

HEARINGS, MEETINGS, LICENSES
9-17-12

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER:

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME:

ADDRESS:

CITY/TOWN: STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- New License
- New Officer/Director
- Pledge of License
- Change Corporate Name
- Transfer of License
- Change of Location
- Pledge of Stock
- Seasonal to Annual
- Change of Manager
- Alteration of Licensed Premises
- Transfer of Stock
- Change of License Type
- Cordials/Liqueurs Permit
- New Stockholder
- Issuance of Stock
- Other
- 6-Day to 7-Day License
- Management/Operating Agreement
- Wine & Malt to All Alcohol

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396**

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Manager Application

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. Licensee Information:

Legal Name of Licensee: Business Name (d/b/a):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. Manager Information:

Name: Cell Phone Number:

Are you a U.S. Citizen: Yes No Court and Date of Naturalization:

(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

List the number of hours per week you will spend on the licensed premises:

Have you ever been charged or convicted of a state, federal or military crime? Yes No

If yes, attach an affidavit as to all charges and disposition.

Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Personal Information Form

1. Licensee Information:

Legal Name of Licensee:	John F. Glass Jr. VFW Post 2188	Business Name (d/b/a):			
Address:	12 Station St.	ABCC License Number: (If existing licensee)	070000009		
City/Town:	Middleboro	State:	MA	Zip Code:	02346
Phone Number of Premise:	508-947-8648	EIN of License:	453276814		

2. Personal Information:

Individual Name:	Roger L. Card Jr.	Home Phone Number:			
Address:	1131 Center St.	E-mail Address:			
City/Town:	Middleboro	State:	MA	Zip Code:	02346
Social Security Number:		Date of Birth:			
Place of Employment:	All Veterans Canteen Inc.				

Have you ever been convicted of a state, federal or military crime? Yes No

If yes, attach an affidavit as to all charges and disposition.

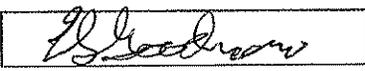
3. Financial Interest:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Employee

IMPORTANT ATTACHMENTS: For all cash contributions, attach last 3 months of bank statements for the source(s) of this cash.
If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	08-28-2012
Title	Adjutant	(If Corporation/LLC Representative)	



Town of Middleborough

Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 9/13/2012
NAME OF APPLICANT Roger L Card
ADDRESS OF APPLICANT 1131 Center St Middleboro MA 02346
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 508-748-1112

NAME OF BUSINESS John F. Card JR Post 2188 VFW
OWNER OF PROPERTY TO BE LICENSED Middleboro Overseas Veteran Inv
ADDRESS OF PROPERTY TO BE LICENSED 30 Station St Middleboro MA 02344
ASSESSORS MAP & LOT 50N-5979

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture _____
- Class I License _____
- Class III License _____
- Common Victualler _____
- Entertainment _____
- 2nd Hand Clothing _____
- Class II License _____
- Liquor License _____
- Automatic Amusement _____
- Other _____

** Change of manager*

Anticipated Start Date for Business _____
Hours requested: _____

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

Signature Roger L Card

DATE OF HEARING 9/17/2012 APPROVED/DENIED _____

Do not write below line: To be Completed by Treasurer/Collector: _____

Please inform this department, as well as the Board of Selectmen, 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

Virginia Matrucano

September 14, 2012

Board of Selectmen:

There is nothing in the CORI background records to cause concern in approving Roger L. Card, Jr. as a manager for the VFW liquor license.

Jackie Shanley, Secretary

John F. Glass Jr. VFW Post 2188 Inc.

12 STATION ST,

MIDDLEBORO MA, 02346

(508) 947-8648

08/28/2012

To whom it may concern:

We the elected members / trustees have unanimously voted Roger L. Card Jr. as bar manager of the facility know as the Middleboro VFW Post 2188.

A handwritten signature in black ink, appearing to read "Eric Goodnow". The signature is written in a cursive style with a large initial "E".

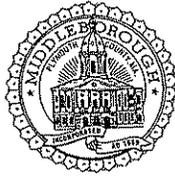
Respectfully Adjutant Eric Goodnow



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, September 17, 2012 at 7:30 PM to accept the layout of Silo Lane in Middleborough, MA, on such terms as the Selectmen shall determine for the purposes of a Town way, such property being shown on a plan entitled "Silo Lane 'Tispaquin Farms' Roadway Layout - A Chapter 40B Development in Middleborough, MA", dated September 3, 2008, drawn by John W. Delano and Associates, Inc., which plan is on file with the Town Clerk's office.

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

Publish: September 6, 2012
Payment forthcoming - Advertiser # 300074



ARTICLE 21

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

September 11, 2012

Mr. Alfred P. Rullo, Jr., Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave.
Middleborough, MA 02346

Re: Tispaquin Farms – Silo Lane

Honorable Board:

The Planning Board, at their regularly scheduled meeting held September 11, 2012, voted to recommend favorable action on the layout and acceptance of Silo Lane by the Town of Middleborough contingent on receiving confirmation of recording of the mortgagees' subordination to the Lot 5 Hydrant Easement at the Plymouth County Registry of Deeds.

The Zoning Board of Appeals, pursuant to MGL Chapter 40B, found that the construction of the subdivision road and the installation of the municipal services to be complete at their public hearing on August 14, 2008 and voted to issue a Certificate of Completion for "Tispaquin Farms".

The Planning Board is in receipt of the following plan entitled: "Acceptance/Layout Plan 'Tispaquin Farms' a Chapter 40B Development in Middleboro, Massachusetts" dated September 3, 2008, revised September 11, 2012 prepared by John W. Delano and Associates, Inc. 27 Jefferson Street, Taunton, MA 02780 consisting of three (3) sheets.

If you should have any questions regarding this, please do not hesitate to contact the Planning Department.

Sincerely,

Michael J. Labonte, Chairman

MJL: lms

CC: Marcus Baptiste
Zoning Board of Appeals

NOTICE TO TAX COLLECTOR

TO: JUDY M MACDONALD, TREASURER/COLLECTOR
20 CENTRE STREET 3RD FLOOR
MIDDLEBOROUGH, MA 02346

FROM: Board of Selectmen

DATE: September 11, 2012

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

TF Development, Inc.
NAME OF APPLICANT/PETITIONER

TF Development Inc.
NAME OF PROPERTY OWNER

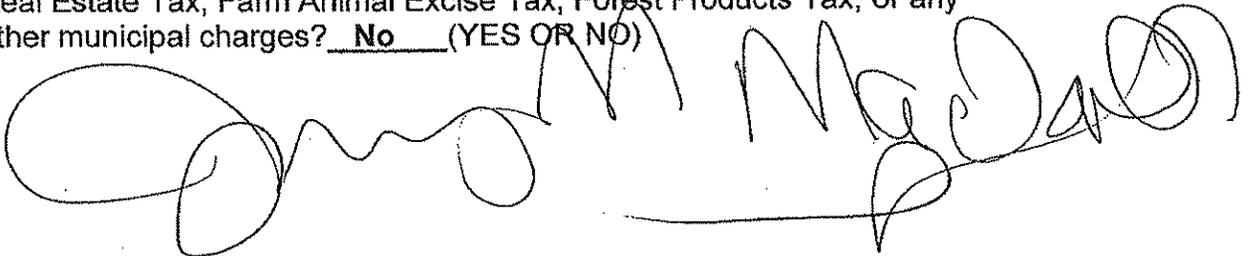
Silo Lane
ADDRESS OF LOCATION FOR PERMIT USE

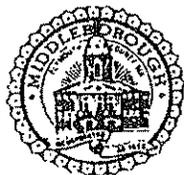
3 Chester Ave. Berkley, MA 02779
ADDRESS OF APPLICANT/PETITIONER

MAP 072

LOT 2281

Does Property Owner/Applicant/Petitioner owe Taxes and/or Municipal Charges, including Motor Vehicle Excise, Boat Excise, Personal Property Tax, Real Estate Tax, Farm Animal Excise Tax, Forest Products Tax, or any other municipal charges? No (YES OR NO)





The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, September 17, 2012 at 7:45 PM to accept the layout of Londonderry Lane in Middleborough, MA, on such terms as the Selectmen shall determine for the purposes of a Town way, such property being shown on a plan entitled "As-Built/Layout Plan of Londonderry Lane within Salem Heights, a Subdivision in Middleboro, MA", dated June 11, 2001, drawn by Ralph I. Maloon (R.I.M). Engineering Co., Inc., which plan is on file with the Town Clerk's office.

