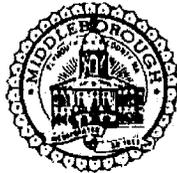


HEARINGS, MEETINGS, LICENSES

9-15-14



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, September 15, 2014 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering, Inc. on behalf of RM Thomas Excavating for an Earth Removal Permit for property located at 182 Plympton Street, Middleborough, Assessors Map 026, Lot 5074. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: 9/4/14

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074

Outback Engineering Incorporated

165 East Grove Street
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

www.outback-eng.com

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory
July 29, 2014

Town of Middleborough
Board of Selectmen
20 Centre Street
Middleborough, MA. 02346

Re: Earth Removal Application, 182 Plympton Street, Middleborough, MA

Dear Board Members,

On behalf of Robert and Susan Thomas, I hereby request that the Board grant the Earth Removal Permit needed to facilitate construction of a cranberry bog to the rear of the existing home at 182 Plympton Street, per the Earth Removal Plans dated June 4, 2014 prepared by our office. As the Board may be aware, Silva Engineering Associates (SEA) filed for a similar gravel removal permit with a larger proposed bog, on behalf of Robert and Susan Thomas in August 2012. It is our understanding that the project was withdrawn without prejudice at that time. The former submittal was similar to our new filing, however, we've made a significant change in the buffer zone provided on the easterly side of the property, neighboring the Proulx property. Previously, there was essentially no buffer provided at this location, whereas we are now providing a 50-foot wide, undisturbed buffer, as shown on the attached site plans. This buffer contains natural wooded areas along with a portion of existing unmaintained vegetation. Other changes between the 2 filings as well as a description of the new proposal are discussed below.

Site Description. The property is located on the northerly side of Plympton Street in a section of Middleborough that has many cranberry bogs and residential home sites with significant acreage. This 18.59-acre property is referred to as Assessors Map 26 Lot 5074. Approximately 2/3 of the site, or 12.1 acres, are useable uplands with wetlands located along the westerly and northerly edges of the property. This wetland area is approximately 6.5 acres, comprised of an intermittent stream and bordering vegetated wetlands. The upland soils on the site include a substantial deposit of sand and fine gravel in the front portion of the site with varied glacial till areas primarily in the existing wooded area.

The property has 162 feet of frontage, and fans outward toward the rear of the site where it is over 800 feet wide. The elevation of the property along Plympton Street ranges between 58 and 62 feet, then rises to approximately elevation 70 feet behind the existing home where it then slopes downward at the rear of the property and along the edge of the wetlands to approximately elevation 48 feet.

The front 200 feet of the property contains the home site and an access drive that leads to the rear of the property. In the center of the site, there is a scarcely vegetated area used to store equipment and vehicles. The rear of the site is mostly wooded otherwise. These areas appear to be a former agricultural field, which have since re-vegetated, and are accessed from the existing farm roads and paths that traverse the site.

Proposed Project. The proposed project will include creating a 4.54-acre bog and a reservoir pond to supply water to the bog as shown on the Earth Removal Plan dated June 4, 2014. The proposed bog and pond area will be excavated, and surplus sand will be removed off site. We've estimated approximately 30,000 to 40,000 cubic yards of soil will be removed to offsite locations, with the construction period expected to last about 2 to 3 years. The loading and trucking of materials will be from the site to Plympton Street, connecting to various receiving stations. The truck types will vary from small dump trucks to tractor-trailers, and would use main roads such as Plympton Street and Route 44 as a means of access.

Sale of firewood and excess sand is critical to the economics of the project. It is therefore requested that the Board grant permission to remove sand from the site for the time required to complete construction of the bog and pond. The hours of operation will be weekdays 8am – 6pm, and Saturdays 8am – 4pm. No transport of soil will be performed on Sundays or major holidays.

Other Permits and Minor Project Changes. Based on the SEA plans from 2012, the Middleborough Conservation Commission issued an Order of Conditions, DEP File #SE 220-1169, on May 17, 2012. Under the Massachusetts Permit Extension Act, this Order is valid until May 17, 2017. Per our new site plans, the limit of work within the jurisdiction of the Commission has not changed from what is currently approved; the only significant change is that there is less work proposed in the upland portion of the site by providing the larger 50-ft. wide buffer to the Proulx property. There is no significant changes to the proposed work within the 100' buffer zone to the bordering vegetated wetland or the outer riparian zone of the offsite perennial stream.

The prior SEA filing included two documents referred to as Drainage Evaluation for Drainage Analysis, and Drainage Evaluation for Storm water Pollution Prevention Plan, as revised through August 20, 2012. Per our review of these documents, our proposed changes outlined in this filing will not adversely affect the storm water runoff calculations, but rather will create less runoff due to the decreased size of the cranberry bog and less disturbance to the natural vegetation, and therefore no changes are required.

We look forward to meeting with the Board to discuss the filing and should the Board require additional information or have questions, please do not hesitate to call me at the above-referenced number.

Sincerely,
Outback Engineering, Inc.



Nyles Zager, PE



LOCUS MAP
SCALE: 1"=2000'

MAP 26, LOT 2003
P.P.C. DAVID E. & JOHANNA M.
SOMER STREET

MAP 26, LOT 2004
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2005
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2006
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2007
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2008
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2009
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2010
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2011
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2012
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2013
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2014
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2015
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2016
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2017
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2018
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2019
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2020
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2021
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2022
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

