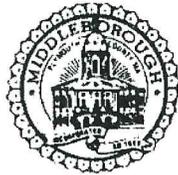


HEARINGS, MEETINGS, LICENSES

9-28-15



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 24, 2015 at 7:50 PM, for the purpose of discussing an application filed by Outback Engineering, Inc. on behalf of Brian Williams for an Earth Removal Permit for property located at Pentwyn Farm, Sonia Drive, Middleborough, Assessors Map 052, Lots 2926 & 3183 and Map 53, lots 1767 & 2549. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: 8/6/15

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074

Continued to 9.28.15 @ 7:30pm

STAND Removal Permit

Stec People:

I Request That you address .

The JAKE BRAKING ISSUE. ON THIS Earth
Removal Permit for the hill on wood ST
"From app 31 wood ST To the Green school".

We are getting a lot more TRUCKS TAKING IN this
area. and if we are going to have a TRUCK
every 12-15min for app 3 YRS some of these
TRUCKERS will show NO Respect for our
Peace of mind.

Please deal with this NOW NOT LATER.

Thank you

Ken Jasek
314 wood ST





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

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

September 24, 2015

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

RE: W.R.P.D. Application for Earth Removal Permit, owner Robert Backlund for Pentwyn Farm, Sonia Drive, Assessor's Map: 052 Lots: 2926 & 3181 and Map 053 Lots: 1767 & 2549.

Honorable Board,

I have received the revised plans submitted by Nyles C. Zager, P. E. of Outback Engineering on behalf of Brian Williams for Pentwyn Farm for an earth removal permit for Pentwyn Farm, Sonia Drive, Assessor's Map: 052 Lots: 2926 & 3181 and Map 053 Lots: 1767 & 2549. I have met with the applicant and his engineer at the Project Review Committee Meeting; I have no issues with this proposal.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d

Incorporated 1669



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

Christopher Peck
D. P. W. Director



DIVISIONS

Highway

Sanitation

Insect & Pest Control

Tree Warden

Wastewater

Water

September 24, 2015

Mr. Allin Frawley, Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: Pentwyn Farm- Earth Removal Permit Review Letter- 2nd Review

Dear Mr. Frawley,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by Outback Engineering on behalf of Brian Williams/Pentwyn Farms. As part of the submittal I received the following:

- Revised Earth Removal Permit Application and associated documentation dated September 15, 2015, prepared for the Applicant Brian Williams, prepared by Outback Engineering, Inc.
- Earth Removal Plan, "Pentwyn Farm" off Sonia Drive, prepared by Outback Engineering, dated June 29, 2015, revised September 15, 2015.
- Pre and Post Development Drainage Calculations

The Department of Public Works has no further comments at this time.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Ch Peck".

Christopher Peck
Director of Public Works



Town of Middleborough

Massachusetts

Board of Selectmen

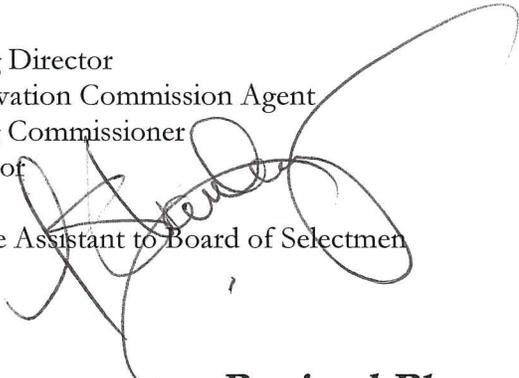
MEMORANDUM

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: September 22, 2015

SUBJECT: Application for Earth Removal Permit-*Revised Plans*
Pentwyn Farm, Sonia Drive
Map 52, Lots 2926 & 3183
Map 53, Lots 1767 & 2549



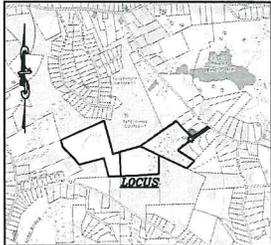
Attached please find **revised site plans** for the above referenced Earth Removal application. According to Outback Engineering, these plan revisions are to address the review letter by Atlantic Design.

The continuation of this hearing is scheduled for Monday, **September 28, 2015 at 7:30 PM.**

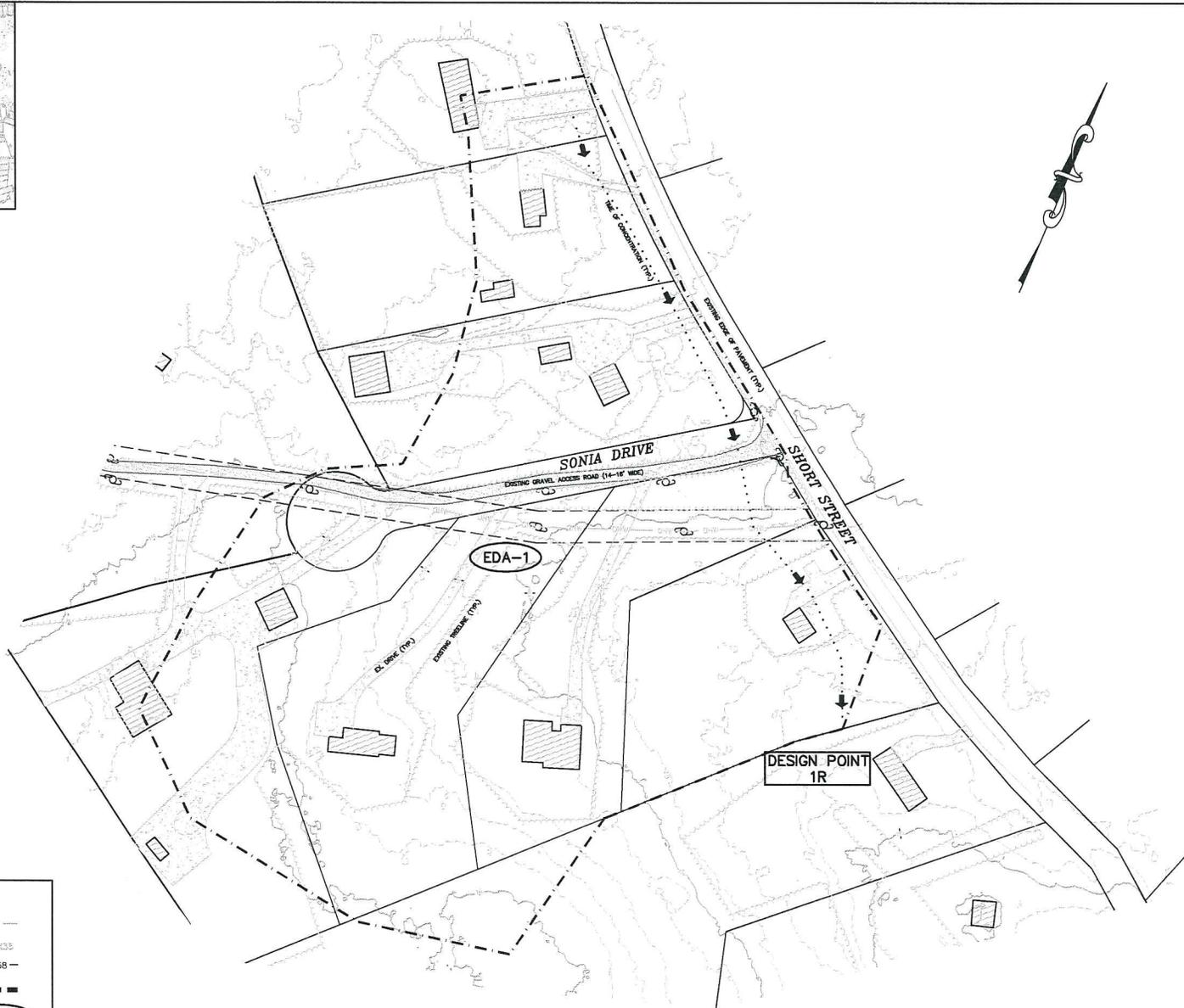
Please do your best to have comments/remarks on the revised site plans to the Selectmen's office **by Noon on Thursday, September 24th.**

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.