BOARD OF SELECTMEN

Alfred P. Rullo, Jr.

Allin Frawley

Steven P. Spataro

Ben Quelle

Stephen J. McKinnon

Publish: September 6, 2012

Payment forthcoming - Advertiser #300074



ARTICLE 22

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

September 11, 2012

Alfred P. Rullo, Jr., Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave.
Middleborough, MA 02346

Re: Salem Heights-Londonderry Lane

Honorable Board:

The Planning Board, at their regularly scheduled meeting held September 11, 2012, voted to recommend favorable action on the layout and acceptance of Londonderry Lane by the Town of Middleborough contingent on the Town receiving a recordable layout plan and the following work as identified in a November 2, 2011 memorandum being completed prior to Town Meeting:

Drainage Basin:

- Sediment to be cleaned from the rip-rap at the headwall
- Replace the grass areas in the Plympton Street swale with rip-rap to stabilize: between the paved scupper and the rip-rap and between the bottom of the rip-rap and the bottom of the basin.
- Loam and hydro-seed the grass slope at the corner of the basin west of the headwall where the rut has formed.
- Remove trees from within the drainage basin area (including debris and stumps).
- Remove debris from within the drainage basin (including mowing of grass).
- Unlock and re-align the chain link fence gate and repair the fence mesh.
- Repair the top rail on the west side of the chain link fence where bent and repair the fence mesh where it has pulled away from the rail.

Utilities:

- Straighten utility pedestals.
- Paint three rusting hydrants per Middleborough Fire Department and DPW standards.

The Planning Board, at their public hearing on August 7, 2001, found that the construction of the subdivision road and the installation of the municipal utilities, as approved June 9, 1987, to be complete, and have been built to the standards of the Town of Middleborough Subdivision Rules and Regulations. The Board, therefore, voted to issue a Certificate of Completion for "Salem Heights".

The Planning Board is in receipt of the following plan entitled: "As Built Layout Plan of Londonderry Lane within 'Salem Heights' a subdivision in Middleboro, Massachusetts" dated June 11, 2001,

Board of Selectmen
September 11, 2012
Page 2 of 2

prepared by RIM, Ralph I. Maloon Co., Inc., 150 North Main Street, Mansfield, MA 02040, consisting of one (1) paper sheet.

If you should have any questions regarding this, please do not hesitate to contact the Planning Department.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Labonte", with a long horizontal flourish extending to the right.

Michael J. Labonte, Chairman
For the Planning Board

MJL: lms

CC: Laura Jo Amaral, Trustee of Londonderry Realty Trust

Jacqueline Shanley

From: K Grasso <ktgrasso@live.com>
Sent: Wednesday, August 29, 2012 11:17 AM
To: Jacqueline Shanley
Subject: Civil Service List
Attachments: scan0006.pdf; scan0007.pdf; scan0008.pdf; scan0009.pdf; scan0010.pdf

Hello Ms. Shanley,

I am writing in regard to the conversation we had on the phone this morning requesting to be placed on the agenda at the next meeting of Selectmen. State Rep. Calter has a Bill exempting me from the upper age requirement (for the police civil service list) that is almost ready to pass. Similar bills have passed in other communities (ie. H.3464, H.3835, S.1942). In my case, the last item that needs to be addressed is local approval. I am forwarding a copy of the original email that was sent to each Selectman in January of 2012, eight months ago.

If you need to contact me, please call : 508-926-1234

Thank You,
Karen Grasso

From: ktgrasso@live.com
To: selectmanfrawley@middleborough.com; selectmanrullo@middleborough.com;
selectmanmckinnon@middleborough.com; selectmanspataro@middleborough.com; selectmanquelle@middleborough.com
Subject: Middleborough Police Dept. Civil Service List
Date: Tue, 31 Jan 2012 12:17:34 -0500

Dear Selectman,

I am writing in regard to the Middleboro police department civil service eligibility list. I took the test in April of 2011. The results were sent to me at the beginning of Nov. 2011. At the time of the test Middleboro had no upper age limit as a criteria. They changed to having an upper age limit of 32 on Oct. 6, 2011- well after the test. It stated according to Ch. 31 Section 58 "such person has reached his thirty-second birthday on or before the final date for the filing of applications, as stated in the examination notice, for the examination used to establish the eligible list from which such certification is to be made." However, since it was changed after the test, after the exam scores were sent to the police department it should not have been changed until the next civil service test and all applicants of this upper age limitation should be put back on the eligibility list for the town of Middleborough.

I spoke with Bruce Howard from the Massachusetts Civil Service Unit who said in order to be put back on the list I had to ask my state representative (as Middleboro is in the 12th district it would be Keiko Orrall) to write an act or law which excludes myself (and to be fair the other candidates whose eligibility was changed) from the upper age limitation. As Chief Gates has requested at the Dec. 5th at the Middleborough Town Meeting to fill an opening from the civil service list- I hope you can help me expedite matters at the town level. I have already contacted Representative Orrall about this matter and she is looking into it.

I received a score of 99 on this test, studied a great deal, I also have a Bachelors degree, and am a MA registered EMT. My family and I would greatly appreciate if this oversight could be corrected. As for the other candidates- even though I do not know them, they deserve the same opportunity. I have attached the supporting documentation (bottom right click- open with Adobe Reader if it gives you any trouble) & links. I can be reached at phone 508-926-1234 or via email- ktgrasso@live.com . Thank you so much for your help.

Sincerely,

Karen T. Grasso

www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter31/Section58

"No person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer in a city or town which has not accepted the provisions of sections sixty-one A and sixty-one B if such person has reached his thirty-second birthday on or before the final date for the filing of applications, as stated in the examination notice, for the examination used to establish the eligible list from which such certification is to be made."

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter31/Section58A>

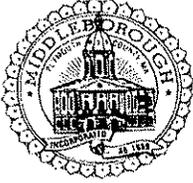
"Section 58A. Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty."

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter31/Section18>

"Each notice required by this section shall state the duties, compensation, and title of and required qualifications for the position for which the examination is to be held, the time, place and manner of applying for admission to the examination, the entrance requirements, if any, and any other information which the administrator determines should be included because of its relevancy and usefulness."

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346
(508) 947-1212
Fax (508) 947-1009



Bruce D. Gates
Chief of Police

Charles Cristello
Town Manager
Middleborough MA

RE: Karen Grasso

On August 31, 2012 Karen Grasso came into the Police Department and spoke with me about her status on the civil service list. She was eligible to be hired when the test was taken. Since the test we had Chap. 31 Sec. 58A passed at Town Meeting.

She said if she gets local approval she could be put on the list for consideration. I told her I would not support this.

She did leave a letter indicating she wished to be considered. She also said she was going to ask for consideration from the BOS because she was eligible when she took the exam and paid \$100 to take it.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Bruce Gates".

Bruce Gates,
Chief of Police

Incorporated 1669
335 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

TO: Board of Selectmen

FROM: Charles J. Cristello, Town Manager 

RE: Recommendation to Adopt Earth Removal Permit Regulations

DATE: September 7, 2012

I have attached a set of draft regulations from Town Counsel Dan Murray that will allow you to hire a consultant to advise you on future earth removal applications. He recommends that you advertise and hold a public hearing before adopting them. I suggest that you do so at your next meeting on September 17, 2012.

Please feel free to call me if you have any questions.