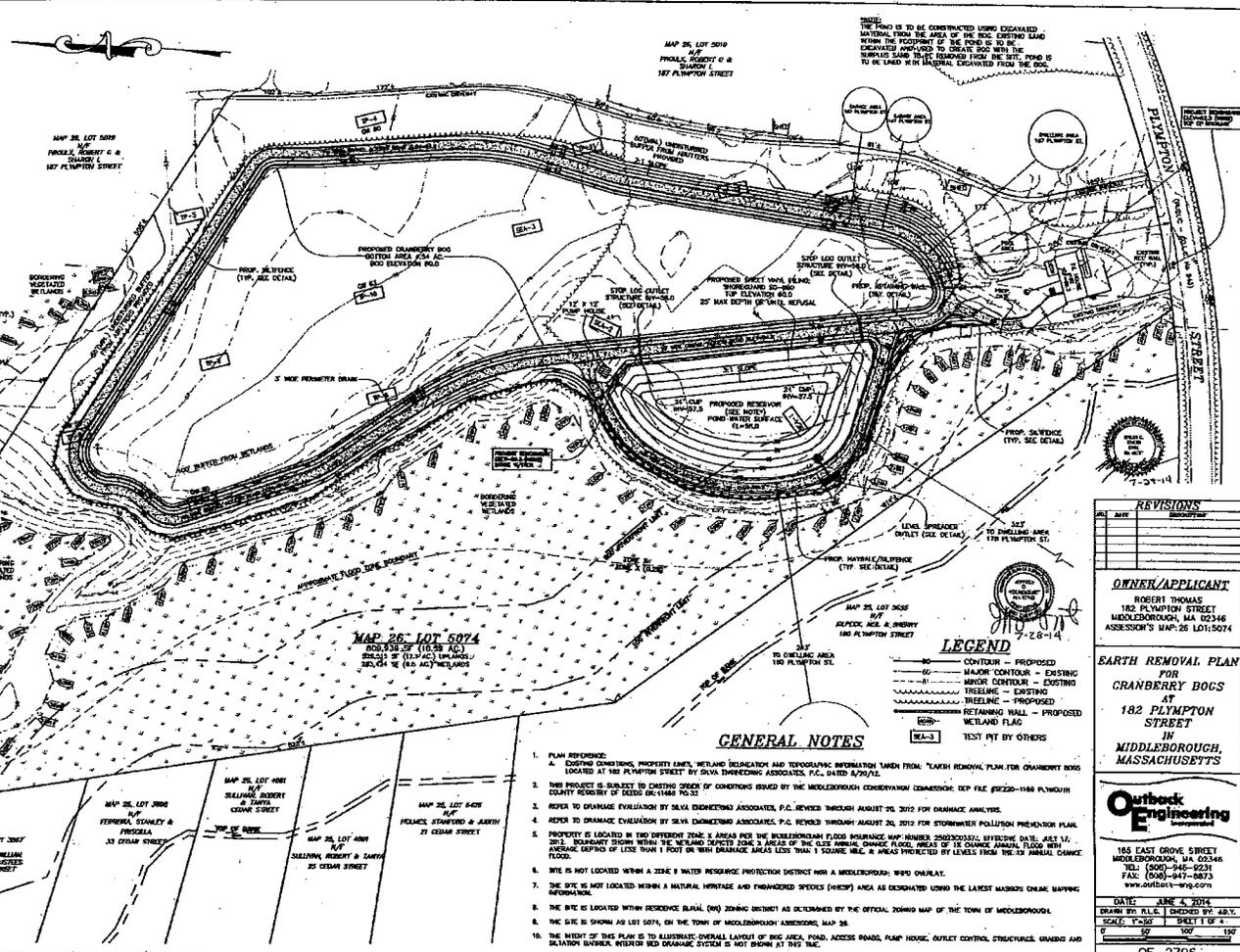
MAP 26, LOT 2023
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2024
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2025
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2026
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2027
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET



THE POND IS TO BE CONSTRUCTED USING EXCAVATED MATERIAL FROM THE AREA OF THE POND EXISTING LAND WITH THE FOOTING OF THE POND TO BE EXCAVATED APPROXIMATE TO CREATE BOGS WITH THE SURFACE SAME TO BE REMOVED FROM THE SITE. POND IS TO BE LINED WITH MATERIAL EXCAVATED FROM THE BOG.

MAP 26, LOT 2019
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

MAP 26, LOT 2009
M.P. MICHAEL ROBERT ET AL.
OFF PLYMPTON STREET

PROPOSED CRANBERRY BOG
BOTTOM AREA FOR 10'
BOG ELEVATION 80.0

PROPOSED SWEEP VANE BEND
STRUCTURE 20'-00"
TOP ELEVATION 80.0

PROPOSED SWEEP VANE BEND
STRUCTURE 20'-00"
TOP ELEVATION 80.0

PROPOSED SWEEP VANE BEND
STRUCTURE 20'-00"
TOP ELEVATION 80.0

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STRUCTURE 20'-00"
TOP ELEVATION 80.0

PROPOSED SWEEP VANE BEND
STRUCTURE 20'-00"
TOP ELEVATION 80.0

MAP 26, LOT 2024
BOGGS BY (10.0 AC)
BOGGS BY (10.0 AC) WETLANDS
BOGGS BY (10.0 AC) WETLANDS

LEGEND

- CENTER - PROPOSED
- MAJOR CONTOUR - EXISTING
- MINOR CONTOUR - EXISTING
- TIE LINE - EXISTING
- TIE LINE - PROPOSED
- DETERMINING WALL - PROPOSED
- WETLAND FLAG
- TEST PIT BY OTHERS

GENERAL NOTES

1. PLAN REFERENCE:
 - A. EXISTING CONDITIONS, PROPERTY LINES, WETLAND DELINEATION AND TOPOGRAPHIC INFORMATION TAKEN FROM "EARTH REMOVAL PLAN FOR CRANBERRY BOG LOCATED AT 182 PLYMPTON STREET BY SILVA ENGINEERING ASSOCIATES, P.C., DATED 8/20/14."
2. THIS PROJECT IS SUBJECT TO CERTAIN ORDINANCES ISSUED BY THE MIDDLEBOROUGH CONSERVATION COMMISSION, DEP FILE #9220-1188 PLYMOUTH COUNTY RECORDS OF DEEDS 08-11884 TO-32.
3. REFER TO DRAINAGE EVALUATION BY SILVA ENGINEERING ASSOCIATES, P.C., REVISED THROUGH AUGUST 26, 2012 FOR STORMWATER POLLUTION PREVENTION PLAN.
4. REFER TO DRAINAGE EVALUATION BY SILVA ENGINEERING ASSOCIATES, P.C., REVISED THROUGH AUGUST 26, 2012 FOR STORMWATER POLLUTION PREVENTION PLAN.
5. PROPERTY IS LOCATED IN THE UNINCORPORATED CRANBERRY BOG WETLAND DISTRICT OF THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS. THE DISTRICT IS BOUNDARY SURVEY WITHIN THE WETLAND DISTRICT ZONE 2 AREAS OF THE 1982 ANNUAL CHANGING FLOOD AREA OF 12 SQUARE FEET PER AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE. AREAS PROTECTED BY LEVELS FROM THE 125 ANNUAL CHANGING FLOOD.
6. SITE IS NOT LOCATED WITHIN A ZONE B WATER RESOURCE PROTECTION DISTRICT NOR A MIDDLEBOROUGH WPA OVERLAY.
7. THE SITE IS NOT LOCATED WITHIN A NATURAL HERITAGE AND PRESERVATION SPECIES (NHPS) AREA AS DETERMINED USING THE LATEST MASSGIS ONLINE MAPPING INFORMATION.
8. THE SITE IS LOCATED WITHIN RESIDENCE RURAL (RR) ZONING DISTRICT AS DETERMINED BY THE OFFICIAL ZONING MAP OF THE TOWN OF MIDDLEBOROUGH.
9. THE SITE IS SHOWN AS LOT 2024, ON THE TOWN OF MIDDLEBOROUGH ANNEXATION, MAP 26.
10. THE INTENT OF THIS PLAN IS TO ELABORATE OVERALL LAYOUT OF BOG AREA, ROAD, ACCESS ROAD, PUMP HOUSE, OUTLET CONTROL STRUCTURES, GRADING AND DRAINAGE SYSTEMS. INTERIOR WET DRAINAGE SYSTEM IS NOT SHOWN AT THIS TIME.

