.

Bringing your attention to Section 5 of the Agreement, that section calls for materials related to a new Title 5 wastewater treatment facility to be submitted to your Board by March 15, 2012 and to have final drainage plans and waste water treatment designs submitted to the Board by October 15, 2012. The Trust has, in fact, expended many thousands of dollars to research a potential waste water design but has not been able to complete that work because the proposed leaching field may encumber two different parks and would fall within a Zone 1 well water supply area. As you know, through the joint cooperation of the Town of Middleborough and the Town of Raynham, an inter-municipal contract has very recently been entered into to allow both the Lakeville Park (Twin Coach) and the Middleborough Park (Edgeway) to be serviced by water from the Town of Lakeville. As a result of my discussion with Ruth Garbitt of the Town of Lakeville, I have attempted to contact the City of Taunton's Water Commission to discuss the connection. I will establish the correct procedure for the connection, the municipal costs related to the connection and the potential timing for the connection with Cathal O'Brien, the Division Supervisor.

I have also scheduled meetings with the Department of Environmental Protection in the Lakeville Office to discuss the procedure for moving forward. I am scheduled to meet with that Department's representatives along with Prime Engineering on September 17<sup>th</sup>, 2012 in Lakeville.

To reaffirm my earlier comments made to this Board, my appointment as Legal Representative was based on the failure of the prior Representatives to deal with the estate assets in a timely manner. Since actively taking over the estate on July 20<sup>th</sup>, 2012, I have attempted to expedite the disposition of the various estate assets including the Edgeway Mobile Home Park. I previously informed the Board that the estate should not be in the mobile park business and it is my intent to sell both Twin Coach and Edgeway in accordance with the procedures set forth in M.G.L. c. 140. It will be in the residents and the Town's best interest if the property is sold to an experienced and well capitalized operator who will then deal with the mandates established by the Agreement for Judgment.

I am now requesting a modification of the prior Agreements with the Town because I need additional time to prepare and execute a timely plan for the disposition of this asset. Toward that end, I am requesting that this Board agree to extend the deadlines established for the performance of the so-called Buffer work to October 15, 2014. I am also asking the Board to extend the time for completion of the waste water treatment plans to the date of October 15, 2013 and lastly, to extend the date to complete the installation of the waste water treatment facility to one year from the date of final approval by the DEP of those plans. Since the installation of a waste water treatment

facility will result in opening the various roads in the park any requirement to finish the roadway should only be done following the completion of the waste water treatment facility.

The Estate will, as part of the Board's consideration, pursue the installation of a water connection with the City of Taunton and agree to have both parks serviced by a municipal water supply by June 15, 2013.

I would ask the Board, as part of its deliberations, to also consider the fact that since the receipt of my appointment on July 20, 2012, the estate has hired an experienced property management company that now provides regular staffed hours for the residents and that we have been addressing individual tenant's issues based on priority and availability of funds and will continue to address those tenant issues on an ongoing basis. We have also purchased the necessary maintenance equipment required to sweep the park roads, maintain its common areas and generally provide a better environment for the residents. I am also actively talking with a number of potential buyers for the parks. The estate, however, needs the cooperation of this Board to assist the residents in moving forward with an expeditious sale of the assets.

If you have any questions in this regard, please do not hesitate to contact me.

Very truly yours,

JAMES M. BURKE

JMB/ds  
Enclosures