BOARD OF SELECTMEN
EARTH REMOVAL BY-LAW REGULATION – OUTSIDE CONSULTANTS

- SECTION 1. The Board of Selectmen (hereafter the Board) may employ outside consultants to assist the Board in carrying out its responsibilities under the Earth Removal By-Law. The Board may require an applicant for an earth removal permit under said By-Law to pay to the town reasonable fees for the employment by the Board of outside consultants to assist the Board with respect to its responsibilities under law and arising out of or in connection with an application for an earth removal permit or the grant of an earth removal permit.
- SECTION 2. Upon receipt by the Board of an application for an earth removal permit, the Board may send a bill to the applicant for the estimated cost of reasonable fees for employment by the Board of outside consultants. The Board may send a bill to the applicant for the cost of reasonable fees for employment by the Board of outside consultants if the amount in a bill for the estimated costs is not sufficient to pay for employment of outside consultants or if a bill for estimated costs has not been sent by the Board. The applicant shall pay all bills sent by the Board within thirty days of the date of the bill.
- SECTION 3. The Board shall notify the applicant in writing of the Board's selection of each consultant. The applicant shall have an administrative appeal from the selection of any consultant. The appeal shall be to the Board. The grounds for such appeal shall be limited to claims that a consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Board shall be extended by the duration of an administrative appeal. In the event that no decision is made by the Board within one month following the filing of an appeal, the selection made by the Board shall stand. All appeals shall be in writing and filed with the Town Clerk not later than fourteen days after the date of the notice to applicant of the selection of a consultant.
- SECTION 4. The Treasurer shall establish a separate special account into which all fees received from applicants with respect to consultants shall be deposited. The special account including interest, if any, shall be expended at the direction of the Board without further appropriation provided that such funds shall be expended only in connection with carrying out the Board's responsibilities under law. Any excess amount in the account attributable to a specific project including accrued interest, if any, shall be paid to the applicant or to the applicant's successor in interest, if applicable, at the completion of the project. The Board shall provide a final report of the account attributable to the project to the applicant or to the applicant's successor in interest, if the successor in interest is entitled to receive any excess. The Board may require proof that an applicant's successor in interest is entitled to receive any excess amount before authorizing payment of any excess to a successor in interest.

AUTHORITY FOR REGULATION; General Laws, Chapter 122 of Acts of 2012

REGULATION ADOPTED BY THE BOARD OF SELECTMEN – September 10, 2012



WARRANT FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

To Bruce D. Gates, 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 1, 2012 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 2013, 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 \$60,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation of account or other available source or by borrowing to purchase a 20/30 passenger special needs school bus with a wheelchair lift for the School Department, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$171,485 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 8. To see if the Town will vote to rescind various debt authorization(s) voted at previous town meeting(s) for capital projects and 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 capital projects voted at previous town meetings(s), or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$50,000 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 new stormwater activities required by the EPA/DEP, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$220,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C, or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$158,000 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 purpose of a revaluation update and interim updates for the Board of Assessors of commercial and industrial real estate and personal property, and completion of a satisfactory certification and satisfactory interim update, or act anything thereon.

ARTICLE 12. To see if the Town will vote to appropriate \$5,150 from the Historic Resources Reserve of the Community Preservation Fund to fund Phase I of the Middleborough Town Clerk's project for preservation of historic town records by conducting an assessment of said town records as preparation of restoring, preserving and microfilming said records including a computerized document management system; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 13. To see if the Town will vote to appropriate \$3,000 from the Historic Resources Reserve of the Community Preservation Fund to fund signage at fourteen (14) burial grounds of early settlers and historic leaders of our colonial community and veterans of the Revolutionary War, War of 1812 and Civil War; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to amend the Landfill Operations Agreement between the Town of Middleborough and Waste Management of Massachusetts, Inc. dated February 15, 2006 for the operation of the Brook Street Landfill pursuant to General Laws, Chapter 44, Section 28C (g) on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Lakeville to provide water service to existing water customers in the Town of Lakeville on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 16. To see if the Town will vote to adopt the following by-law:

Section 1. The Town of Middleborough Historical Commission (the "Commission") shall have authority on behalf of the Town to maintain the following historic, private cemeteries in Middleborough:

- Fall Brook Cemetery
- Halifax Cemetery
- Pierce Cemetery
- Reed Cemetery / Marion Road
- Sachem Street Cemetery
- Summer Street Cemetery
- Taunton Street Cemetery

Authority to maintain the said cemeteries shall include maintenance of burial lots in the cemeteries. Maintenance shall be limited to materials and services provided in connection with such maintenance.

Section 2. The Commission may engage one or more persons or parties to provide maintenance at the cemeteries or to make agreements on behalf of the Commission for such maintenance.

Section 3. The Commission shall be authorized to expend available income from the cemetery trust funds which relate to said cemeteries and which are held by the Town Treasurer and Collector of Taxes for maintenance expenses with respect to said cemeteries. Provided that the available income from a trust fund for a particular cemetery may be expended for maintenance expenses relating solely to that particular cemetery. And provided that the Commission shall not incur maintenance expenses for a particular cemetery which exceed the available income from the trust fund for that particular cemetery.

ARTICLE 17. To see if the Town will vote to adopt the following by-law:

Non-Criminal Disposition By-Law

Section 1. Violation of any Town by-law identified in Section 2 hereof may in the discretion of the Town officer who is the appropriate enforcing person be enforced in the manner provided under Section 21D of Chapter 40 of the Massachusetts General Laws. The enforcing person taking cognizance of a violation of any such by-law which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours not later than twenty-one days after the date of such notice. The non-criminal fine for each such violation shall be the amount identified in Section 2 hereof.

Section 2. The by-laws which are subject to this by-law and related penalties/fines are as follows:

<u>By-law</u>	<u>Penalty/Fine</u>
By-law regarding use of highways and streets (Adopted under Article 5 of March 7, 1927 Town Meeting)	\$ 20.00
By-law regarding public consumption of alcoholic beverages (Adopted under Article 7 of November 26, 1973 Town Meeting)	\$ 50.00
By-law regarding obstruction of roadway with snow or ice (Adopted under Article 11 of March 13, 1972 Town Meeting)	\$ 50.00
By-law regarding public use of marijuana (Adopted under Article 17 of May 26, 2009 Town Meeting)	\$300.00

Section 3.

The phrase "enforcing person" as used in this by-law shall mean any Town of Middleborough police officer with respect to any violation.

Section 4.

The provisions of Section 21D of Chapter 40 of Massachusetts General Laws shall apply to enforcement actions under this by-law, or act anything thereon.

ARTICLE 18. To see if the town will vote to amend the zoning by-laws by making the following changes as part of a recodification:

ITEM 1. Delete the following sections of the current Zoning By-law in their entireties, including amendments thereof:

- Section I Purpose
- Section II Definitions
- Section III Establishment of Districts
- Section IV Use Regulation
- Section V Area Regulations
- Section VI General Regulations

Section VII	Administration
Section VIII	Inlands Wetland District
Section IX	Development Opportunities (DO) District
Section X	Adult Mobile Home Parks
Section XI	Flood Plain District – Regulation of Flood Hazard Areas
Section XII	Water Resource Protection Districts By-Law (WRPD)
Section XIII	General Use District
Section XIV	Associate Member - Planning Board
Section XV	Adult Entertainment District
Section XVI	Open Space & Resource Preservation Development District
Section XVII	Business District
Section XVIII	Commercial Development (CD) District

ITEM 2. Substitute the following new Sections therefore:

Section 1.0	Purpose and Authority
Section 2.0	Districts
Section 3.0	Use Regulations
Section 4.0	Dimensional Requirements
Section 5.0	General Regulations
Section 6.0	Special Regulations
Section 7.0	Special Residential Regulations
Section 8.0	Overlay District Regulations
Section 9.0	Administration and Procedures
Section 10.0	Definitions

or act anything thereon.

ARTICLE 19. To see if the Town will vote to amend the Zoning By-laws by deleting Section XI in its entirety and substituting the following new Section XI therefore:

SECTION XI

FLOOD PLAIN DISTRICT (FPD)

- A. **PURPOSE.** It is the purpose of this Section to promote the public health, safety and general welfare and to minimize losses by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety or property due to water or erosion hazards or which cause damaging increases in erosion, erosion hazards, flooding or flood velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Discourage individuals from buying lands which are unsuited for intended purposes because of flood hazard;
 4. Control filling, grading and mineral extraction which may increase flood damage;
 5. Regulate the construction of levees, jetties and other works which may increase flood damage to lands which may be subject to flooding;
 6. Ensure public safety through reducing the threats to life and personal injury;