REVISIONS	
NO.	DESCRIPTION

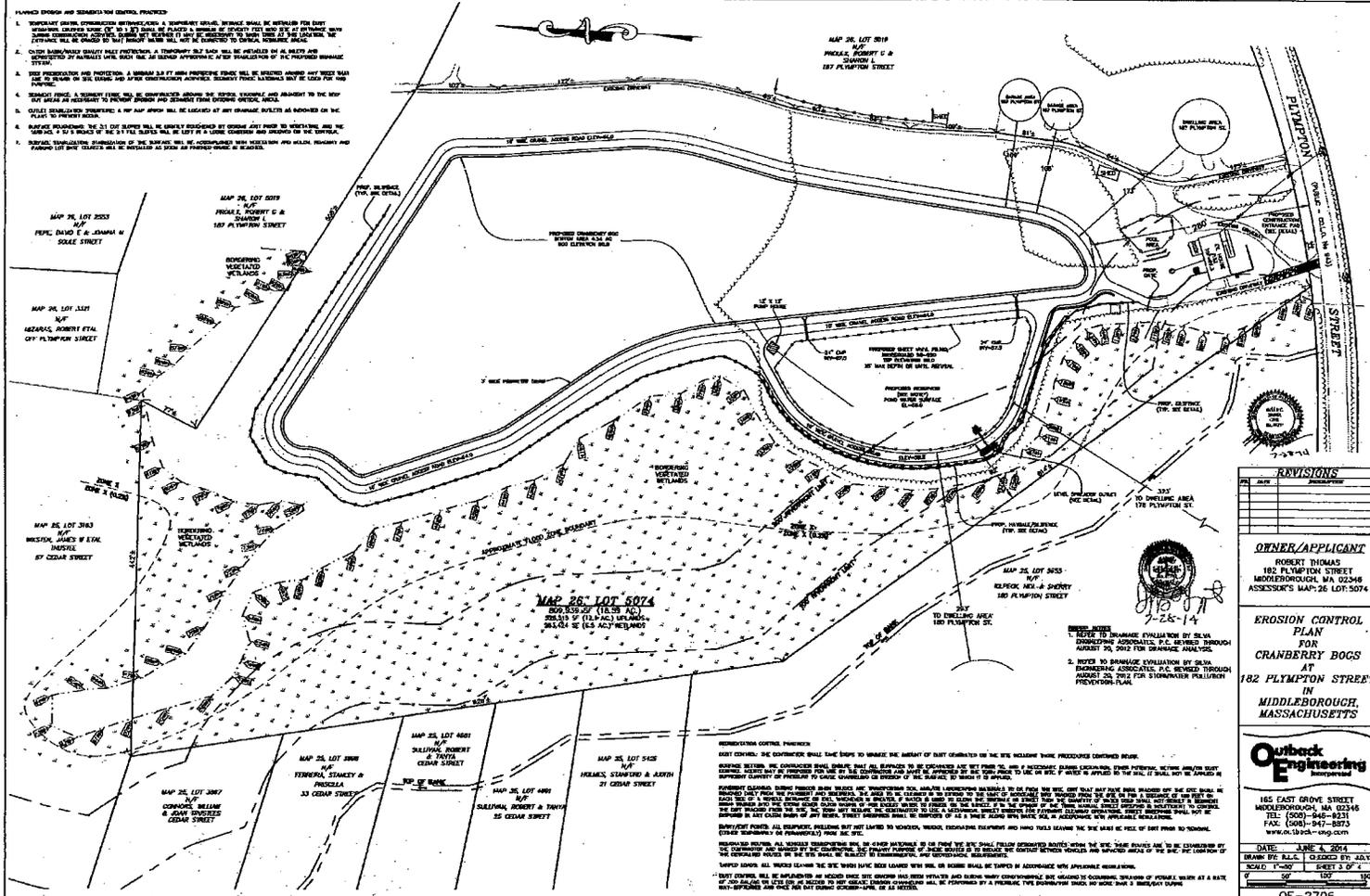
OWNER/APPLICANT
ROBERT THOMAS
182 PLYMPTON STREET
MIDDLEBOROUGH, MA 02345
ASSESSOR'S MAP: 26 LOT: 2024

EARTH REMOVAL PLAN FOR CRANBERRY BOGS AT 182 PLYMPTON STREET IN MIDDLEBOROUGH, MASSACHUSETTS

Outback Engineering
165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02345
TEL: (508) 945-9231
FAX: (508) 947-8873
www.outback-eng.com

DATE: JUNE 4, 2014
DRAWN BY: R.L.S. | CHECKED BY: A.B.L.
SCALE: 1"=200' | SHEET 1 OF 1
1"=200' | 100' | 100'

1. PLANNED EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED FOR EACH CONSTRUCTION PHASE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
2. EROSION CONTROL MEASURES SHALL BE INSTALLED FOR EACH CONSTRUCTION PHASE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
3. EROSION CONTROL MEASURES SHALL BE INSTALLED FOR EACH CONSTRUCTION PHASE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED FOR EACH CONSTRUCTION PHASE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
5. EROSION CONTROL MEASURES SHALL BE INSTALLED FOR EACH CONSTRUCTION PHASE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.
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7. EROSION CONTROL MEASURES SHALL BE INSTALLED FOR EACH CONSTRUCTION PHASE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.



NO.	DATE	DESCRIPTION

OWNER/APPLICANT
 ROBERT THOMAS
 182 PLYMPTON STREET
 MIDDLEBOROUGH, MA 02348
 ASSESSOR'S MAP: 26 LOT: 5074

EROSION CONTROL PLAN FOR CRANBERRY BOGS AT 182 PLYMPTON STREET IN MIDDLEBOROUGH, MASSACHUSETTS

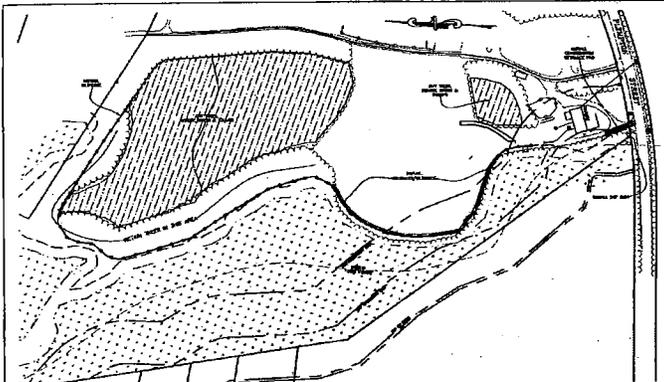
Outback Engineering
 Incorporated
 185 EAST GROVE STREET
 MIDDLEBOROUGH, MA 02345
 TEL: (508)-948-8231
 FAX: (508)-947-8873
 www.outback-eng.com

DATE: JUNE 8, 2014
 DRAWN BY: RALPH A. DUBOIS, P.E.
 SCALE: 1"=50' SHEET 3 OF 4
 PROJECT NO.: 107-14

EROSION CONTROL MEASURES
 EROSION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT EROSION AND SEDIMENTATION FROM THE CONSTRUCTION SITE.

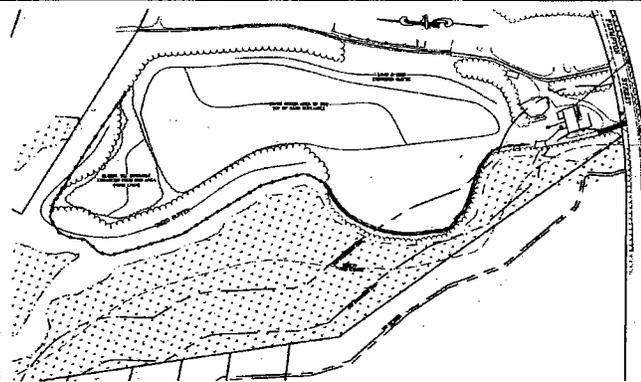
SEDIMENTATION CONTROL MEASURES
 SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT SEDIMENTATION FROM THE CONSTRUCTION SITE. THE SEDIMENTATION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SEDIMENTATION FROM THE CONSTRUCTION SITE. THE SEDIMENTATION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SEDIMENTATION FROM THE CONSTRUCTION SITE.