LOCUS MAP
SCALE: 1"=1500'



LEGEND

EXISTING CONTOUR	----
EXISTING SPOT ELEVATION	70.33
PROPOSED CONTOUR	—58—
DRAINAGE BOUNDARY	----
DRAINAGE AREA	EDA-1
To FLOWPATH	----->

REVISIONS		
NO.	DATE	DESCRIPTION

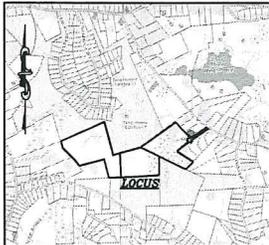
OWNER/APPLICANT
 ROBERT S BACKLIND
 3182 WEBBS HILL ROAD N.
 FLOYD, VA 24091
 ASSESSOR'S MAP: 52 LOTS: 2926 & 3183
 ASSESSOR'S MAP: 53 LOTS: 1787 & 2549
 DEED BOOK 25004 PAGE 143

APPLICANT
 BRIAN WILLIAMS
 P.O. BOX 225
 MANOMET, MA 02350

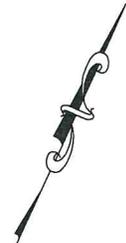
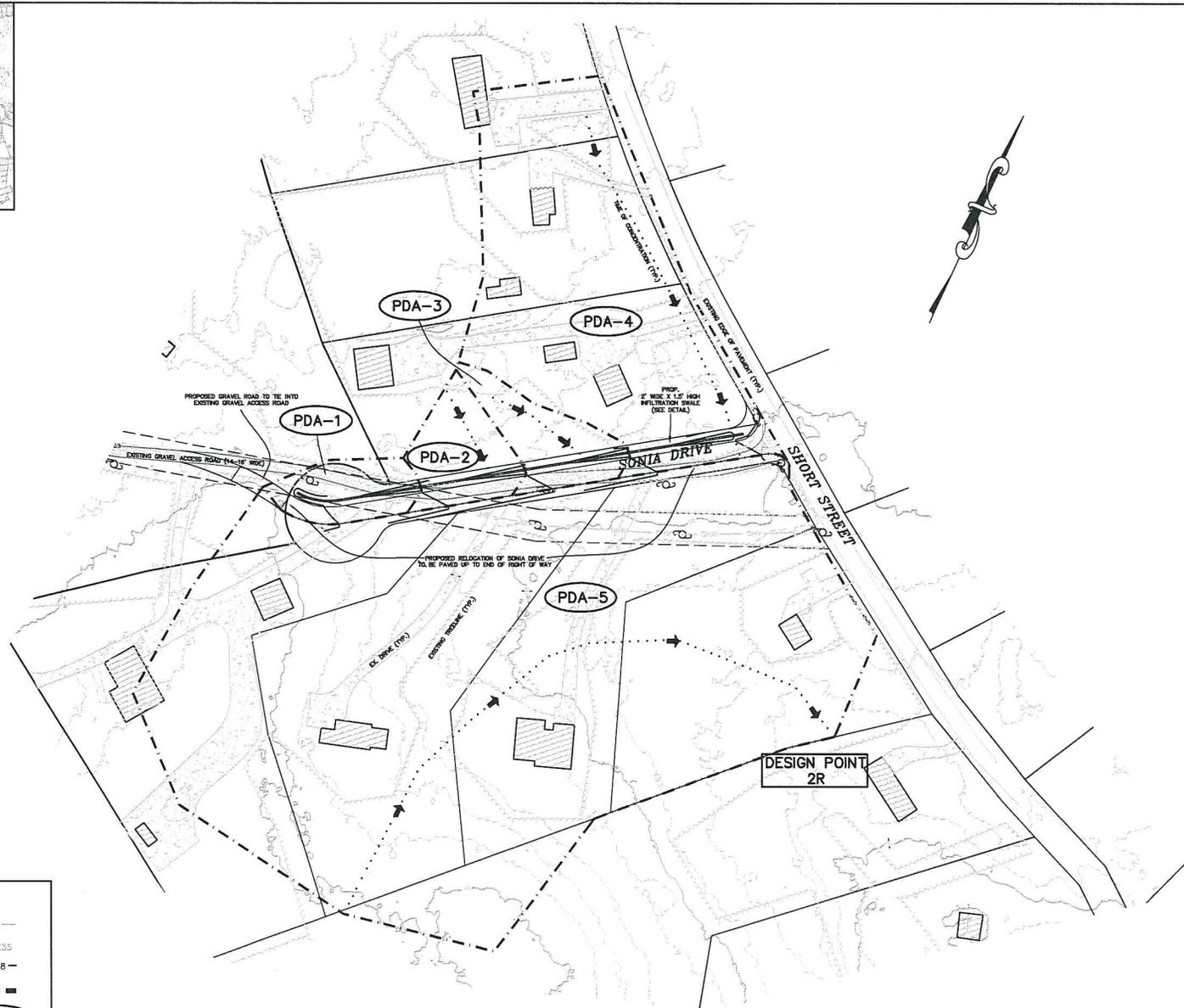
PRE-DEVELOPMENT DRAINAGE MAP
"PENTWYN FARM"
 OFF
SONIA DRIVE
 IN
MIDDLEBOROUGH, MASSACHUSETTS



DATE: SEPTEMBER 15, 2015	CHECKED BY: N.C.Z.
DRAWN BY: T.E.M.	SHEET 1 OF 2
SCALE: 1"=60'	180'
0'	60' 120' 180'



LOCUS MAP
SCALE: 1"=1500'



LEGEND

EXISTING CONTOUR	---
EXISTING SPOT ELEVATION	70.235
PROPOSED CONTOUR	-58-
DRAINAGE BOUNDARY	--- ---
DRAINAGE AREA	PDA-1
To FLOWPATH>

REVISIONS		
NO.	DATE	DESCRIPTION

OWNER/APPLICANT
 ROBERT S BACKLUND
 3182 WEBBS HILL ROAD N.
 FLOYD, VA 24091
 ASSESSOR'S MAP: 52 LOTS: 2926 & 3183
 ASSESSOR'S MAP: 13 LOTS: 1767 & 2549
 DEED BOOK 29004 PAGE 143