7. Eliminate new hazards to emergency response officials;
 8. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
 9. Avoid the loss of utility service which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
 10. Eliminate costs associated with the response and cleanup of flooding conditions; and,
 11. Reduce damage to public and private property resulting from flooding waters.
- B. **APPLICABILITY.** The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Middleborough designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Middleborough are panel numbers 25023C0303J, 25023C0304J, 25023C0308J, 25023C0309J, 25023C0311J, 25023C0312J, 25023C0313J, 25023C0314J, 25023C0316J, 25023C0317J, 25023C0318J, 25023C0319J, 25023C0328J, 25023C0329J, 25023C0336J, 25023C0337J, 25023C0338J, 25023C0339J, 25023C0343J, 25023C0431J, 25023C0432J, 25023C0433J, 25023C0434J, 25023C0442J, 25023C0451J, 25023C0452J, 25023C0453J, 25023C0454J, 25023C0456J, 25023C0458J, 25023C0459J, 25023C0461J, 25023C0462J, 25023C0466J, and 25023C0467J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.
- C. **BASE FLOOD ELEVATION AND FLOODWAY DATA.**
1. Floodway Data. In Zones A, and AE, along watercourses that have not had a regulatory floodway designated the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is less, within unnumbered A Zones.
- D. The Flood Plain District is hereby established as an overlay district. All development in the District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with the Wetlands Protection Act, Chapter 131 Section 40 of the Massachusetts General Laws and with the following:
1. The section of the Massachusetts' State Building Code which addresses floodplain areas (currently 780 CMR);
 2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 3. Inlands Wetlands Restriction, DEP (currently 310 CMR 13.00); and,
 4. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.00, Title 5)

- E. The boundaries of the Flood Plain District shall be determined by scaling distances in the said Maps except where elevations are provided in Zone AE. Where there appears to be a conflict between a mapped boundary and actual field conditions FEMA should be consulted for formal review and map revision. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- F. Notification of Watercourse Alteration. In a riverine situation, the Town Planner shall notify the following of any alteration or relocation of a watercourse:
1. Adjacent Communities
 2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
 3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110
- G. COMPLIANCE. No structure or land shall be used and no structure shall be located extended, converted or structurally altered without full compliance with the terms of this Section, the State Building Code and other applicable regulations.
- H. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Section to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this Section imposes greater restrictions, the provision of this Section shall prevail.
- I. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood and erosion protection required by this Section is considered reasonable for regulatory purposes and is based on scientific methods of study. Larger floods may occur. This Section does not imply that areas outside the Flood Hazard District boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Middleborough or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.
- J. REGULATORY FLOOD PROTECTION ELEVATION FOR MIDDLEBOROUGH. Within Zone A where the base flood elevation is not provided for on documents referred to in Subsection 8.1.2, the applicant shall produce any already existing, reasonable base flood elevation data and such data shall be submitted to the Buildings Inspector for development criteria.
- K. PERMITTED USES. The following uses which have low flood damage points and do not threaten other lands during times of flood are encouraged within the Special Hazard Areas (Zones A and AE), provided they are not prohibited by any other zoning regulations or other Bylaws and do not require storage of materials, structures, flood control works, or substantial filling or grading. But no use shall be permitted which adversely affects the capacity of the channels of floodways of streams, drainage ditches or any other drainage facility or system. (See FEMA List)
1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 2. Forestry and nursery uses.
 3. Conservation of water, plants and wildlife.

4. Wildlife management area, foot, bicycle and/or horse paths.
5. Temporary non-residential structures used in connection with fishing, growing harvesting, storage or sale of crops raised on the premises.
6. Buildings lawfully existing prior to the adoption of these provisions.
7. Municipal uses such as water works, pumping stations and other essential services.
8. Outdoor recreational uses including fishing, boating, play areas, beaches, beach cabanas not suitable for dwellings, boardwalks and steps to permit access across swamps or marshes, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale for food and refreshments, arts and crafts.
9. Residential uses such as lawns, gardens, parking areas and structures for storage not designed for human habitation.

L. OTHER USE REGULATIONS

1. Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Zone AE, along watercourses within the Town of Middleborough, that have a regulatory floodway designated on the Plymouth county FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. All subdivision proposals must be designed to assure that:
 - a. Such proposals minimize flood damage;
 - b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and,
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
4. Existing and proposed contours of site and elevations of existing and proposed structures must be included on plan proposal.
5. There shall be established a routing procedure which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector for comments which will be considered by the appropriate permitting Board prior to issuing applicable permits.

M. FLOOD PLAIN DISTRICT DEFINITIONS: For the purposes of Section XI, the following terms are defined below:

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AI-30, AE, A99, VI-30, VE, or V.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT: Section XI, the Flood Plain District.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency administering the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME (MOBILE HOME): A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, new construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD: See Base flood.

REGULATORY FLOODWAY: See Floodway.

SPECIAL FLOOD HAZARD AREA: An area having special flood and/or flood-related erosion hazards and shown on an FIRM as Zone A, AO, AI-30, AE, A99, AH, V, VI-30 or VE.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance coverage purposes, means a walled and roofed building other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such

construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A: The one hundred (100) year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available Federal, State, local or other data.

ZONE AE (for new and revised maps): The one hundred (100) year floodplain where the base flood elevation has been determined.

ZONE AH AND ZONE AO: The one hundred (100) year floodplain with flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99: Areas to be protected from the one hundred (100) year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONE X: Areas identified in the community flood insurance study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps. or act anything thereon.

ARTICLE 20. To see if the Town will vote to authorize the Municipal Light Board to purchase a parcel of land off the westerly side of Bedford Street in Bridgewater, MA believed to be owned now or formerly by Stiles & Hart Brick Company, containing 37.68 acres of land more or less being shown on Bridgewater Assessors Map 126 as Lot 7 on terms and conditions approved by the Municipal Light Board, to authorize the Municipal Light Board to use available funds of the Municipal Gas and Electric Department to pay the purchase price for the land, and to authorize the Board of Selectmen to make a confirmatory order of taking of the land by eminent domain, or at anything thereon.

ARTICLE 21. To see if the Town will vote to accept Silo Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled "Acceptance/Layout Plan, Silo Lane, 'Tispaquin Farms' a Chapter 40B Development in Middleborough, MA, (Plymouth County) Prepared For T.F. Development, Inc." which plan is dated September 3, 2008, and any related easements, or act anything thereon.

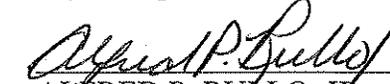
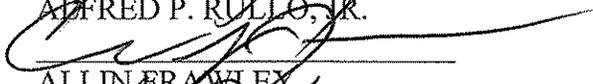
ARTICLE 22. To see if the Town will vote to accept Londonderry Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way and related easements as shown on the road layout plan, on file with the Town Clerk entitled "As Built/Layout Plan of Londonderry Lane within Salem Heights a

Subdivision in Middleboro, MA” dated June 11, 2001, drawn by R.I.M. Engineering Co., Inc. and any related easements, or act anything thereon.

ARTICLE 23. To see if the Town will vote to authorize the Board of Selectmen to make an exchange of land by conveyance of a parcel of Town land off Meadowbrooke Lane in Middleborough shown as Lot 1684 on Assessors Map 32 to Stephen and Maureen Bonfiglioli or other party in exchange for conveyance to the Town of a parcel of land on the easterly side of Thompson Street believed to be owned by Stephen and Maureen Bonfiglioli shown as Lot 5834 on Assessors Map 24 on such terms and conditions as the Board determines, or act anything thereon.

ARTICLE 24. To see if the Town will vote to authorize the Board of Selectmen to release to Stephen and Maureen Bonfiglioli or other party the Town’s interest in a drainage easement acquired in an Order of Taking by Eminent Domain dated January 30, 2012 of Meadowbrooke Lane and Bon View Circle recorded in the Plymouth County Registry of Deeds in Book 40950, Page 274, such drainage easement being located on Lot 7 (Lot 924 on Assessors Map 33) and shown on the plan recorded with said order of taking, and to authorize the Board of Selectmen to acquire in exchange for such release by deed and/or taking by eminent domain a drainage easement on said Lot 7 and adjoining Lot 8 (Lots 924 and 951 on Assessors Map 33) on such terms and conditions as the Board determines, or act anything thereon.

Given, under our hands at Middleborough, this 10th day of September, 2012.


ALFRED P. RULLO, JR.

ALLIN FRAWLEY

STEVEN P. SPATARO

BEN QUELLE

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 **13th day of September, 2012**, that date being more than fourteen days before the time specified for said meeting.


BRUCE D. GATES, Police Chief

ARTICLE 24

BONVIEW CORPORATION
237 THOMPSON STREET MIDDLEBOROUGH MA 02346
508-946-4944

March 14, 2012

Board of Selectman
10 Nickerson Ave.
Middleborough, MA 02346

Re: Meadowbrooke Lane - Lot 7 Map 033 Page 929, and Lot 8 Map 033 Page 951

Dear Board of Selectman,

We would like to move the drainage easement on lot 7 Map 033 Pg 929 and lot 8 Map 033 Pg 951 from the middle of the lots to the rear. The present location of the drainage creates a hardship in the sale of the lot and construction of the residence.