VEGETATION CONTROL MEASURES
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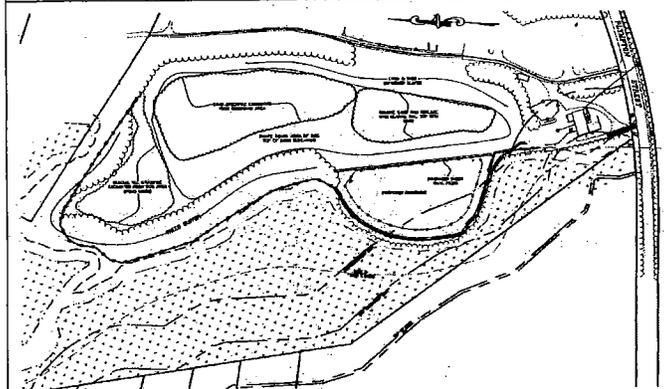
1. POINT SET FROM AND FOLLOW GRADE OF EXISTING PLYMOUTH COUNTY PERMIT OF EMBANKMENT MAP 26 22.
2. INITIAL HANDLING AND SURVIVAL BETWEEN NEIGHBORS AND PROPOSED FORM AND BATTERY BOUNDARY LAYOUT OF POND.
3. INITIAL CONSTRUCTION EXHIBIT PLAN.
4. THE PROPOSED AREA WILL BE CUT AND EXPOSED, THE CHANGING, WIND AND STORMS WILL BE MAINTAINED BY THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA, THE VARIOUS PORTION OF THE POND WILL BE TO BE MAINTAINED BY THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA.

1



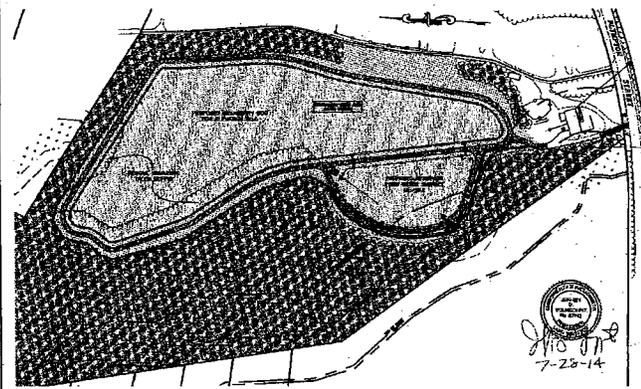
1. THE BOG WILL BE FINALLY MAINTAINED AND EXISTING MATERIAL, EXPOSED ADJACENT TO THE REMAINING AREA.
2. LOW AND HIGH MARKED BOUND.

2



1. THE PROPOSED AREA WILL BE FINISHED AND THE AREA MAINTAINED TO AN EXTENT OF 1/2 MILE, IF PART OF THE PROPOSED AREA, A PORTION OF THE POND WILL BE MAINTAINED TO THE AREA OF THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA.
2. THE POND WILL BE FINISHED BY CONSTRUCTION OF EXISTING AND THE PROPOSED AREA, THE CHANGING, WIND AND STORMS WILL BE MAINTAINED BY THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA, THE VARIOUS PORTION OF THE POND WILL BE TO BE MAINTAINED BY THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA.
3. THE EXISTING AREA OF THE POND WILL BE FINISHED AND THE AREA MAINTAINED TO AN EXTENT OF 1/2 MILE, IF PART OF THE PROPOSED AREA, A PORTION OF THE POND WILL BE MAINTAINED TO THE AREA OF THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA.
4. THE POND WILL BE FINISHED AND THE AREA MAINTAINED TO AN EXTENT OF 1/2 MILE, IF PART OF THE PROPOSED AREA, A PORTION OF THE POND WILL BE MAINTAINED TO THE AREA OF THE POND AND THE PROPOSED SURVIVAL AND MAINTENANCE TO THE REMAINING AREA.

3



1. THE BOG WILL BE FINALLY MAINTAINED AND EXISTING MATERIAL, EXPOSED ADJACENT TO THE REMAINING AREA.
2. THE BOG WILL BE FINALLY MAINTAINED AND EXISTING MATERIAL, EXPOSED ADJACENT TO THE REMAINING AREA.
3. THE BOG WILL BE FINALLY MAINTAINED AND EXISTING MATERIAL, EXPOSED ADJACENT TO THE REMAINING AREA.
4. THE BOG WILL BE FINALLY MAINTAINED AND EXISTING MATERIAL, EXPOSED ADJACENT TO THE REMAINING AREA.

4

REVISIONS

NO.	DATE	DESCRIPTION

OWNER/APPLICANT
 ROBERT THOMAS
 187 PLYMPTON STREET
 MIDDLEBOROUGH, MA 02346
 ASSESSOR'S MAP: 26 LOT: 5074

CONSTRUCTION SEQUENCE FOR CRANBERRY BOGGS AT 182 PLYMPTON STREET IN MIDDLEBOROUGH, MASSACHUSETTS

Outback Engineering
 183 EAST CHURCH STREET
 MIDDLEBOROUGH, MA 02346
 TEL: (508)-448-9231
 FAX: (508)-447-8873
 www.outback-eng.com

DATE: JUNE 4, 2014
 DRAWN BY: R.L.G. CHECKED BY: J.M.L.
 SCALE: 1"=100' SHEET 4 OF 4
 0' 100' 200' 300'

OE-2706



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN
APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 6-23-14
NAME OF APPLICANT Robert Thomas
ADDRESS OF APPLICANT 182 Plympton St.
ASSESSORS MAP & LOT 26 - 5074
DAYTIME TELEPHONE (508) 509-2049

NAME OF BUSINESS BT Thomas Excavating
OWNER OF PROPERTY TO BE LICENSED Robert Thomas + Susan
ADDRESS OF PROPERTY TO BE LICENSED 182 Plympton St.
ASSESSORS MAP & LOT 26 - 5074

TYPE OF LICENSE REQUESTED (Check One)

- | | |
|---|--|
| 2 nd Hand _____ | WRPD _____ |
| Class I Automobile Dealer License _____ | Earth Removal Permit <input checked="" type="checkbox"/> |
| Class II Automobile Dealer License _____ | Liquor License _____ |
| Class III Automobile Dealer License _____ | Junk Dealer _____ |
| Entertainment _____ | Other _____ |

Anticipated Start Date for Business: To be determined
Days & Hours of Operation: To be determined

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

Signature [Handwritten Signature]

DATE OF HEARING: _____

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

Dear Treasurer/Collector:

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

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

[Large Handwritten Signature]



September 8, 2014

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

**Re: *Initial Engineering Review
Earth Removal Application
182 Plympton Street
ADE Project #2518.31***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of the site plans, drainage calculations and application materials for the above referenced project relative to a Special Permit request under the Earth Removal bylaw. The plans are dated 6/4/14 and are prepared by Outback Engineering, Inc. The drainage calculations were dated 8/20/12 and were prepared by Silva Engineering Associates for a 2012 application for Robert Thomas of Middleborough, MA.