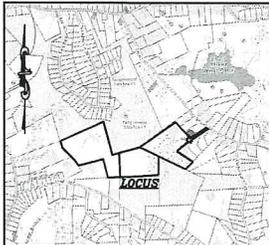
APPLICANT
 BRIAN WILLIAMS
 P.O. BOX 235
 MANOMET, MA 02360

POST-DEVELOPMENT DRAINAGE MAP
"PENTWYN FARM"
 OFF
 SONIA DRIVE
 IN
 MIDDLEBOROUGH,
 MASSACHUSETTS

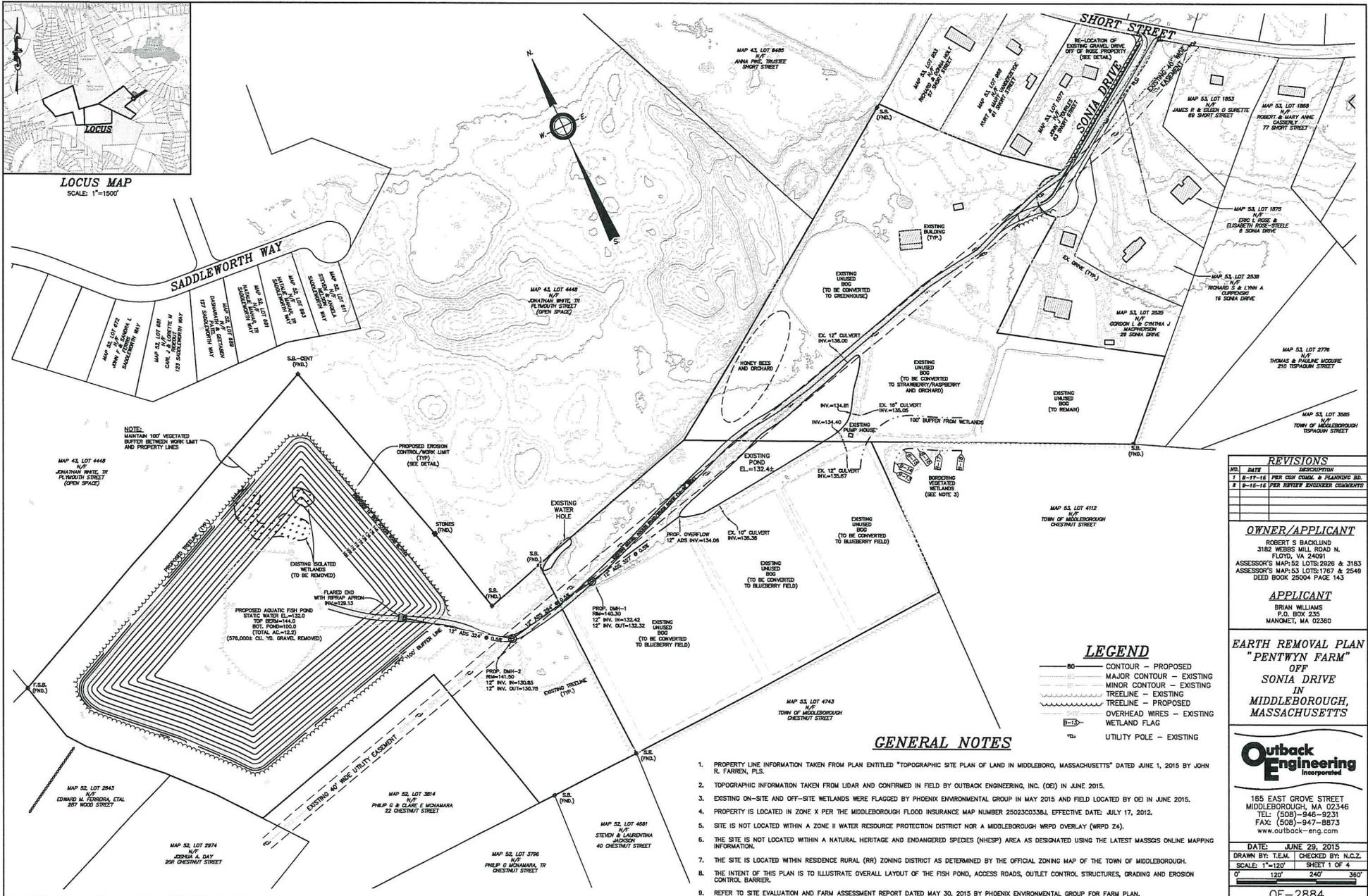


165 EAST GROVE STREET
 MIDDLEBOROUGH, MA 02346
 TEL: (508)-946-9231
 FAX: (508)-947-8873
 www.outback-eng.com

DATE: SEPTEMBER 15, 2015	CHECKED BY: N.C.Z.
DRAWN BY: T.E.M.	SHEET 2 OF 2
SCALE: 1"=60'	120'
0'	180'



LOCUS MAP
SCALE: 1"=1500'



NOTE:
MAINTAIN 100' VEGETATED BUFFER BETWEEN WORK LIMIT AND PROPERTY LINES

REVISIONS	
NO.	DATE
1	8-17-16 PER CIVIL ENGINE & PLANNING BD.
2	8-16-16 PER REVIEW ENGINEER COMMENTS

OWNER/APPLICANT
ROBERT S BACKLUND
3182 WEBBS HILL ROAD N.
FLOYD, VA 24091
ASSESSOR'S MAP-52 LOTS: 2926 & 3183
ASSESSOR'S MAP-53 LOTS: 1767 & 2549
DEED BOOK 25004 PAGE 143

APPLICANT
BRIAN WILLIAMS
P.O. BOX 230
MANOMET, MA 02350

LEGEND

— 80 —	CONTOUR - PROPOSED
— 10 —	MAJOR CONTOUR - EXISTING
— 12" INV. —	MINOR CONTOUR - EXISTING
— TREELINE —	TREELINE - EXISTING
— TREELINE —	TREELINE - PROPOSED
— W —	OVERHEAD WIRES - EXISTING
— W —	WETLAND FLAG
— U —	UTILITY POLE - EXISTING

GENERAL NOTES

- PROPERTY LINE INFORMATION TAKEN FROM PLAN ENTITLED "TOPOGRAPHIC SITE PLAN OF LAND IN MIDDLEBORO, MASSACHUSETTS" DATED JUNE 1, 2015 BY JOHN R. FARROW, P.L.S.
- TOPOGRAPHIC INFORMATION TAKEN FROM LIDAR AND CONFIRMED IN FIELD BY OUTBACK ENGINEERING, INC. (OE) IN JUNE 2015.
- EXISTING ON-SITE AND OFF-SITE WETLANDS WERE FLAGGED BY PHOENIX ENVIRONMENTAL GROUP IN MAY 2015 AND FIELD LOCATED BY OE IN JUNE 2015.
- PROPERTY IS LOCATED IN ZONE X PER THE MIDDLEBOROUGH FLOOD INSURANCE MAP NUMBER 2502303336A, EFFECTIVE DATE JULY 17, 2012.
- SITE IS NOT LOCATED WITHIN A ZONE II WATER RESOURCE PROTECTION DISTRICT NOR A MIDDLEBOROUGH WRPD OVERLAY (WRPD 24).
- THE SITE IS NOT LOCATED WITHIN A NATURAL HERITAGE AND ENDANGERED SPECIES (NHESP) AREA AS DESIGNATED USING THE LATEST MASSGIS ONLINE MAPPING INFORMATION.
- THE SITE IS LOCATED WITHIN RESIDENCE RURAL (RR) ZONING DISTRICT AS DETERMINED BY THE OFFICIAL ZONING MAP OF THE TOWN OF MIDDLEBOROUGH.
- THE INTENT OF THIS PLAN IS TO ILLUSTRATE OVERALL LAYOUT OF THE FISH POND, ACCESS ROADS, OUTLET CONTROL STRUCTURES, GRADING AND EROSION CONTROL BARRIERS.
- REFER TO SITE EVALUATION AND FARM ASSESSMENT REPORT DATED MAY 30, 2015 BY PHOENIX ENVIRONMENTAL GROUP FOR FARM PLAN.

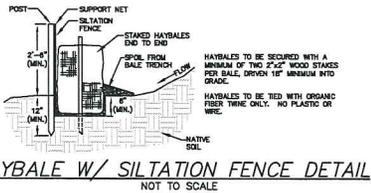
EARTH REMOVAL PLAN
"PENTWYN FARM"
OFF
SONIA DRIVE
IN
MIDDLEBOROUGH,
MASSACHUSETTS

Outback Engineering
Incorporated

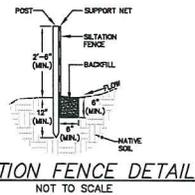
155 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-9231
FAX: (508)-947-8873
www.outback-eng.com

DATE: JUNE 29, 2015
DRAWN BY: T.E.M. CHECKED BY: N.C.Z.
SCALE: 1"=120' SHEET 1 OF 4
0' 120' 240' 360'