Presently the easement covers an area of 1500 square feet and could contain 1750 cubic feet of water during a 100 year storm event. By relocating the drainage easement to the rear of the lot it could contain an area of 4500 square feet and a volume of 4500 cubic feet of water during a 100 year storm.

I would like to request that this change be placed in the form of an Article on the Warrant for the Town Meeting in the fall.

If you have any questions regarding this issue please do not hesitate to call us.

Sincerely,

Stephen Bonfiglioli

Maureen Bonfiglioli

ARTICLE 20

MAP 33 LOT 916
N/F
STEPHEN & MAUREEN
BONFIGLIOLI
(OPEN SPACE PARCEL D)

LOT 7
MAP 33 LOT 924
N/F
BONVIEW CORP.

2 TREE PLANTINGS (PS)
2 BOULDERS

PROPOSED EASEMENT LINE

PROPOSED
DRAINAGE
EASEMENT

CALCULATED
100 YR. FLOOD
EL. 63.55

PROP.
SEPTIC
SYS.

LOT 8
MAP 33 LOT 951
N/F
BONVIEW CORP.

25' WIDE SLOPE EASEMENT

GAR.
EL. 71.0

PROP.
DWELLING
T.F. EL. 71.5

MEADOWBROOKE LANE

63
62.39
62.31

65
67
66
63
64
61

825PR LOT

**FIELD
ENGINEERING
CO., INC.**
CONSULTING ENGINEERS

190 INDUSTRIAL DRIVE
P.O. BOX 1178
MATTAPAN, MA 02726
TEL: (508) 756-2749
FAX: (508) 756-2849

THE CRACKER BUILDING
4 COURT STREET SUITE 104
TAUNTON, MA 02726
TEL: (508) 824-9273
FAX: (508) 824-9276

MAP 33 LOT 924 PROPOSED GRADING PLAN
BONVIEW CORP.
MEADOW FARM
MIDDLEBOROUGH, MASSACHUSETTS

Project No.	Date
925	8/14/12
Scale	Sheet
1"=40'	1 OF 1

ARTICLE 23

March 14, 2012

Board of Selectman
10 Nickerson Ave.
Middleborough, MA 02346

Re: Exchange of Land

Dear Board of Selectman,

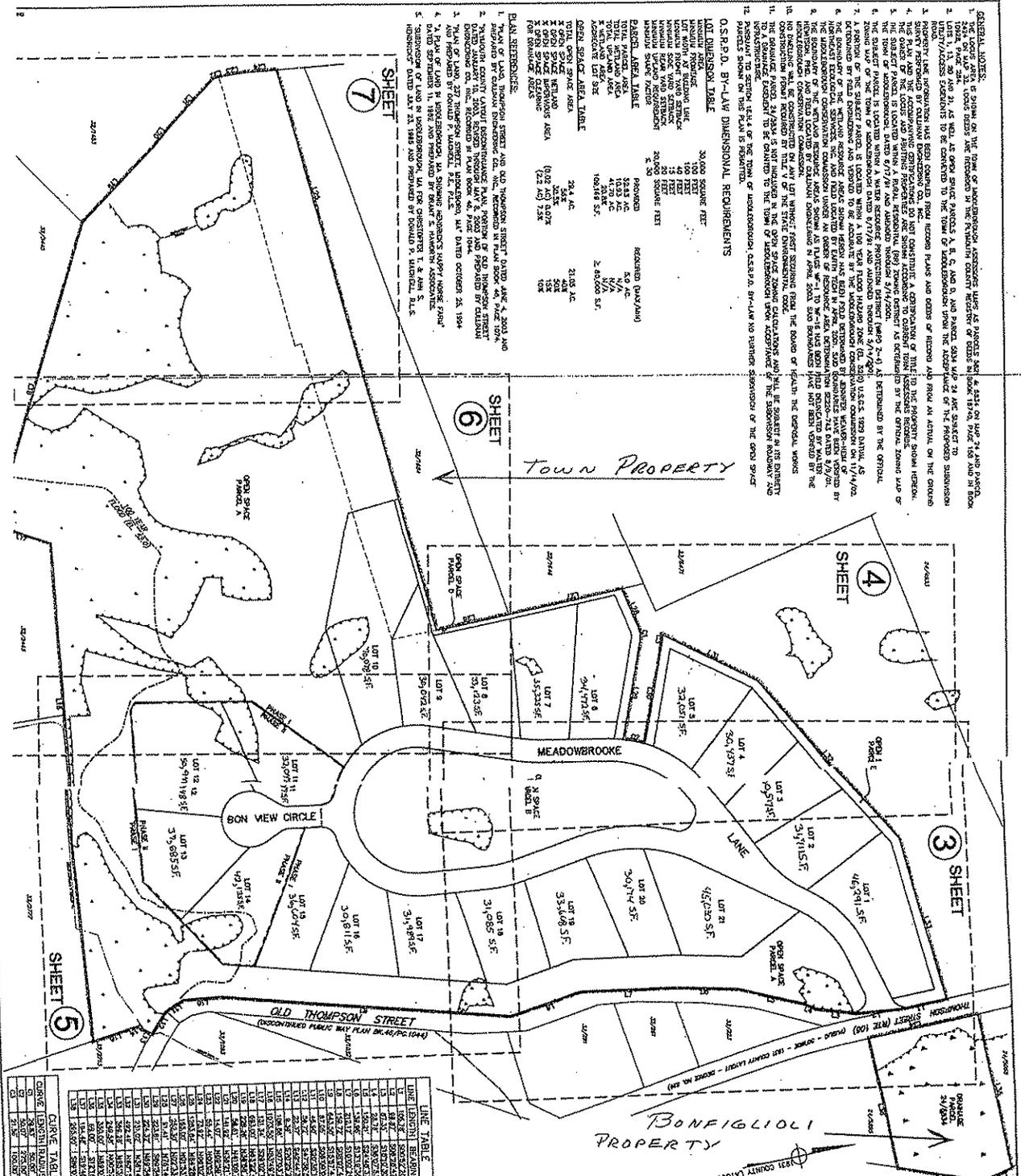
We would like to request that the Board of Selectmen place an Article on the fall town warrant to enable the exchange of Map 32 Pg 1684 owned by the Town of Middleborough and Map 24 Pg 5834, a drainage parcel owned by Stephen and Maureen Bonfiglioli. This would greatly benefit the Town of Middleborough for the future renovations of Thompson Street, route 105, for drainage and widening of the road.

This matter was previously discussed on March 9, 2012 between Charles Cristello, Town Manager, Ruth McCawley-Geoffroy, Town Planner and Andy Bagas, DPW.

Sincerely,

Stephen Bonfiglioli

Maureen Bonfiglioli



- GENERAL NOTES:**
1. THIS PLAN IS SUBMITTED IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.
 2. THE PLAN IS SUBJECT TO THE RECORDS OF THE REGISTERED PROFESSIONAL SURVEYOR.
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 12. THE PLAN IS SUBJECT TO THE RECORDS OF THE REGISTERED PROFESSIONAL SURVEYOR.