We have the following comments:

1. The Appendix B Plan Checklist but could not be found in the information provided.
2. Please provide a copy of the Order of Conditions.
3. Please provide a Project Plan per Appendix A of the Town's application package (the 7/29/14 letter from Outback has some of the required information and could be reformatted into the "Project Plan", but many of the items listed under #7 in Appendix A were not described.
4. The anticipated truck trips per day is not provided. It should be estimated for each phase of the project construction along with a timeline for each phase.
5. Are any improvements needed at the site entrance at Plympton Street to accommodate the size and volume of trucks entering/exiting the site?
6. Calculations and the criteria for sizing the reservoir have not been provided.
7. With an excavation of over 30 feet deep proposed for the reservoir, will blasting be required?
8. A 100 foot buffer to the property lines has not been provided to the north, east or west.

9. The proposed operation times in the application do not coincide with the times listed in the Town's Typical Order of Condition.
10. Temporary sedimentation basins should be shown for the different phases of construction.
11. The erosion control blanket detail should specify for use on all slopes steeper than 3:1.
12. Provide a detail for the sheet vinyl piling and clarify its purpose.
13. Provide more detail of the level spreader outlet. (Rip-rap size, length, width, depth, elevations, etc.). The concern is that there is insufficient room to construct everything outside at the 25-foot no work zone.
14. TSS Calculations have not been provided in the Drainage Evaluation.
15. A Long-Term Pollution Prevention Plan could not be found in the Drainage Evaluation even though it is checked off as being included in the Notice of Intent.
16. An Illicit Discharge Compliance Statement could not be found in the Drainage Evaluation even though it is checked off as being included in the Notice of Intent.
17. The Tc path chosen for the Pre-Development Calculations is not the longest and should be revised as this may result in an inflation of predevelopment runoff rates.
18. The slope area east of the bog should be part of the Bog Subcatchment 4, not Developed Area Subcatchment 2. Also is there any area east of the project site that is upgradient and contributing to this subcatchment?
19. The CN calculations for the Pond Subcatchment Area 3 should reflect a CN value of 98 for the surface area of the water in the reservoir (assumed to be full when the storm occurs).
20. The modeling for the reservoir/pond is incorrect in that it assumes the pond is empty. It should be modeled as being full when the storm occurs and the outlet control structure should also be included in the analysis. (The design configuration of this outlet control structure could make modeling of it tricky). The outflow through the control structure should be combined with the flows from Subcatchment 2 when comparing to Pre-development flows/volumes.



*Board of Selectmen
c/o Mr. Charles J. Christello, Town Manager
Initial Engineering Review
Earth Removal Application - 182 Plympton Street
September 8, 2014 - Page 3*

21. The "Draft" SWPPP, when finalized, should be made a part of the permit conditions and should be provided to the Town. Copies of all inspection/correction reports should also be provided to the Town.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Richard J. Tabaczynski", written in a cursive style.

Richard J. Tabaczynski, P.E.
Vice President

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

August 25, 2014

Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: RM Thomas Excavating- 182 Plympton Street-Earth Removal Permit Review

Dear Board Members,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by RM Thomas Excavating. As part of the submittal I received the following:

- Earth Removal Permit Application dated June 23, 2014, prepared for RM Thomas Excavating
- Certified Abutter's List dated May 7, 2014.
- Project Plan "Earth Removal Plan for Cranberry Bogs 182 Plympton Street prepared by Outback Engineering, dated June 4, 2014

The Department of Public Works comments are as follows:

1. The Applicant should provide signs stating the following: "Earth Removal in Progress-Caution Trucks Entering and Exiting". The signs should be placed along both sides of Plympton Street approximately 100 feet prior to the site driveway. The signs will help alert vehicles going around the curve on Precinct Street that trucks may be in the roadway.
2. The Applicant has proposed a construction entrance/crushed stone apron in the area of the site access driveway. The construction entrance should be maintained throughout the duration of the project. If it is found that the construction entrance is not adequately removing material from the truck tires then the Applicant should be required to pave the access driveway at the same dimensions as the proposed stone apron.

3. The Applicant is proposing to haul material Monday thru Friday 8am -6pm and Saturday 8am-4pm. At this time there are no other on-going earth removal permits that allow work on Saturdays. Furthermore the Applicant should be required to follow the Town's holiday schedule.

Very Truly Yours,



Christopher Peck
Director of Public Works

Cc: Town Manager



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

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

August 20, 2014

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

RE: ~~W.R.P.D.~~ Application for Earth Removal Permit for RM Thomas Excavating,
located at 182 Plympton Street, Assessor's Map: 026 Lots: 5074.

Honorable Board,

I have received the plan submitted by Jeffrey Youngquist of Outback Engineering for
an earth removal permit for cranberry bogs located at 182 Plympton Street.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d



Town of Middleborough

Massachusetts

Board of Selectmen

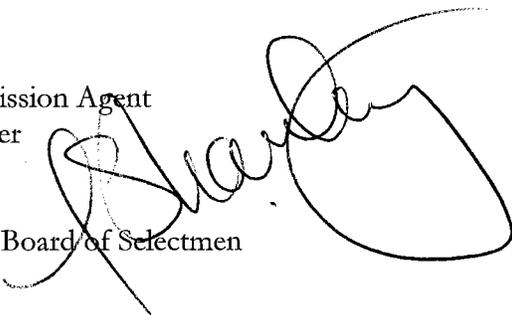
MEMORANDUM

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

FROM: Jackie Shanley, Executive Assistant to Board of Selectmen

DATE: August 7, 2014

SUBJECT: **Application for Earth Removal Permit**
RM Thomas Excavating
182 Plympton Street, Assessors Map 026, Lots 4515 & 5074



Attached is a request filed by Outback Engineering on behalf of RM Thomas Excavating for an Earth Removal permit for property located at 182 Plympton Street.

This request will be addressed at the Selectmen's meeting on Monday, **September 15, 2014 at 7:30 PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, August 27th by 12 Noon.**

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

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

Incorporated 1669
344 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

CHARLES J. CRISTELLO
Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

To: Board of Selectmen

cc: Christopher Peck, DPW Director, Todd Goldman, Wastewater Superintendent,
Finance Committee, Capital Planning Committee

From: Charles J. Cristello, Town Manager 

Date: September 12, 2014

Subject: **Financing of the Water Pollution Control Facility Upgrades**

Monday night the project engineers from Wright-Pierce and Environmental Partners Group will be reporting on our progress in designing upgrades to the Water Pollution Control Facility and in completing the town's Comprehensive Wastewater Management Plan. Both documents have to be submitted in October for the town to be eligible for low-cost financing and for grants from the State Revolving Loan Fund (SRF). Another requirement for this financing is that the town must fully authorize spending for the construction of the upgrades. Toward that end I have placed an article on the special town meeting warrant, specifically Article 12.

As you know the initial estimate for this project was \$30 million. The most recent estimate is approximately \$23 million. We have had a laser-focus on cost control throughout the design process and that focus has yielded results. The design team and our staff held a value engineering session in February that resulted in savings of \$1.45 million without sacrificing any operational capacity within the plant. Additionally, the \$23 million figure includes a design contingency of 15%.