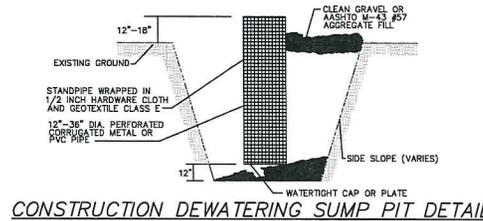
OE-2884



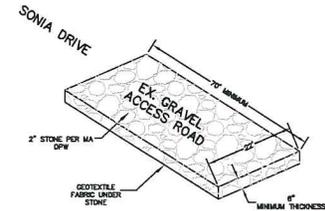
HAYBALE W/ SILTATION FENCE DETAIL
NOT TO SCALE



SILTATION FENCE DETAIL
NOT TO SCALE

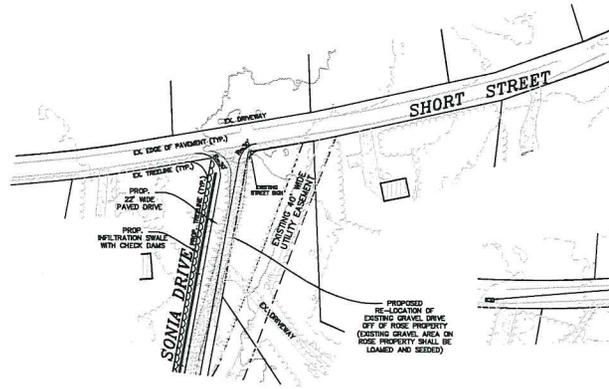


CONSTRUCTION DEWATERING SUMP PIT DETAIL
NOT TO SCALE

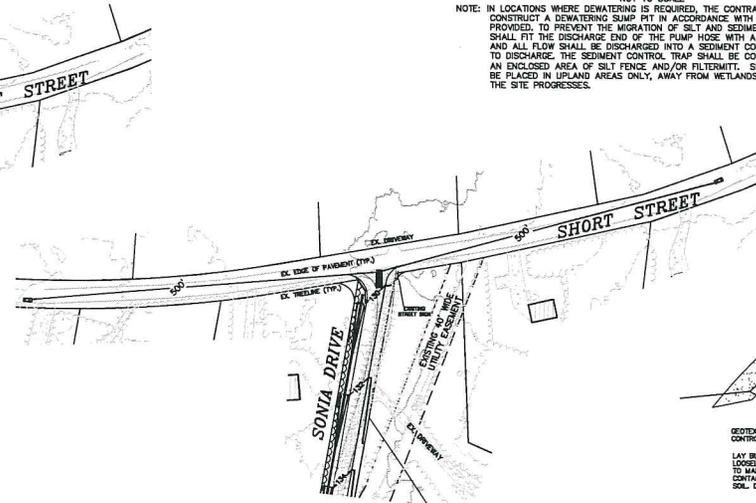


**PERSPECTIVE VIEW
TEMPORARY SITE CONSTRUCTION
ENTRANCE PAD**
NOT TO SCALE
(SEE PLAN FOR LOCATION)

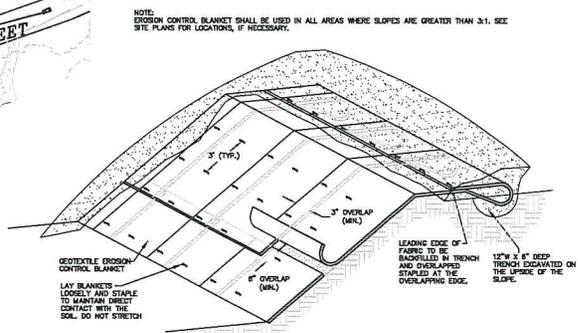
NOTE: IN LOCATIONS WHERE DEWATERING IS REQUIRED, THE CONTRACTOR SHALL CONSTRUCT A DEWATERING SUMP PIT IN ACCORDANCE WITH THE DETAIL PROVIDED. TO PREVENT THE MIGRATION OF SILT AND SEDIMENT, THE CONTRACTOR SHALL FIT THE DISCHARGE END OF THE PUMP HOSE WITH A COMPOSITE SOCK AND ALL FLOW SHALL BE DISCHARGED INTO A SEDIMENT CONTROL TRAP PRIOR TO DISCHARGE. THE SEDIMENT CONTROL TRAP SHALL BE CONSTRUCTED UTILIZING AN ENCLOSED AREA OF SILT FENCE AND/OR FILTERMATT. SEDIMENT TRAPS SHALL BE PLACED IN UPLAND AREAS ONLY, AWAY FROM WETLANDS, AS EXCAVATION OF THE SITE PROGRESSES.



ENTRANCE DETAIL
SCALE: 1"=80'



SIGHT DISTANCE DETAIL
SCALE: 1"=80'



GEOTEXTILE EROSION CONTROL BLANKET
NOT TO SCALE

CONSTRUCTION SEQUENCING PLAN

- PHASE 1 (ESTIMATED TIME: 1-2 MONTHS)**
- CONTRACTOR SHALL HAVE A COPY OF APPROVED SITE PLANS ON-SITE AT ALL TIMES.
 - INSTALL HAYBALES AND SILTFENCE AS SHOWN ON PLAN.
 - INSTALL CONSTRUCTION ENTRANCE PAD AT ENTRANCE OF SONIA DRIVE CUL-DE-SAC, AS SHOWN ON PLAN.
 - GRADE SWALE ALONG SONIA DRIVE AND ADD GRAVEL AT BOTTOM.
 - LOAM AND SEED SIDE SLOPES OF SWALE AND ALL AREAS THAT WERE DISTURBED DURING CONSTRUCTION OF THE SWALE.
 - RE-LOCATE SONIA DRIVE ACCESS DRIVE AND PLACE BROADER PER PLANS.
 - LOAM AND SEED DISTURBED AREAS WITHIN RE-LOCATION OF ACCESS DRIVE, INCLUDING BUT NOT LIMITED TO ADJUTING PROPERTIES.
- PHASE 2 (ESTIMATED TIME: 2-4 MONTHS)**
- THE FORESTED AREA AT THE POND WILL NEXT NEED TO BE CUT AND STUMPED. THE BRUSH, WOOD AND STAMPS WILL BE HALLED OFF SITE FOR REUSE AND/OR DISPOSAL.
 - STAMPS TO BE HALLED AWAY FOR DISPOSAL. BRUSH TO BE REMOVED/BURNIT IF POSSIBLE. WOOD TO BE SOLD AS LOGS OR CUT AND SPLIT FOR FIREWOOD/LIMBER.
- PHASE 3 (ESTIMATED TIME: 2-2.5 YEARS)**
- SAND IN PROPOSED POND WILL NEXT BE REMOVED AND THE SAND EXCAVATED TO AN ELEVATION OF 100. SAND TO BE TRUCKED FROM THE SITE.
 - THE POND WILL NEXT BE CONSTRUCTED BY EXCAVATING ALONG THE PERIMETER OF THE POND, REMOVING SAND AND BACKFILL WITH LESS POROUS GRAVEL. ALL MATERIAL, THE EXCAVATION AND BACKFILL PROCEDURE, WILL CONTINUE AROUND THE PERIPHERY OF THE POND UNTIL THE SHAPE OF THE POND IS FORMED.
 - CONTRACTOR WILL USE SEEDING/COVERING METHODS, IF NECESSARY, PER DETAIL PROVIDED.
 - THE POND SLOPES WILL BE FORMED AND PROPERLY STABILIZED.
 - INSTALL 840' OF 12" OVERFLOW PIPE IN THREE SECTIONS WITH TWO DRAIN MANHOLES AS SHOWN ON PLAN.
 - AS-BUILT OF POND TO BE PERFORMED BY DESIGN ENGINEER AND SUBMITTED TO THE TOWN OF MIDDLEBOROUGH FOR ISSUANCE OF A CERTIFICATE OF APPROVAL.

REVISIONS	
NO.	DATE
1	8-17-16
2	8-16-16

OWNER/APPLICANT
ROBERT S BACKLUND
3182 WEBER HILL ROAD N.
FLOYD, VA 24091
ASSESSOR'S MAP: 52 LOTS: 2926 & 3183
ASSESSOR'S MAP: 53 LOTS: 1767 & 2549
DEED BOOK 25004 PAGE 143

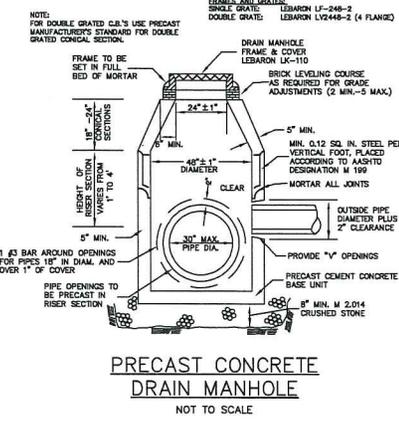
APPLICANT
BRIAN WILLIAMS
P.O. BOX 225
MANOMET, MA 02560

**DETAIL SHEET
"PENTWYN FARM"
OFF
SONIA DRIVE
IN
MIDDLEBOROUGH,
MASSACHUSETTS**

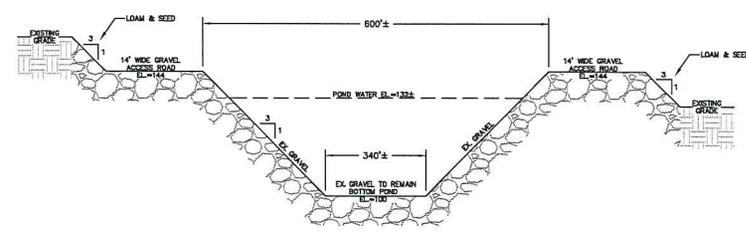


165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02546
TEL (508)-846-9231
FAX (508)-847-8873
www.outback-eng.com