LOT DIMENSIONAL REQUIREMENTS

LOT DIMENSIONAL REQUIREMENTS	MINIMUM	MAXIMUM
LOT AREA	30,000 SQ. FT.	30,000 SQ. FT.
LOT WIDTH	100 FEET	100 FEET
LOT DEPTH	100 FEET	100 FEET
MINIMUM SIDE SETBACK	10 FEET	10 FEET
MINIMUM FRONT SETBACK	10 FEET	10 FEET
MINIMUM REAR SETBACK	10 FEET	10 FEET
MINIMUM CORNER SETBACK	10 FEET	10 FEET
MINIMUM DRIVEWAY SETBACK	10 FEET	10 FEET
MINIMUM DRIVEWAY WIDTH	10 FEET	10 FEET
MINIMUM DRIVEWAY CLEARANCE	10 FEET	10 FEET
MINIMUM DRIVEWAY GRADE	10 FEET	10 FEET
MINIMUM DRIVEWAY CURVE RADIUS	10 FEET	10 FEET
MINIMUM DRIVEWAY SLOPE	10 FEET	10 FEET
MINIMUM DRIVEWAY DRAINAGE	10 FEET	10 FEET
MINIMUM DRIVEWAY LIGHTING	10 FEET	10 FEET
MINIMUM DRIVEWAY SECURITY	10 FEET	10 FEET
MINIMUM DRIVEWAY MAINTENANCE	10 FEET	10 FEET
MINIMUM DRIVEWAY INSPECTION	10 FEET	10 FEET
MINIMUM DRIVEWAY RECORDS	10 FEET	10 FEET
MINIMUM DRIVEWAY COMPLIANCE	10 FEET	10 FEET
MINIMUM DRIVEWAY ENFORCEMENT	10 FEET	10 FEET
MINIMUM DRIVEWAY VIOLATIONS	10 FEET	10 FEET
MINIMUM DRIVEWAY PENALTIES	10 FEET	10 FEET
MINIMUM DRIVEWAY APPEALS	10 FEET	10 FEET
MINIMUM DRIVEWAY REVISIONS	10 FEET	10 FEET
MINIMUM DRIVEWAY CANCELLATION	10 FEET	10 FEET
MINIMUM DRIVEWAY RESCINDMENT	10 FEET	10 FEET
MINIMUM DRIVEWAY REVOCATION	10 FEET	10 FEET
MINIMUM DRIVEWAY ANNULLMENT	10 FEET	10 FEET
MINIMUM DRIVEWAY EXPIRATION	10 FEET	10 FEET
MINIMUM DRIVEWAY TERMINATION	10 FEET	10 FEET
MINIMUM DRIVEWAY CESSATION	10 FEET	10 FEET
MINIMUM DRIVEWAY CANCELLATION	10 FEET	10 FEET
MINIMUM DRIVEWAY RESCINDMENT	10 FEET	10 FEET
MINIMUM DRIVEWAY REVOCATION	10 FEET	10 FEET
MINIMUM DRIVEWAY ANNULLMENT	10 FEET	10 FEET
MINIMUM DRIVEWAY EXPIRATION	10 FEET	10 FEET
MINIMUM DRIVEWAY TERMINATION	10 FEET	10 FEET
MINIMUM DRIVEWAY CESSATION	10 FEET	10 FEET

LINE TABLE

LINE NUMBER	DESCRIPTION
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FOR REGISTRY USE

DATE APPROVED: 4-6-04

DATE DRAFTED: 6-8-04

APPROVED UNDER THE SUBDIVISION CONTROL LAW

STEPHEN & MAUREEN BONFIGLIOLI

1. REGISTRY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE PLAN AS SUBMITTED TO THE REGISTERED PROFESSIONAL SURVEYOR AND THAT NO CHANGES HAVE BEEN MADE TO THE PLAN SINCE IT WAS SUBMITTED TO THE REGISTERED PROFESSIONAL SURVEYOR.

2. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

3. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

4. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

5. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

6. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

7. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

8. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

9. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

10. THE REGISTERED PROFESSIONAL SURVEYOR HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SUBDIVISION MAP ACT, CHAPTER 266A, AS AMENDED.

FIELD ENGINEERING

CONTRACT ENCLINCHER

PERMITTING

DEFINITIVE SUBDIVISION PLAN OF LAND MEADOWBROOKE FARM

STEPHEN & MAUREEN BONFIGLIOLI

THOMPSON STREET

MIDDLEBOROUGH, MASSACHUSETTS

LOT INDEX PLAN SHEET 1 OF 6

20F-24

2

Incorporated 1669
341 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

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

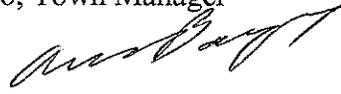
DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Andrew P. Bagas
D. P. W. Director

September 12, 2012

To: Charles Cristello, Town Manager

From: Andrew Bagas 

RE: October 1, 2012 Town Meeting Article 23

Article 23 proposes a land exchange with the Bonfiglioli's for the Town to acquire a parcel of land in Middleboro as shown on Assessors' Map 32, parcel 1684. This parcel is located on the easterly side of Thompson Street, across from Meadowbrooke Lane.

I recommend that the Board of Selectmen support this article. The parcel that the Town would acquire would have value to the Town as a drainage easement for future improvements to Thompson Street.

ARTICLE 9

September 13, 2012

Mr. Andrew Bagas
Middleborough Department of Public Works
48 Wareham Street
Middleborough, MA 02346

RE: Stormwater Services

Dear Mr. Bagas:

Per your request, this letter summarizes stormwater services conducted for the Town of Middleborough during Fiscal Year 2012, and anticipated services that Environmental Partners Group can conduct in Fiscal Year 2013 to assist the Town in complying with the EPA's Stormwater General Permit

Fiscal Year 2012 Stormwater Services

Last fiscal year, Environmental Partners Group significantly updated the map of the municipal separate storm sewer system (MS4) map for the Urbanized Area of the Town of Middleborough. This included the collection of data for 1339 drainage structures (e.g., catch basins, manholes, outfalls, detention basins) including their condition, size, material, photo. Updated maps and an outfall database report were submitted to the Town for their records. EPG also drafted an Illicit Discharge Detection and Elimination (IDDE) Plan which outlined the methodology for proactively addressing illicit discharges. Additionally during this period EPG provided draft stormwater language to add to the Town's water bills, and drafted the annual stormwater report to EPA/DEP. Lastly, EPG proposed amendments to the Water Resources Protection District bylaws to incorporate requirements of the EPA General Permit for stormwater. Following rejection of those proposed edits to the bylaw, EPG provided draft language to the Town for a General Bylaw that was separate from the WRPD bylaws.

Fiscal Year 2013 Stormwater Services

EPA's 2003 General Permit outlines a host of minimum control measures which the Town of Middleborough is required to implement. While the re-issuance of the 2003 permit has been delayed, the draft general permit that was issued in 2010 added detail to 2003 General Permit. The scope of work outlined herein builds on the 2003 General Permit requirements by using the detail contained in the 2010 draft permit, and also what EPG learned during an EPA audit of a South Shore municipality's storm water permit in August. During this audit, EPA specifically requested documentation on the items outlined in Tasks 2 thru 8.

Our proposed scope of work is as follows:

Task 1: Notice of Intent (NOI)

Under this task EPG will draft the Notice of Intent (NOI) for submittal to the EPA and DEP within 90 days of the effective date of the final Permit. The NOI will be based on the requirements of Section 1.7.2 of the draft 2010 EPA Stormwater General Permit requirements.

Cost: \$6,000

Task 2: Buildings and Facilities

Under this task (detailed in Section 2.4.7.1.b & c of the draft permit), EPG will conduct a follow-up audit of the 18 municipal facilities conducted in 2008 where potential stormwater pollutant sources/practices were observed to document that corrective actions were taken. The deliverable under this task would be a report documenting each inspection with a summary of observations and recommended corrective actions.

Cost: \$4,200

Task 3: Local Bylaw

Under this task, EPG will support (meetings, rewrites) the Town in seeking to adopt a new bylaw to incorporate the EPA-mandated new Construction Site Stormwater Runoff Control, Post Construction controls, and Illicit Discharge Detection and Elimination program requirements into the Town's bylaws. These are bylaws that the Town is required to adopt per the EPA General Permit.

EPG has been successful in other South Shore communities in their adoption of these regulations during the past year (Norwell, Marshfield). This will require active participation and feedback by Town departments (Conservation, Planning, Public Works, Building, and Board of Health) in order to complete this task. It is assumed that 5 meetings will occur as part of this Task in addition to language changes to the proposed bylaw previously submitted to the Town by EPG.

Cost: \$4,700

Task 4: MS4 Infrastructure Operation and Maintenance (O&M)

Under this Task (Section 2.4.7.1.d of the draft Permit), EPG will draft an MS4 Infrastructure O&M Program document. The O&M Program will be comprised of the following components: (1) Catch Basin Cleaning Optimization Program (with the crew of the Catch Basin cleaning program being the de facto inspectors of the MS4 infrastructure during regularly scheduled maintenance), (2) Street Sweeping Program (will rely on interviews with DPW representatives to document proposed street sweeping schedule), (3) Winter Road Maintenance Procedures (will rely on interviews with DPW representatives to document procedures), and (4) Inspection/Maintenance frequencies and procedures for the type of structural stormwater BMP's

Hyannis:

297 North Street, Suite 311, Hyannis, MA 02601
TL 508.568.5103 • FX 508.568.5125

Headquarters:

1900 Crown Colony Drive, Suite 402, Quincy, MA 02169
TL 617.657.0200 • FX 617.657.0201

Woburn:

18 Commerce Way, Suite 2000, Woburn, MA 01801
TL 781.281.2542 • FX 781.281.2543

(i.e., swales, retention/detention basins, etc.) that the Town of Middleborough maintains. We will interview DPW representatives to ensure that the different types of BMP's maintained by the Town are included.