The SRF loan program offers two interest rates: a 2% rate for all eligible water and wastewater projects and a 0% rate for nutrient removal wastewater projects. Ours is a nutrient removal project. It is not yet clear how much of our project qualifies for 0% financing. We will be making the case that a comprehensive upgrade of our facility would not have been necessary except to comply with the new nutrient limits, particularly for phosphorous, contained in the NPDES permit we just received from the EPA and DEP.

We will also be applying for grant funding as an 'environmental justice' community. DHCD defines an environmental justice area as one where 25% the residents earn less than 65% of the median family income in Massachusetts. Middleborough has one environmental justice census tract in the Everett Square area which allows us to qualify for approximately \$500,000 in grant funding that the federal government requires the state to give out as part of the SRF program. In order to be eligible for this grant we will have to have a contractor selected and under contract by April 1, 2015. As soon as Town Meeting authorizes the project the design team will begin work on bid specifications so that the project can be bid and awarded in time for that deadline.

We also applied for approximately \$500,000 in funding through the United States Department of Agriculture under their Rural Utilities program. However, after submitting the application and appealing the initial rejection letter we were told that we were just too large a community to qualify for that funding. We will not be pursuing that funding any further.

Article 12 asks for authorization to borrow \$25 million which includes the engineering and project management costs through the end of the project. Assuming a blended interest rate of .96% over 30 years (a blend of 0%, 2%, and market rate for the years 20-30) will result in a first year debt service payment of \$1.07 million, as per the attached debt schedule. As you know the Board of Selectmen has been preparing for this future debt service payment since 2011, when it adopted a multi-year plan to raise sewer rates 15% per year for six years in anticipation of this expense. As of the end of FY 2014 we had built up an annual revenue reserve in the Wastewater Enterprise fund of approximately \$800,000, as you can see from the end of the year report from Town Accountant Steven Dooney, also attached. It appears that we are very much on target to have the revenue necessary to make the first debt service payment when it comes due sometime in 2016 or 2017.

Also on the warrant is Article 13 which seeks to use \$1,900,000 of the surplus funds building up in the Wastewater Enterprise Fund to pay off some of the prior design costs of the project. Mr. Dooney estimates that there will be approximately \$3,000,000 in unreserved fund balance in the Wastewater Enterprise Fund as of the end of FY 2014. The financing strategy that we adopted in 2011 called for us to use the surplus funds generated prior to the final borrowing to reduce the total amount borrowed and thereby the impact on the ratepayers. This article is the first of several over the next few years to fulfill that commitment.

I look forward to discussing this project further on Monday. Please feel free to call me if you have any questions.

Amount 25,000,000
 Rate 0.96%
 Term 30

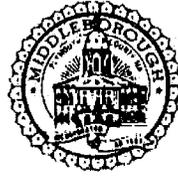
O/S Bal.	Principal	Interest	P&I / FY	Fiscal Year
25,000,000		120,000		1
25,000,000	833,333	120,000	1,073,333	1
24,166,667		116,000		2
24,166,667	833,333	116,000	1,065,333	2
23,333,333	0	112,000		3
23,333,333	833,333	112,000	1,057,333	3
22,500,000	0	108,000		4
22,500,000	833,333	108,000	1,049,333	4
21,666,667	0	104,000		5
21,666,667	833,333	104,000	1,041,333	5
20,833,333	0	100,000		6
20,833,333	833,333	100,000	1,033,333	6
20,000,000	0	96,000		7
20,000,000	833,333	96,000	1,025,333	7
19,166,667	0	92,000		8
19,166,667	833,333	92,000	1,017,333	8
18,333,333	0	88,000		9
18,333,333	833,333	88,000	1,009,333	9
17,500,000	0	84,000		10
17,500,000	833,333	84,000	1,001,333	10
16,666,667	0	80,000		11
16,666,667	833,333	80,000	993,333	11
15,833,333	0	76,000		12
15,833,333	833,333	76,000	985,333	12
15,000,000	0	72,000		13
15,000,000	833,333	72,000	977,333	13
14,166,667	0	68,000		14
14,166,667	833,333	68,000	969,333	14
13,333,333	0	64,000		15
13,333,333	833,333	64,000	961,333	15
12,500,000	0	60,000		16
12,500,000	833,333	60,000	953,333	16
11,666,667	0	56,000		17
11,666,667	833,333	56,000	945,333	17
10,833,333	0	52,000		18
10,833,333	833,333	52,000	937,333	18
10,000,000	0	48,000		19
10,000,000	833,333	48,000	929,333	19
9,166,667	0	44,000		20
9,166,667	833,333	44,000	921,333	20
8,333,333	0	40,000		21
8,333,333	833,333	40,000	913,333	21
7,500,000	0	36,000		22
7,500,000	833,333	36,000	905,333	22
6,666,667	0	32,000		23
6,666,667	833,333	32,000	897,333	23
5,833,333	0	28,000		24
5,833,333	833,333	28,000	889,333	24
5,000,000	0	24,000		25
5,000,000	833,333	24,000	881,333	25
4,166,667	0	20,000		26
4,166,667	833,333	20,000	873,333	26
3,333,333	0	16,000		27
3,333,333	833,333	16,000	865,333	27
2,500,000	0	12,000		28
2,500,000	833,333	12,000	857,333	28
1,666,667	0	8,000		29
1,666,667	833,333	8,000	849,333	29
833,333	0	4,000		30
833,333	833,333	4,000	841,333	30
Totals	25,000,000	3,720,000	28,720,000	

Waste Water

CLASSIFICATION	ACTUAL Revenues 6/30/2013	ACTUAL Revenues 6/30/2014		ACTUAL Expenditures 6/30/2013	ACTUAL Expenditures 6/30/2014
Tax liens redeemed	1,421.00	4,822.00	Personal Services	373,061.00	382,462.00
Tax possession	335.00	-			
Costs and Interest	316.00	1,755.00	Purchases of Services	217,986.00	216,831.00
W.W. Usage	971,485.00	1,029,154.00	Supplies	167,906.00	151,094.00
W.W. Commercial	794,238.00	960,067.00			
W.W. Charges	390.00	410.00	Other charges/ Exp	285.00	573.00
W.W. Waste permits	90.00	80.00			
W.W. Sewer Entrance permits	650.00	89,664.00	Capital outlay	28,538.00	24,920.00
Ocean Spray	214,874.00	357,584.00	Debt services	298,886.00	295,485.00
W.W. Utility Liens	82,874.00	84,140.00	Indirect Costs	233,666.00	223,624.00
	-	-	Employee Benefits	175,064.00	192,546.00
Special Assessment	-	-			
Earning on Investments	6,540.00	9,009.00	Unclassified	23,690.00	24,222.00
Misc Revenue	-	-	Articles	11,309.00	225,703.00
Premium on Notes	-	-			
Transfer from Wastewater	-	-			

2,073,213.00	2,536,685.00	1,530,381.00	1,737,460.00
DIFF	463,472.00	Diff	207,068.00

Rev over Exp FY 14
799,235.00



WARRANT FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

To: Joseph Perkins, Acting Police Chief, or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Monday, October 6, 2014 at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source to supplement and/or adjust departmental budgets for Fiscal Year 2015, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer a sum of money of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source to fund sick leave buy-backs, or act anything thereon.