DATE: JUNE 29, 2015
DRAWN BY: T.E.M. CHECKED BY: N.C.Z.
SCALE: AS SHOWN SHEET 2 OF 4



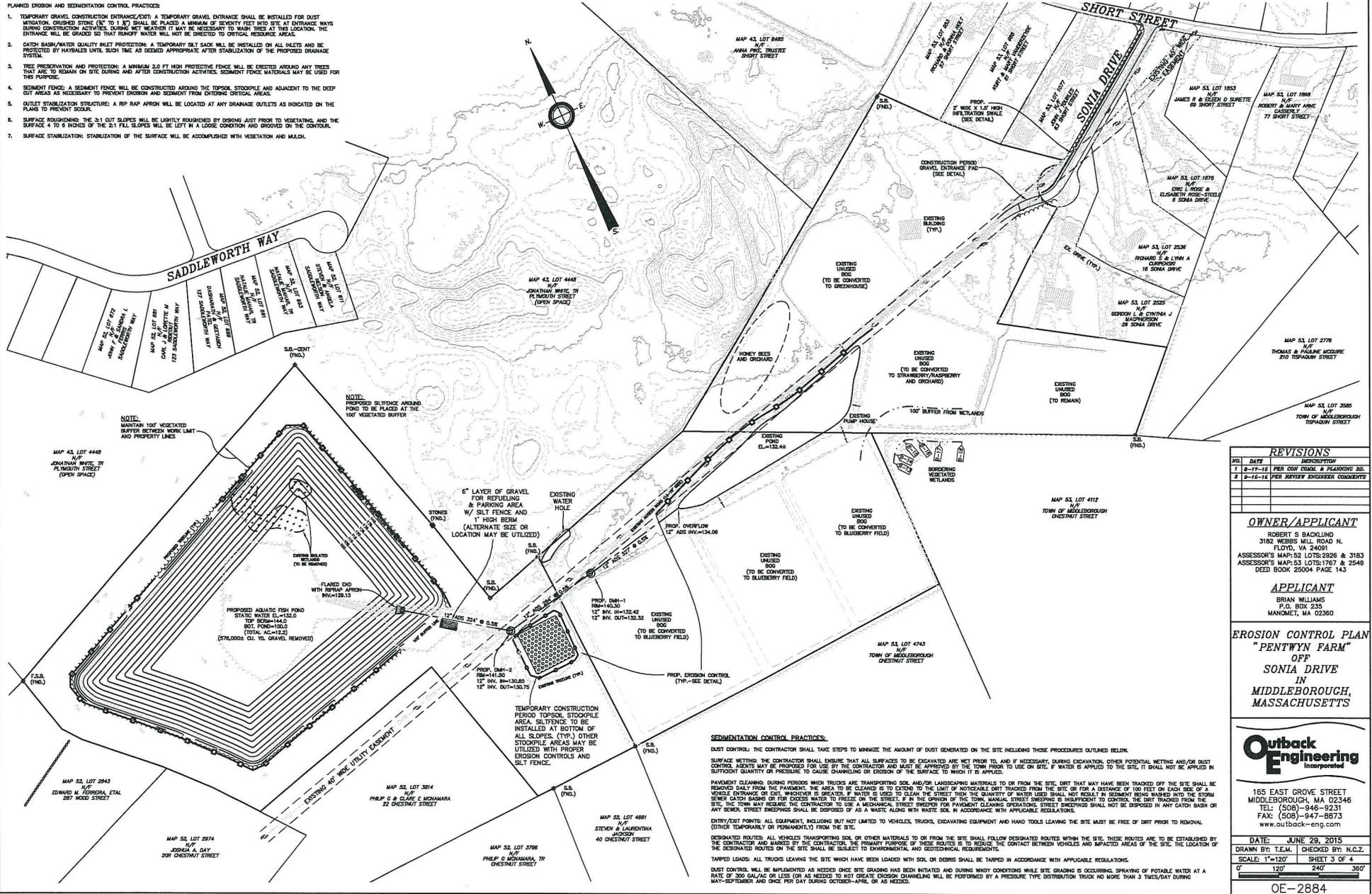
**PRECAST CONCRETE
DRAIN MANHOLE**
NOT TO SCALE



POND CROSS-SECTION DETAIL
NOT TO SCALE

PLANNED EROSION AND SEDIMENTATION CONTROL PRACTICES:

1. TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/DIRT: A TEMPORARY GRAVEL ENTRANCE SHALL BE INSTALLED FOR DUST MITIGATION. CRUSHED STONE (NO. 1 TO 1 1/2") SHALL BE PLACED A MINIMUM OF SEVENTY FEET INTO SITE AT ENTRANCE WAYS DURING CONSTRUCTION ACTIVITIES. DURING WET WEATHER IT MAY BE NECESSARY TO MOISTEN AT THE LOCATION. THE ENTRANCE WILL BE GRADED SO THAT RUNOFF WATER WILL NOT BE DIRECTED TO CRITICAL RESOURCE AREAS.
2. DIRT BARRIERS/WATER QUALITY BUILT PROTECTION: A TEMPORARY SILT BARRIERS WILL BE INSTALLED ON ALL INLETS AND BE PROTECTED BY HAYBALES UNTIL SUCH TIME AS DEEMED APPROPRIATE AFTER STABILIZATION OF THE PROPOSED DRAINAGE SYSTEM.
3. TREE PRESERVATION AND PROTECTION: A MINIMUM 2.0 FT HIGH PROTECTIVE FENCE WILL BE ERRECTED AROUND ANY TREES THAT ARE TO REMAIN ON SITE DURING AND AFTER CONSTRUCTION ACTIVITIES. SEDIMENT FENCE MATERIALS MAY BE USED FOR THIS PURPOSE.
4. SEDIMENT FENCE: A SEDIMENT FENCE WILL BE CONSTRUCTED AROUND THE TOPSOIL STOCKPILE AND ADJACENT TO THE DEEP CUT AREAS AS NECESSARY TO PREVENT EROSION AND SEDIMENT FROM ENTERING CRITICAL AREAS.
5. OUTLET STABILIZATION STRUCTURE: A RIP RAP APRON WILL BE LOCATED AT ANY DRAINAGE OUTLETS AS INDICATED ON THE PLANS TO PREVENT SCOUR.
6. SURFACE ROUGHENING: THE 3:1 CUT SLOPES WILL BE LIGHTLY ROUGHENED BY DIGGING JUST PRIOR TO VEGETATING, AND THE SURFACE 4 TO 6 INCHES OF THE 2:1 FULL SLOPES WILL BE LEFT IN A LOOSE CONDITION AND GROOVED ON THE CONTOUR.
7. SURFACE STABILIZATION: STABILIZATION OF THE SURFACE WILL BE ACCOMPLISHED WITH VEGETATION AND MULCH.



REVISIONS	
NO.	DATE
1	8-17-16 PER CIVIL CODE & PLANNING Bd.
2	8-16-16 PER REVIEW ENGINEER COMMENTS

OWNER/APPLICANT
 ROBERT S BACKLUND
 3182 WEBBS MILL ROAD N.
 FLOYD, VA 24001
 ASSESSOR'S MAP: 52 LOTS: 2926 & 3183
 ASSESSOR'S MAP: 53 LOTS: 1787 & 2549
 DEED BOOK 26504 PAGE 143

APPLICANT
 BRIAN WILLIAMS
 P.O. BOX 235
 MANOMET, MA 02360

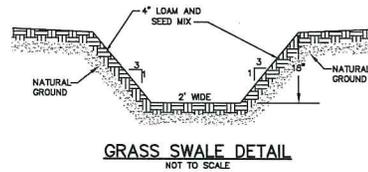
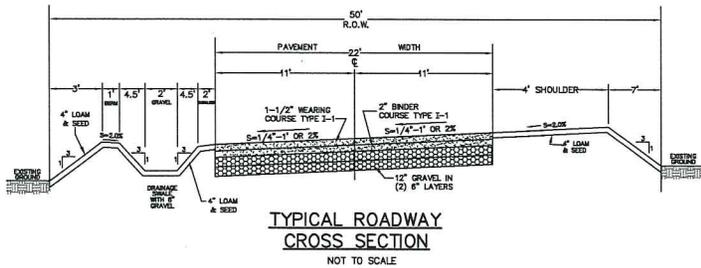
EROSION CONTROL PLAN
"PENTWYN FARM"
 OFF
SONIA DRIVE
 IN
MIDDLEBOROUGH,
MASSACHUSETTS