Cost: \$10,800

Task 5: Stormwater Pollution Prevention Plan (SWPPP)

Section 2.4.7.2 of the draft 2010 permit requires a SWPPP for the Middleborough Highway Garage area. This task assumes that a site plan is available for this area. As part of this task, EPG will also conduct a site walkthrough to examine and make recommendations on the Town's management of oil/hazardous waste/solid waste at the Site. A letter report with observations/recommendation will be provided.

Cost: \$4,500

Task 6: Parks and Open Spaces

Under this task (detailed in Section 2.4.7.1.a of the draft 2010 permit), EPG will develop written O&M procedures for the proper use, storage and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products. An evaluation of lawn maintenance and landscaping will also be conducted to assess whether the Town's practices are protective of water quality. The plan will include a GIS map showing the areas, signage (pet waste) and required management procedures.

Cost: \$3,000

Task 7: Outfall Sampling

Under this task, EPG will undertake field sampling of 30 of the Town's approximately 120 stormwater outfalls, as required in section 2.4.4.7 of the draft 2010 permit. Samples would be collected in the Spring of 2013, after issuance of the final General Permit to ensure the proper parameters are collected. It is assumed for budgeting purposes that those parameters are consistent with the draft 2010 permit and what is outlined in the Town's IDDE plan. Outfalls will be sampled in the order outlined in the Town's IDDE plan. The results would be submitted to the Town with the sampling results and findings.

Cost: \$11,940

Task 8: Connectivity

While the current MS4 map contains over 2200 structures, connectivity between some of these structures is unknown; this connectivity is required to be mapped per the draft 2010 permit. Additional, there are 3 streets (West/East Grove Streets and Bedford Street) within the urbanized area where drainage structures still require mapping. Under this Task, EPG will conduct a 3 field day investigation with a two-man crew in areas where connectivity is unclear and to capture those remaining structures. It is assumed that this two man crew would be accompanied for one

Environmental Partners

GROUP

A partnership for engineering solutions

of these days with a representative from the DPW with knowledge of the system in an attempt to fill in the data gaps. Results would be mapped in GIS with an updated 11 x 17 map book submitted to the Town as a deliverable.

Cost: \$4,860

Upon your request, we would formalize this proposal with a Contract Agreement under the previously agreed Terms and Conditions. Environmental Partners is pleased to have this opportunity to serve the Town of Middleborough, and we look forward to working with you. Should you have any questions, require additional information, or would like to meet and discuss this proposal, please do not hesitate to call us at 617-657-0200.

Very truly yours,

ENVIRONMENTAL PARTNERS GROUP, INC.



C. Carter Fahy, P.E., LSP
Senior Project Manager

Hyannis:

297 North Street, Suite 311, Hyannis, MA 02601
TL 508.568.5103 • FX 508.568.5125

Headquarters:

1900 Crown Colony Drive, Suite 402, Quincy, MA 02169
TL 617.657.0200 • FX 617.657.0201

Woburn:

18 Commerce Way, Suite 2000, Woburn, MA 01801
TL 781.281.2542 • FX 781.281.2543



ARTICLE 18

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

ARTICLE # 18

ANNUAL TOWN MEETING

September 11, 2012

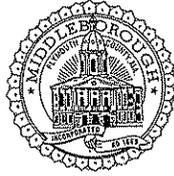
REPORT OF THE PLANNING BOARD

RECODIFICATION OF THE ZONING BYLAWS

On September 11, 2012, the Middleborough Planning Board voted unanimously to recommend **favorable** action on Article #18 as presented in the Town Meeting Handout, to amend the Town of Middleborough Zoning By-laws by deleting Sections 1-18 of the current Zoning By-laws in their entirety, including amendments thereof and substituting Sections 1.0-10.0 of the Recodified Zoning Bylaws therefore.

Michael J. Labonte, Chairman

Article 19



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

ARTICLE #19

ANNUAL TOWN MEETING

September 11, 2012

REPORT OF THE PLANNING BOARD

FLOOD PLAIN DISTRICT

On September 11, 2012, the Middleborough Planning Board voted unanimously to recommend **favorable** action on Article #19 as presented in the Town Meeting Warrant, to amend the By-laws by deleting Section XI – Flood Plain District in its entirety and substituting a new Section XI updating the bylaw to conform to the new requirements of the National Flood Insurance Program (NFIP) and the revised Flood Maps to become effective on July 17, 2012.

This Article was requested by

Michael J. Labonte, Chairman

Article #15

INTERMUNICIPAL WATER AGREEMENT
BETWEEN
THE TOWN OF MIDDLEBOROUGH
AND
THE TOWN OF LAKEVILLE

THIS AGREEMENT made and entered into this 30th day of July, 2012, ("Agreement"), by and between the Town of Middleborough, a municipal corporation in the Commonwealth of Massachusetts, acting by its Board of Selectmen ("Middleborough"), and the Town of Lakeville, a municipal corporation in the Commonwealth of Massachusetts, acting by its Board of Selectmen, ("Lakeville").

WITNESSETH:

WHEREAS, Middleborough is willing to deliver drinking water to Existing Water Customers (hereafter defined) in Lakeville; and

WHEREAS, Lakeville agrees with Middleborough that Middleborough may deliver drinking water to Existing Water Customers in Lakeville on terms and conditions set forth in this Agreement; and

WHEREAS, Lakeville agrees that it is in the interests of public health, safety and welfare of its residents for Lakeville to enter into this Agreement to permit Middleborough to provide water service to the Existing Water Customers.

WHEREAS, the parties enter this Agreement pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 4A.

NOW THEREFORE, in consideration of the mutual promises and covenants herein set forth, the sufficiency of which is hereby acknowledged, and in order to secure the services described below, the parties hereto agree as follows:

ARTICLE I

Section 101. **Obligations of Middleborough.** Middleborough shall supply water to “Existing Water Customers” as follows:

- A. The terms Existing Water Customers and Existing Water Customer for purposes of this Agreement shall mean those parties identified as Existing Water Customers in the Schedule attached hereto. The terms Existing Water Customers and Existing Water Customer shall include those persons who are the record owner(s) of a property identified in the Schedule at the time of this agreement and their successor(s) in title to the property.
- B. Middleborough is hereby authorized to supply water to Existing Water Customers.
- C. Sale or conveyance or other change of record ownership of a property identified in the attached Schedule by an Existing Water Customer shall not prevent Middleborough from continuing water service, as the case may be, to the successor owner(s) of the property.
- D. Middleborough may in its sole discretion terminate water service to an Existing Water Customer in the event that the use of the property of such customer being served changes to a use other than the Property Use of the property which is identified in the attached Schedule. Examples of use changes without limitation are: (1) a single family dwelling use is changed to a multiple dwelling use; (2) a single family dwelling use is changed to a business or commercial use; or (3) a single family dwelling use is changed to more than one single family dwelling use.

- E. Middleborough may in its sole discretion discontinue and terminate water service to an Existing Water Customer if the annual calendar year water consumption for a particular property of an Existing Water Customer exceeds the water consumption for the property being served for the immediately preceding calendar year by one hundred percent (100%) or more than one hundred percent (100%).
- F. Middleborough may terminate water service to an Existing Water Customer in the event the customer fails to pay Middleborough for the water as billed by Middleborough.

ARTICLE II

Section 201. **Obligations of Lakeville.** Lakeville understands and agrees to the following obligations, limitations, and commitments, in return for Middleborough's agreement to supply water to Existing Water Customers.

- A. **Limitation of Rights.** Nothing in this Agreement shall be construed as a grant by Middleborough of any exclusive right or privilege, or any waiver of any existing rights. Lakeville and all Existing Water Customers shall comply in all respects with the Rules and Regulations and rates of the Middleborough Water Department as in force from time to time, unless otherwise specified herein.
- B. The term of this Agreement shall be for twenty years and shall commence on October 1, 2012 and end on September 30, 2032 or upon termination by Middleborough of water supply to all Existing Water Customers in accordance with the terms of this Agreement, whichever is earlier,

provided that this Agreement is approved by the Middleborough Town Meeting as required by the Town of Middleborough by-laws.