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Stabilization Fund, or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and /or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to repair the roof at the Town Hall Annex, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation of account or other available source or by borrowing to replace intercom systems and to purchase two mini-buses for the School Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing to purchase computers, servers, monitors, printers, and related hardware and software for various Town departments, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase four new mechanized trash collection/recycling vehicles and new trash/recycling carts for the Trash Disposal Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to appropriate \$25,000,000 to pay costs of rehabilitating and constructing additions to the Water Pollution Control Facility, including, but not limited to, the employment of professionals and equipping and furnishing said building and all other costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$25,000,000 of said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen shall determine, or act anything thereon.

ARTICLE 13. To see if the Town will vote to transfer \$1,900,000 from the Wastewater Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and financing of the upgrade to the Water Pollution Control Facility for the Wastewater Department, and rescind \$1,500,000 of the the borrowing authorized under Article 15 of the 2013 Annual Town Meeting, or act anything thereon.

ARTICLE 14. To see if the Town will vote to transfer \$1,750,000 from the Water Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and construction of a well, well pumping station and associated improvements at the Mizaras Well Site for the Water Department, and rescind the borrowing authorized under Article 18 of the 2014 Annual Town Meeting, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the Department of Public Works for all relevant and necessary expenses associated with new stormwater activities required by the EPA/DEP, or act anything thereon.

ARTICLE 16. To see if the Town will vote to appropriate a sum of money from the Historic Resources Reserve of the Community Preservation Fund to fund a portion of the Massachusetts Archaeological Society's rehabilitation and preservation project at the Robbins Museum of Archaeology; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 17. To see if the Town will vote to appropriate \$75,000 from the Open Space Resources Reserve of the Community Preservation Fund and \$150,000 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to assist in the purchase of the Oliver estate; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 18. To see if the Town will vote to use some of the funds, received by the Town from the trust fund established under Clause Nineteenth C – VII of the will of Frederick S. Weston in connection with the Frederick Weston Memorial property, for the purchase of additional park or forest areas, to appropriate from said funds \$40,000 for such purposes and to authorize the Board of Selectmen to purchase that part of the Oliver Estate property, so-called, located on and off the westerly side of Plymouth Street in Middleborough and shown as Lot 2867 and Lot 2098 on Middleborough Assessors Map 041 which is designated by the Board of Selectmen as park and/or forest area using the sum so appropriated to pay part of the purchase price, or act anything thereon.

ARTICLE 19. To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 8.2.7 (3) (j.) WRPD Z2 – Special Permit Uses – by deleting “Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but” from the first sentence and replacing it with “Any use that will render any lot more than 25% impervious is prohibited. Alterations resulting in more than 15% but less than 25% impervious area” or act anything thereon.

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to enter into and execute on behalf of the Town a tax agreement, as authorized by MGL Chapter 59, section 38H, with NextSun Energy LLC with respect to annual payments in lieu of real and personal property taxes for a term of up to twenty years relative to a solar energy system with an AC-rated capacity of up to two and one half (2.5) megawatts, to be installed on different parcels of land owned by David Fisher, Gid Fisher and Lorraine Truelson, and located at 154 Purchase Street, Gid Circle and River Street respectively, or act anything thereon.

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Southeastern Massachusetts Law Enforcement Council to increase the capability of the Middleborough Police Department to protect the lives, safety and property of people within the cities and towns that are signatories to the agreement, or act anything thereon.

ARTICLE 22. To see if the Town will vote to transfer the care, custody, management and control of property on the westerly side of Thompson Street (Route 105) shown as Lot 4933 on Assessors Map 24 and as Lot #2 on a plan recorded in the Plymouth County Registry of Deeds in Plan Book 54, Page 492 containing 12.54 acres more or less to the Conservation Commission for the purpose of leasing the property, and to authorize the Conservation Commission to lease the property for agricultural, horticultural, farming and/or forestry use(s) consistent with a conservation restriction to which the property is subject, or act anything thereon.

ARTICLE 23. To see if the Town will vote to amend the Litter by-law adopted under Article 8 of the Town Meeting held on March 7, 1927 by adding the following section –

Section 2:

Whoever violates Section 1 of this by-law shall be punished by a fine of Two Hundred Dollars (\$200.00) for each violation.

or act anything thereon.

ARTICLE 24. To see if the Town will vote to accept Fernway Estates as a unfinished subdivision in the town of Middleborough, which includes Fernway and Look Out Circle as a Town way as laid out and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way and related easements as shown on the road layout plan entitled “Roadway As-Built in Middleborough, MA, Fernway Estates Subdivision, Fernway and Look Out Circle” prepared by Outback Engineering, and any related easements, or act anything thereon.

By Petition

Given, under our hands at Middleborough, this 8th day of September, 2014.

ALLIN FRAWLEY

LEILANI DALPE

JOHN M. KNOWLTON

DIANE STEWART

STEPHEN J. MCKINNON

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all Inhabitants of said Town of Middleborough, qualified to vote as expressed in said Warrant, to meet at the time and place for the purpose specified by causing an attested Copy of the same to be published in the Middleboro Gazette on the **18th day of September, 2014**, that date being more than fourteen days before the time specified for said meeting.

Joseph Perkins, Acting Police Chief

CRANBERRY CAPITAL
OF THE WORLD



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

Town of Middleborough
Massachusetts
Board of Selectmen

September 3, 2014

Robert Weaver
Robert Weaver d/b/a Sports, Ltd.
539 Wareham Street
Middleborough, MA 02346

Via: Certified Return-Receipt Requested Mail
7013 1710 0000 6697 5960 & U.S. Mail

Dear Mr. Weaver:

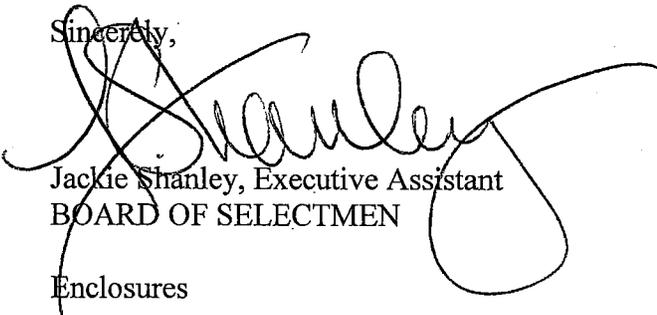
In response to your request, the Board of Selectmen agreed to reschedule your appointment to appear before the Board, originally scheduled for 8/25/14.

You are now scheduled to appear before the Board at its **9/15/14** meeting at **8:30 PM**.

If you have any questions, please contact the Selectmen's office.

Thank you.

Sincerely,



Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Enclosures

xc: Board of Selectmen
Town Manager
M. Herring

TO: Board of Selectmen

FROM: Jackie Shanley, Executive Assistant

DATE: 8/27/14

RE: Robert Weaver dba Sports Ltd – Maurice Herring

Maurice Herring called the office to update the Board. He wanted you to know that he reached a settlement agreement yesterday with Robert Weaver dba Sport's Ltd and accepted \$4,200 out of the \$4,500 he had paid for the car he purchased from and returned to Mr. Weaver. He also accepted the loss of an additional \$400 it had cost him to have the car towed when the vehicle's engine had died.