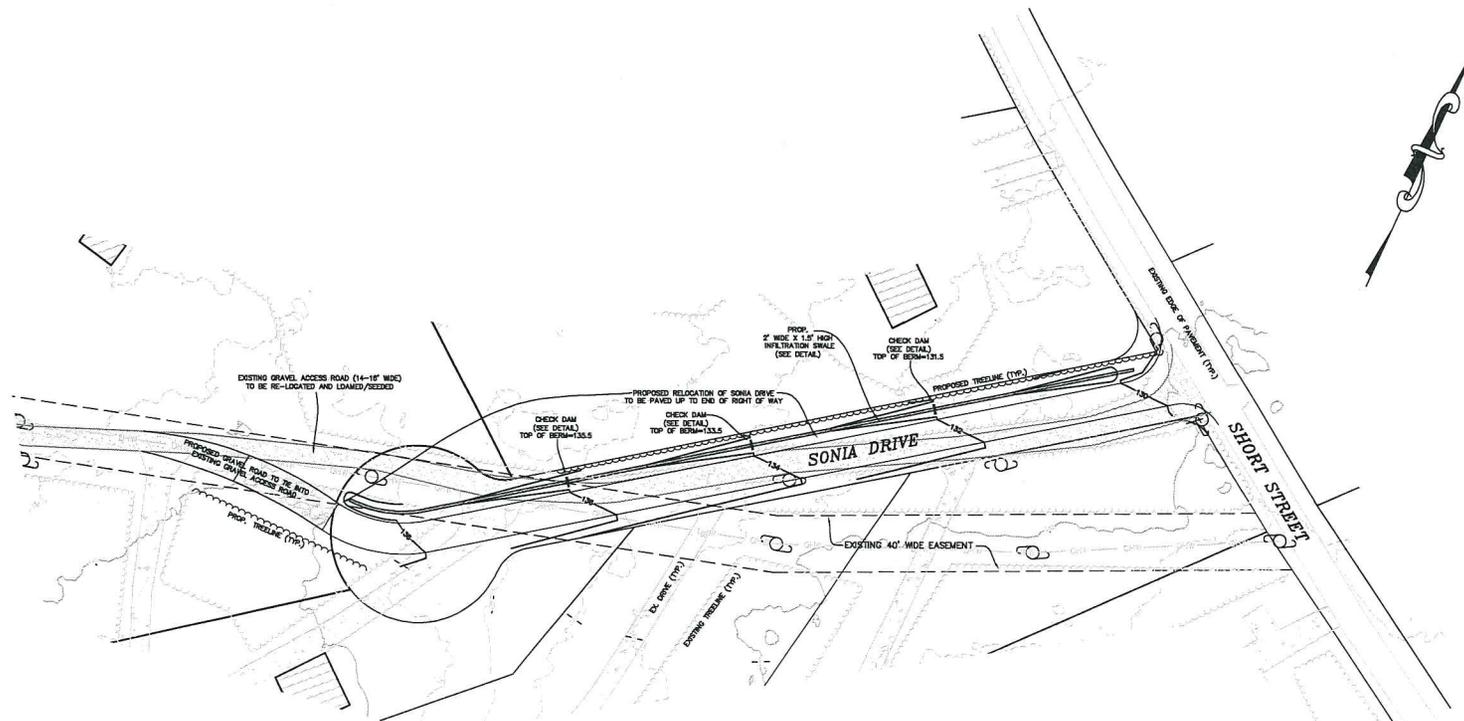
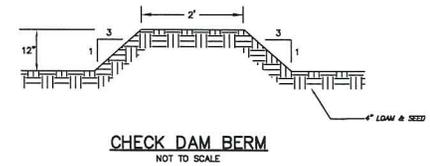
165 EAST GROVE STREET
 MIDDLEBOROUGH, MA 02346
 TEL: (508)-946-0231
 FAX: (508)-947-8873
 www.outback-eng.com

DATE: JUNE 29, 2015
 DRAWN BY: T.E.M. CHECKED BY: N.C.Z.
 SCALE: 1"=120' SHEET 3 OF 4
 0' 120' 240' 360'

SEDIMENTATION CONTROL PRACTICES:
 DUST CONTROL: THE CONTRACTOR SHALL TAKE STEPS TO MINIMIZE THE AMOUNT OF DUST GENERATED ON THE SITE INCLUDING THOSE PROCEDURES OUTLINED BELOW.
 SURFACE WETTING: THE CONTRACTOR SHALL ENSURE THAT ALL SURFACES TO BE EXCAVATED ARE WET PRIOR TO, AND IF NECESSARY, DURING EXCAVATION. OTHER POTENTIAL WETTING AND/OR DUST CONTROL AGENTS MAY BE PROPOSED FOR USE BY THE CONTRACTOR AND MUST BE APPROVED BY THE TOWN PRIOR TO USE ON SITE. IF WATER IS APPLIED TO THE SITE, IT SHALL NOT BE APPLIED IN SUFFICIENT QUANTITY OR PRESSURE TO CAUSE CHANNELING OR EROSION OF THE SURFACE TO WHICH IT IS APPLIED.
 PAVEMENT CLEANING: DURING PERIODS WHEN TRUCKS ARE TRANSPORTING SOIL AND/OR LANDSCAPING MATERIALS TO OR FROM THE SITE, DIRT THAT MAY HAVE BEEN TRACKED OFF THE SITE SHALL BE REMOVED DAILY FROM THE PAVEMENT. THE AREA TO BE CLEANED IS TO EXTEND TO THE LIMIT OF VISIBLE DIRT TRACKS FROM THE SITE OR FROM A DISTANCE OF 100 FEET ON EACH SIDE OF VEHICLE ENTRANCE OR EXIT, WHICHEVER IS GREATER. IF WATER IS USED TO CLEAN, THE STREET WHEN THE QUANTITY OF WATER USED SHALL NOT RESULT IN SEDIMENT BEING WASHED INTO THE STORM SEWER OR INTO BARRIERS OF EXCESS WATER TO FREEZE ON THE STREET. IN THE EVENT OF SUCH A SITUATION, STREET SWEEPING IS NECESSARY TO CONTROL THE DIRT TRACKED FROM THE SITE. THE TOWN MAY REQUIRE THE CONTRACTOR TO USE A MECHANICAL STREET SWEEPER FOR PAVEMENT CLEANING OPERATIONS. STREET SWEEPINGS SHALL NOT BE DEPOSITED IN ANY CATCH BASIN OR ANY OTHER STREET SWEEPINGS SHALL BE DEPOSITED AS A WASTE ALONG WITH WASTE SOIL IN ACCORDANCE WITH APPLICABLE REGULATIONS.
 ENTRY/EXIT POINTS: ALL EQUIPMENT INCLUDING BUT NOT LIMITED TO VEHICLES, TRUCKS, EXCAVATING EQUIPMENT AND HAND TOOLS LEAVING THE SITE MUST BE FREE OF DIRT PRIOR TO RELOAD (OTHER TEMPORARILY OR PERMANENTLY) FROM THE SITE.
 DESIGNATED ROUTES: ALL VEHICLES TRANSPORTING SOIL OR OTHER MATERIALS TO OR FROM THE SITE SHALL FOLLOW DESIGNATED ROUTES WITHIN THE SITE. THESE ROUTES ARE TO BE ESTABLISHED BY THE CONTRACTOR AND MARKED BY THE CONTRACTOR. THE PRIMARY PURPOSE OF THESE ROUTES IS TO REDUCE THE CONTACT BETWEEN VEHICLES AND IMPACTED AREAS OF THE SITE. THE LOCATION OF THE DESIGNATED ROUTES ON THE SITE SHALL BE SUBJECT TO ENVIRONMENTAL AND GEOTECHNICAL REQUIREMENTS.
 TAMPED LOADS: ALL TRUCKS LEAVING THE SITE WHICH HAVE BEEN LOADED WITH SOIL OR DEBRIS SHALL BE TAMPED IN ACCORDANCE WITH APPLICABLE REGULATIONS.
 DUST CONTROL: WILL BE IMPLEMENTED AS NEEDED ONCE SITE GRADING HAS BEEN INITIATED AND DURING WINDY CONDITIONS WHILE SITE GRADING IS OCCURRING. SPRAYING OF POTABLE WATER AT A RATE OF 300 GALS/AC ON LEVELS OR AS NEEDED TO NOT CREATE EROSION CHANNELING WILL BE PERFORMED BY A PRESSURE TYPE DISTRIBUTION TRUCK NO MORE THAN 3 TIMES/DAY DURING MAY-SEPTEMBER AND ONCE PER DAY DURING OCTOBER-APRIL OR AS NEEDED.



SWALE TO BE STABILIZED WITH EROSION CONTROL BLANKETS UNTIL STABILIZED
EXISTING TOP AND SUBSOIL BENEATH SWALE
TO BE REMOVED TO A DEPTH OF NATURALLY OCCURRING PERVIOUS SOIL AND REPLACED
WITH CLEAN WASHED SAND TO THE DEPTH REQUIRED.