- C. Lakeville and all Existing Water Customers shall do everything in their power to minimize wasteful use of water supplied by Middleborough.
- D. Middleborough may from time to time impose restrictions on the use of water by Existing Water Customers pursuant to Middleborough's Water Use Restriction By-law and as the same may be amended. Such restrictions may include but are not limited to outside watering bans, odd/even outside sprinkler use prohibition, day outside watering prohibition and other limitations. All Existing Water Customers shall comply with any such restrictions imposed by Middleborough.
- E. **Conformance to Law.** Middleborough, Lakeville, and all Existing Water Customers shall abide by all applicable laws of the United States and the Commonwealth of Massachusetts, together with such Rules and Regulations and rates as Middleborough may promulgate from time to time with regard to its water system. Middleborough shall provide Existing Water Customers with a thirty (30) day advance written notice of any proposed changes in its regulations that would impact such Existing Water Customers. Failure of such notice shall not relieve Lakeville or any Existing Water Customers from being subject to such changes.
- F. Lakeville shall take reasonable action to encourage payment of delinquent water bills of Existing Water Customers upon receipt of written notice from Middleborough.

Section 202. **Impairment of Supply.**

A. **Responsibility.** Middleborough may not be compelled to furnish water to Existing Water Customers continuously in the case of accident, or in the event that the water mains or their appurtenances or the source upon which the water supply is dependent are impaired. For purposes of this subsection, the word "accident" shall mean, among other things, any occurrence occasioned by the consequences of any act of God, act of public enemy, wars, blockades, riots, natural disasters, civil disturbances, labor strikes, power failures, explosions, or any cause which is not within the control of Middleborough, or which Middleborough is reasonably unable to overcome by the exercise of due diligence. None of the above-referenced causes or contingencies affecting performance shall relieve the Existing Water Customers from any obligation to make payments of amounts then due in respect to water theretofore delivered. Middleborough shall be the sole judge in all these matters, and its decision shall be final and binding upon Lakeville and the Existing Water Customers.

Section 203. **Correspondence.** Correspondence by Lakeville to Middleborough concerning any matter under this Agreement shall be sent to:

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

Correspondence by Middleborough to Lakeville concerning any matter under this Agreement shall be sent to:

Board of Selectmen
Town of Lakeville
Town Hall
346 Bedford Street
Lakeville, MA 02347

ARTICLE III PAYMENTS FOR SERVICES

Section 301. Rates. The rates charged for water delivered to Existing Water Customers shall be the same as the rates charged to comparable Middleborough customers located within Middleborough. Middleborough shall have the right and discretion to change water rates for customers in Middleborough at any time during the term of this Agreement which change(s) will impact rates payable by Existing Water Customers. The record owner(s) of a property being served pursuant to this Agreement shall be responsible to pay the rates charged for water service.

ARTICLE IV MISCELLANEOUS PROVISIONS

Section 401. This Agreement constitutes the entire Agreement between the parties.

Section 402. Each party hereto shall each indemnify, defend and hold harmless the other, its officers, boards, agents and employees from and against any and all claims, demand, liabilities, actions, causes of actions, cost and expenses, including attorney's fees, caused by or arising out of any act, omission or default on the part of the indemnifying party, or any of its agents or employees in connection with the terms of this Agreement or any breach thereof.

Section 403. Severability. If any clause or provision of this Agreement or application thereof shall be held unlawful or invalid, no other clause or provision of this Agreement or its application shall be affected, and this Agreement shall be construed and enforced as if such unlawful or invalid clause or provision had not been contained herein.

Section 404. This Agreement shall be for the benefit of and be binding upon the parties and their respective agents and legal representatives.

Section 405. Amendment. Except where otherwise provided for herein, the provisions, terms and conditions of this Agreement shall be modified only by written amendment(s) to this Agreement, executed with the same formality as this Agreement.

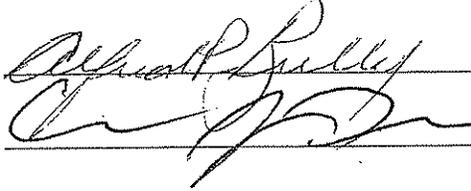
Section 406. Lakeville shall not assign its rights and obligations under this Agreement unless Middleborough consents to such assignment in writing. Middleborough shall not be required to consent to any assignment.

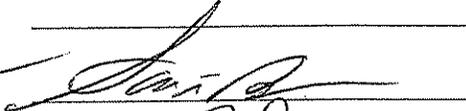
Section 407. Waiver. Failure of Middleborough to exercise any right hereunder shall not be deemed to prevent the exercise of such right at some future time.

Section 408. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

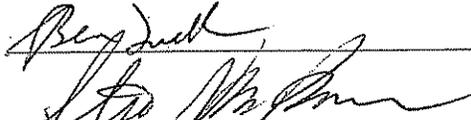
IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts,

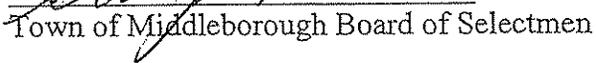
each of which shall be deemed an original on the date first set forth above.






Town of Lakeville Board of Selectmen




Town of Middleborough Board of Selectmen

MIDDLEBORO WATER DEPARTMENT
OUT OF TOWN CUSTOMERS

** UPDATED 8/7/2012 **

ACCOUNT #	NAME & MAIL ADDRESS	SERVICE ADDRESS	STATUS
2-1006	Bridgewater Savings Bank 756 Orchard Street Raynham, MA 02767	6 Main Street Lakeville	Active
2-1008	Richard & Nancy Aaron 8 Main Street Lakeville, MA 02347	same	Active
2-1010-1	Jack Conway & Co., Inc 10 Main Street Lakeville, MA 02347	same	Active
2-1020	Virginia Carrier 20 Main Street Lakeville, MA 02347	same	Active
2-1022	Janet M. Black 7 Twin Oak Road Lakeville, MA 02347	22 Main Street Lakeville	Active
2-1026	Stacey Kilburn & Josepn Cataloni 26 Main Street Lakeville, MA 02347	same	Active
2-1027	Anne Higgins 26R Main Street Lakeville, MA 02347	same	Active
2-1028	SFG Associates, Inc. 28 Main Street Lakeville, MA 02347	same	Active
2-1030	Darryl J. Bernier P.O. Box 464 Middleboro, MA 02346	30 Main Street Lakeville	Active
2-1036	Diana Starr 36 Main Street Lakeville, MA 02347	same	Active
2-1038	Marilyn Quelle 38 Main Street Lakeville, MA 02347	same	Active
2-1103	**** Matthew Comeau 3 Bridge Street Lakeville, MA 02347	3 Bridge Street Lakeville (New owner July 2012)	
2-1104	Leonard F. Vickery 4 Bridge Street Lakeville, MA 02347	same	Active

MIDDLEBORO WATER DEPARTMENT
OUT OF TOWN CUSTOMERS

** UPDATED 8/7/2012 **

ACCOUNT #	NAME & MAIL ADDRESS	SERVICE ADDRESS	STATUS
2-1107	Richard Crowell 7 Bridge Street Lakeville, MA 02347	same	Off at curb 10/21/04
2-1110	Jo-Ellen Kenney 10 Bridge Street Lakeville, MA 02347	same	Active
2-1111	Arleen M Bowles 11 Bridge Street Lakeville, MA 02347	same	Active
2-1112	Brian & Denise Manning 12 Bridge Street Lakeville, MA 02347	same	Active
2-1113	Arthur & Susan McTernan 13 Bridge Street Lakeville, MA 02347	same	Active
2-1114	Antonio Amaral 14 Bridge Street Lakeville, MA 02347	same	Active
2-1118	P. Marshall & T Burgess 18 Bridge Street Lakeville, MA 02347	same	Active
2-1122	Glen Robbins 22 Bridge Street Lakeville, MA 02347	same	Active
2-1126	Howard Bumpus 26 Bridge Street Lakeville, MA 02347	same	Active
2-1140	Clifford Chausse 1 Old Bridge Street Lakeville, MA 02347	same	Active
2-1141	Barry Standish 2 Old Bridge Street Lakeville, MA 02347	same	Active