He reports, however, that Mr. Weaver has called him today threatening to take him to small claims court if he doesn't pay him for storage fees for having had stored the car all this time on the dealership site. Mr. Herring indicated to me that he does not intend to pay any storage fees.

Jackie

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

August 15, 2014

Robert Weaver
Robert Weaver d/b/a Sports, Ltd.
539 Wareham Street
Middleborough, MA 02346

Via: Certified Return-Receipt Requested Mail
7013 1710 0000 6697 5946 & U.S. Mail

Dear Mr. Weaver:

The Board of Selectmen requests that you appear before the Board at its meeting scheduled for Monday, August 25, 2014 at 8:30 PM.

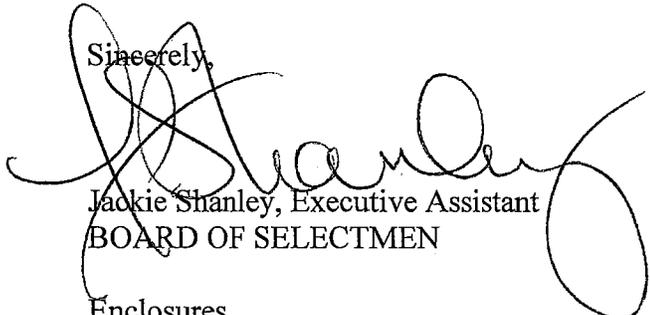
The Board wishes to discuss various matters with you, including, but not limited to:

- Complaint dated 7/10/14 against Robert Weaver dba Sports Ltd. filed with the Selectmen's office by Maurice Herring.
- Failure to reply to the Board's previous letter dated 7/31/14 requesting that you provide the Board with a written response to Mr. Herring's claims by 8/6/14.
- Violation of the conditions of your Class II Automobile Dealer's license (overstocked vehicles on site).

If you have any questions, please contact the Selectmen's office.

Thank you.

Sincerely,



Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Enclosures

xc: Board of Selectmen
Town Manager
M. Herring



Town of Middleborough
Massachusetts
Board of Selectmen

MEMORANDUM

TO: Board of Selectmen

FROM: Jackie Shanley, Executive Assistant

DATE: 8/8/14

RE: **Robert Weaver dba Sports Ltd. Auto Sales - Update**

As an update to the discussion had at the Board's 7/28/14 meeting, please find attached correspondence mailed to Mr. Weaver by the Selectmen's office on 7/31/14. This correspondence was mailed by Certified, Return Receipt Requested mail and by U.S. mail. The Selectmen's office has received the Certified receipt/verification that this letter was signed for by someone at Sport's Ltd.

Please note that it was requested of Mr. Weaver that he reply, in writing, to the Board, by 8/6/14. There has been no response received as of 8/8/14.

The Board had received a complaint from Maurice Herring as a customer of Sport's Ltd., against Sport's Ltd. Mr. Herring has since submitted the attached email update to keep the Board informed.

On 7/29/14, the Selectmen's office was notified by the Building Commissioner that Mr. Weaver had a total of forty (40) vehicles parked on the Sport's Ltd. dealership site. Mr. Weaver has a twenty-five (25) vehicle limit as a condition of his Class II Automobile Dealer's license. Mr. Weaver was therefore advised to remove the excess vehicles immediately. As of today, I have not been able to verify if he has complied with the order to remove the excess vehicles. I hope to have an update for the Board at its 8/11/14 meeting.

The Selectmen's office will be sending further correspondence, to Mr. Weaver, requiring him to appear before the Board at its meeting scheduled for 8/25/14 to discuss Mr. Herring's claim and the recent violation of his license conditions.

Attachments (2)

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

July 31, 2014

Robert Weaver
Robert Weaver d/b/a Sports, Ltd.
539 Wareham Street
Middleborough, MA 02346

Via: Certified Return-Receipt Requested Mail
7013 1710 0000 6697 5939 & U.S. Mail

Dear Mr. Weaver:

Enclosed please find an email dated 7/10/14 from Maurice Herring. Subsequent emails dated 7/21/14 and 7/25/14, updating the Board of Selectmen, are also enclosed.

These emails have been submitted to the Board of Selectmen's office concerning a 2006 V.W. Jetta allegedly purchased by Mr. Herring from you, Robert Weaver, d/b/a Sports, Ltd., 539 Wareham Street, on 6/13/14.

Please review the enclosed correspondence and provide the Board of Selectmen with a written response to Mr. Herring's claims **by August 6, 2014**.

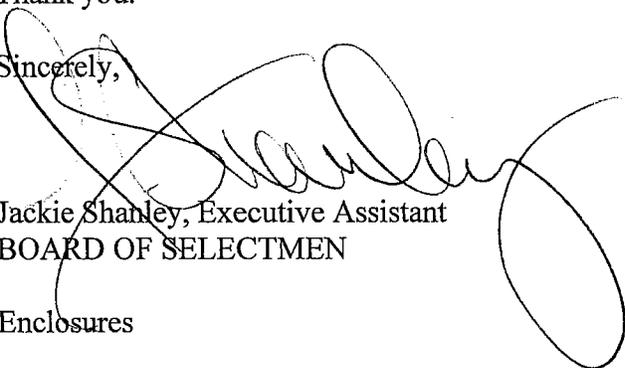
In addition, please be advised that the Board of Selectmen received a report from the Town's Building Commissioner that you have forty (40) vehicles parked on site as of Monday 7/28/14. As you are well aware, you have a twenty five (25) vehicle limit as a condition of your Class II Automobile Dealer's license. The excess vehicles are to be removed immediately.

The Board does not look favorably upon repeated violations of a license or a history of complaints alleging poor business practices. The Board would like you to be aware that it takes these matters seriously when considering licenses for renewal.

If you have any questions, please contact the Selectmen's office.

Thank you.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Enclosures

xc: Board of Selectmen
Town Manager
M. Herring

Jacqueline Shanley

From: Maurice Herring <
Sent: Monday, August 04, 2014 12:11 PM
To: Jacqueline Shanley
Subject: Case Developments
Attachments: 2006 VW Jetta 5speed leather_wheels94k miles.htm

Good Afternoon,

I just wanted to update you on the developments with Robert Weaver d/b/a Sport Ltd. Auto Sales. Last week we were in contact and he told me again that he wanted me to sign the title of the car over to a new buyer and he would not allow me to sign the title back over to him to facilitate the return of the car to him under the Lemon Aid Law. As a result, I sent him a 93A demand letter requesting relief in the form of a void of the sale of the car and reimbursement for the cost to have the car returned to him. He then called me on Friday and left a voice-mail instructing me not to call him anymore unless a lawyer or someone representing me was contacting him, that he had fixed the car and I refused to come get it so the problem was with me and not him, and that he was charging me \$25.00 per day for everyday the car was not retrieved, and that he was going to seek legal action. He also sent me a text message with this information. He called me again later that day reiterating this fact and accused me of lying and participating in unfair business practices. I also discovered that despite his refusal to allow me to sign the title over to him to void the sale of the car, he has listed the car on Craigslist for sale, although he does not have the title to the car because he will not accept it from me, and is thus unable to legally sell it. I put a link to the ad in this e-mail (and also sent it as an attachment if the link doesn't work). Thank you so much for your assistance on this matter.

<http://boston.craigslist.org/sob/ctd/4595691741.html>

Thanks again,
Maurice Herring