REVISIONS	
NO.	DESCRIPTION
1	8-17-16 PER CON CONSULT & PLANNING RD.
2	9-16-16 PER REVIEW ENGINEER COMMENTS

OWNER/APPLICANT
ROBERT S BACKLUND
3182 WEBBS MILL ROAD N.
FLOYD, VA 24091
ASSESSOR'S MAP: 52 LOTS: 2926 & 3183
ASSESSOR'S MAP: 53 LOTS: 1767 & 2549
DEED BOOK 25004 PAGE 143

APPLICANT
BRIAN WILLIAMS
P.O. BOX 235
MANOMET, MA 02360

DETAIL SHEET
"PENTWYN FARM"
OFF
SONIA DRIVE
IN
MIDDLEBOROUGH,
MASSACHUSETTS

Outback Engineering
Incorporated

165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-0231
FAX: (508)-947-8873
www.outback-eng.com

DATE: JUNE 29, 2015
DRAWN BY: T.E.M. CHECKED BY: N.C.Z.
SCALE: AS SHOWN SHEET 4 OF 4

OE-2884



August 19, 2015

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

**Re: Initial Engineering Review
Earth Removal Permit Application
Pentwyn Farm
ADE Project #2518.38**

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our initial engineering review of the site plans and application materials for the above-referenced project relative to an application for a permit under the Earth Removal bylaw. The plans are dated 6/29/15 and are prepared by Outback Engineering, Inc. for Brian Williams of Manomet, MA.

We have the following comments:

1. The Farm Assessment by Phoenix Environmental indicates that a "Pond Border" of ground cover vegetation will be constructed 100 feet around the pond to prevent twigs, branches, and leaves from entering the pond.

This contradicts the required 100 foot treed buffer shown on the plans. Please clarify.

2. The sections of access drive that encroach onto abutting properties should be relocated into the Sonia Drive Right-of-Way.
3. For the section of access road that is a shared access with the abutting residences on Sonia Drive, we have the following comments:
 - a.) Due to increased truck traffic, a detailed Operation and Maintenance Plan for this section of roadway should be provided to ensure the access to the residences isn't degraded over time.
 - b.) Safety measures (signs, etc.) should be put in place to alert trucks that the access is through a residential area. Consideration should be given to planted buffers along the road.
4. The tracking pad detail should be modified to reflect the existing width of the access road.
5. Test pit information/groundwater levels could not be found in the application. Is the pond to be fed by groundwater?



6. Please indicate the proposed static water elevations of the pond.
7. Provide a cross-section of the pond construction grades, slope cover material, access road width/construction materials, water elevation, etc.
8. Clarify the location of the limit of work/erosion control measures. It appears to be shown 10' inside the required 100' treed buffer, effectively reducing it to only 90 feet.
9. In regard to the proposed 12" overflow pipe:
 - a.) Confirm that the pipe/manholes are allowed to be installed within the existing utility easement as shown.
 - b.) We suggest adding a manhole to reduce the 622 foot pipe length.
 - c.) Provide erosion protection at the outlet into the pond
 - d.) Depending upon the proposed static water elevation in the pond, could this pipe surcharge and flow back to the existing pond?
10. The Construction Sequencing on Sheet 2 should indicate anticipated timelines for each phase and should also include the drainage pipe installation. In addition, clarify what is meant in Phase 2 that "excess material stockpiled adjacent to the remaining trees"?
11. Clarify that the stockpile area on the plan is for topsoil only as outlined in the Project Plan. Also, clarify why hay bales/silt fence are only shown on one side of the stockpile area.
12. Is any safety/perimeter fencing proposed?
13. Calculations and the criteria for sizing the pond could not be found in the application materials. To comply with Project Plan requirement 7J, provide technical references and the criteria to explain why the pond has to be 40 feet deep and 12.2 acres in size.
14. The SWPPP required for construction activities and compliance with the NPDES program, 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.

Richard J. Tabaczynski, P.E.
Vice President

cc: Nyles Zager, Outback Engineering

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 18, 2015

Mr. Allin Frawley, Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: Pentwyn Farm- Earth Removal Permit Review Letter

Dear Mr. Frawley,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by Outback Engineering on behalf of Brian Williams/Pentwyn Farms. As part of the submittal I received the following:

- Earth Removal Permit Application dated June 29, 2015, prepared for the applicant Brian Williams, prepared by Outback Engineering, Inc.
- "Site Evaluation and Farm Assessment for property located off Sonia Drive", dated May 30, 2015, prepared by Phoenix Environmental Group.
- Earth Removal Plan, "Pentwyn Farm" off Sonia Drive, prepared by Outback Engineering, dated June 29, 2015

The Department of Public Works comments are as follows:

1. The Applicant has provided a Temporary Site Construction Entrance Pad detail on sheet two of the proposed plans. The purpose of the construction entrance is to prevent sediment from being tracked from Sonia Drive onto Short Street. The construction entrance should be maintained throughout the duration of the project.
2. The Applicant should provide "Caution Trucks Entering and Exiting" signs along both sides of Short Street prior to the intersection with Sonia Drive.
3. The Applicant should provide the proposed truck route listing all roads to be utilized.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "C. Peck".

Christopher Peck
Director of Public Works



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 18, 2015

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

RE: W.R.P.D. Application for Earth Removal Permit, owner Robert Backlund for Pentwyn Farm, Sonia Drive, Assessor's Map: 052 Lots: 2926 & 3181 and Map 053 Lots: 1767 & 2549.

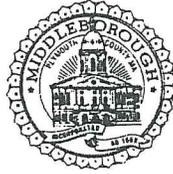
Honorable Board,

I have received the plans submitted by Nyles C. Zager, P. E. of Outback Engineering on behalf of Brian Williams for Pentwyn Farm for an earth removal permit for Pentwyn Farm, Sonia Drive, Assessor's Map: 052 Lots: 2926 & 3181 and Map 053 Lots: 1767 & 2549. I have met with the applicant and his engineer at the Project Review Committee Meeting; I have no issues with this proposal.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

PHONE: 1-508-946-2406
FAX: 1-508-946-2309

MEMORANDUM

TO: ✓ Board of Selectmen
Ruth Geoffroy, Planning Director
Robert Whalen, Building Commissioner
Christopher Peck, DPW Superintendent

FROM: Patricia J. Cassady, Conservation Agent *[Signature]*

RE: Earth Removal Application – Sonia Drive (Brian Williams/Pentwyn Farm) (Map 52, Lots 2926 & 3183 and Map 53, Lots 1767 & 2549)

DATE: August 3, 2015

This memorandum is in response to the earth removal permit that the above-mentioned applicant has submitted to the Board of Selectmen.

This project is currently before the Conservation Commission as a Request for Determination of Applicability. At the Commission's July 16th, 2015 meeting there were concerns about 1) the overflow pipe from the proposed pond toward the Conservation Restriction (CR) at Tanglewood (there should be nothing affecting the CR), and 2) how taking water from the existing pond would affect the wetlands on the adjacent Town Property. How the water will connect between the two ponds with a possible new overflow area will need to be put on revised plans. Also, the applicant will need to file for a NPDES Permit under the EPA and submit a Stormwater Pollution Prevention Plan (SWPPP) because they are impacting more than 1 acre with the farm development. A stormwater analysis under the DEP Regulations has not been submitted to the Commission. The Commission had a site inspection of the property on July 28th, 2015, which will be discussed at the August 20th, 2015 Conservation meeting.

From the site inspection the larger isolated wetland area where the new pond is proposed has the appearance of a potential vernal pool. The Commission would like to be able to investigate this further in spring 2016. There are also outstanding taxes still owed on the property by the current owner. If you have any further questions, don't hesitate to contact the Conservation Office at 508-946-2406.

Thank you
pjc



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

MEMORANDUM

To: Board of Selectmen
Robert Nunes, Town Manager
Robert Whalen, Building Commissioner
Patricia Cassady, Conservation Agent
Christopher Peck, DPW Director
From: Ruth McCawley Geoffroy, Planning Director
Date: August 4, 2015
Re: Earth Removal Permit Application, Pentwyn Farm, Sonia Drive

The Planning Department is in receipt of an Earth Removal Application for Pentwyn Farm, located off of Sonia Drive (formerly Backlund) and makes the following preliminary comments:

1. Access to the property is via Sonia Drive, a private subdivision road. This gravel subdivision road was approved by the Planning Board in the 1980's. The Board, at that time, waived the requirement to pave the road and received in return a deed restriction against building more than 2 lots. Unlike most of these deed restrictions from that period, this restriction included an expiration date of 25 years, after which additional houses could be built off of Sonia Drive. That time has now passed.
2. It appears from review of the plan that the gravel road may encroach on the abutting Steele and Tourles properties. Use of this 15' wide off-center gravel road for long term earth removal may adversely impact the abutting properties and some form of vegetative screening may be appropriate.
3. Sonia Drive is used for frontage and access by three other property owners in addition to Pentwyn Farm's proposed use. Lot 53-2536 owned by Curpenski, located between Steele and McPherson, is missing from the plan. Some form of ongoing maintenance should be required as part of the Pentwyn Permit.
4. Historically, this property as well as its abutters to the west and south has been the source of intense though infrequent flooding. Surface water has been observed by Town staff pouring out of the power line area at the rear of the site, flowing around the Backlund house and down Sonia Drive flooding the Short/Tispaquin Street

only missing
from PUF

Pre existing
}

intersection (3' of water or so). This condition is also experienced on the old Hare & Rabbit Club property off of Tispaquin Street, where the power line again acts as a conduit for surface water causing significant flooding of the properties off of Tispaquin Street as well as the street itself.

5. The plan does not show any existing conditions including but not limited to:
 - a. Existing contours/topography on and off of the property.
 - b. Existing drainage patterns
 - c. Full extent of wetlands on or directly abutting the property
 - d. Extent of existing cranberry bogs and water control structures.
6. The proposed "level spreader" does not appear to be effective to replicate pre-existing sheet flow from the pond. A level spreader should be constructed using material such as precast concrete curbing or some other broad, level, permanent surface to spread the water out as much as possible. A rip rap plunge pool is specified but not shown on the cross-section of the design; the two pipes feeding this discharge area are only 10' apart. It is unclear whether any water from the area of the pond ever discharged toward the Tanglewood subdivision and whether it is being discharged to a wetland.
7. Tracking pad should flare at entrance with Short Street. Pad designed at 10' to 12' is not wide enough for earth removal, two way traffic and is definitely not wide enough for earth removal combined with 3rd party and emergency access to 3 homes.
- ✓ 8. Dust control should be required.
9. According to the Town's topographic maps, existing contours in the area of the pond may be as high as 157.0. The pond is being excavated to 100.0. 576,000 c.y. of earth are proposed to be removed. As the Planning Department has commented on other recent earth removal plans, earth removal should be accessory to the allowed use, agriculture/aquaculture. Mining is not allowed by the zoning by-law unless it accessory to a permitted use. The Board should try to minimize earth removal impacts where possible, so that the earth removal remains accessory and subservient in nature to the allowed use. The length of time that an earth removal operation is ongoing is directly related to its size. These matters are addressed in Old Colony Boy Scouts of Am v. Zoning Board of Appeals of Plymouth, 31 Mass. App. Ct. 46 (1991) and Henry v. Board of Appeals of Dunstable both of which were provided by Town Counsel, in correspondence to Selectmen dated December 1994.

Vegetated buffer will be addressed



Town of Middleborough

Massachusetts

Board of Selectmen

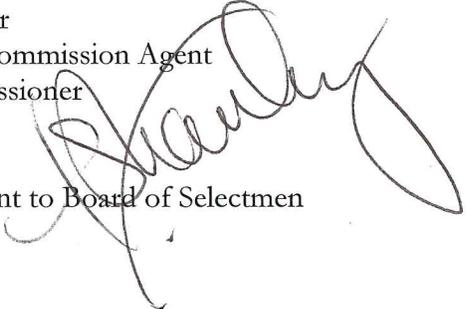
MEMORANDUM

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: July 29, 2015

SUBJECT: **Application for Earth Removal Permit**
Pentwyn Farm, Sonia Drive
Map 52, Lots 2926 & 3183
Map 53, Lots 1767 & 2549



Attached is a request filed by Outback Engineering on behalf of Brian Williams/Pentwyn Farm for an Earth Removal permit for the above referenced property.

This request will be addressed at the Selectmen's meeting on Monday, **August 24, 2014 at 7:50 PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, August 19, 2015 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.



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

June 29, 2015

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

Re: Earth Removal Application, Pentwyn Farm, Sonia Drive, Middleborough, MA

Dear Board Members,

On behalf of the applicant, Brian Williams, I hereby request that the Board grant the Earth Removal Permit needed to facilitate construction of an aquatic fish pond per the Earth Removal Plans dated June 29, 2015 prepared by our office. With this application, please find attached a copy of the Earth Removal Site Plans, Project Plan, Earth Removal Application and renewal form as well as Site Evaluation and Farm Assessment prepared by Phoenix Environmental Group.

Site Description. The site encompasses approximately 63.0 acres of cranberry farm, buildings, infrastructure and forested land located west of Short and Tispaquin Streets and north of Chestnut Street. The site is comprised of Assessors Map 52 lots 2926 & 3183 and Assessors Map 53 lots 1767 & 2549 and recorded in deed book 25004 page 143 in the Plymouth County Registry of Deeds. The site is bounded by the Middleborough Town Forest to the south, Tanglewood Estates, a residential open space sub-division, comprised of forested upland and wetland to the north and forested upland to the west. There are single-family homes along Short Street, Tispaquin Street and Chestnut Street. As well as, an abutting, large size cranberry farm owned by Beaton, on the northeast property line and northerly and westerly of Short Street. The site is located in the Town of Middleborough zone Rural Residential (RR), which allows agricultural and aqua cultural uses and activities by-right.

The property has access off of Sonia Drive, which is a private, gravel way off of Short Street. The topography of the site is generally flat within the historic cranberry farm and support land extents. There are several small to moderate size drumlins along with till plain abutting an Outwash Terrace.

The rear of the site is comprised of an abandoned gravel removal pit area where stumps, logs and other debris were left behind. There is evidence that the pit is currently

being used for bon fires by teenagers. Graffiti has been spray painted on rocks and boulders.

Proposed Project. The proposed project will include creating a 12.2-acre aquatic pond for warm or cold species fish as shown on the Earth Removal Plan dated June 29, 2015. The proposed pond area will be excavated, and surplus sand will be removed off site. We've estimated approximately 576,000 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 Short 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 Short Street, Tispaquin Street, Route 44 and 28 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 7:30am – 4:30pm. No transport of soil will be performed on Saturdays, Sundays or any Town Hall observed holidays.

Other Permits and Minor Project Changes. The applicant plans on filing simultaneously with the Middleborough Conservation Commission and the Board of Selectmen for approval. This office spoke with Patricia Cassady, Conservation Agent, regarding the property and it was stated that a request for determination of applicability (RDA) need to be filed with the Conservation Commission. An order of conditions will most likely not be required for this project.

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



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

June 29, 2015

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

Re: Project Plan, Pentwyn Farm, Sonia Drive, Middleborough, MA

- 1. Purpose of Project:** The proposed project will include creating a 12.2-acre aquatic pond for warm or cold species fish as shown on the Earth Removal Plan dated June 29, 2015. The proposed pond area will be excavated, and surplus sand will be removed off site.
- 2. Description of site and prior work:** The site encompasses approximately 63.0 acres of cranberry farm, buildings, infrastructure and forested land located west of Short and Tispaquin Streets and north of Chestnut Street. The site is comprised of Assessors Map 52 lots 2926 & 3183 and Assessors Map 53 lots 1767 & 2549 and recorded in deed book 25004 page 143 in the Plymouth County Registry of Deeds. The site is bounded by the Middleborough Town Forest to the south, Tanglewood Estates, a residential open space sub-division, comprised of forested upland and wetland to the north and forested upland to the west. There are single-family homes along Short Street, Tispaquin Street and Chestnut Street. As well as, an abutting, large size cranberry farm owned by Beaton, on the northeast property line and northerly and westerly of Short Street. The site is located in the Town of Middleborough zone Rural Residential (RR).

The property has access off of Sonia Drive, which is a private, gravel way off of Short Street. The topography of the site is generally flat within the historic cranberry farm and support land extents. There are several small to moderate size drumlins along with till plain abutting an Outwash Terrace.

The rear of the site is comprised of an abandoned gravel removal pit area where stumps, logs and other debris were left behind. There is evidence that the pit is currently being used for bon fires by teenagers. Graffiti has been spray painted on rocks and boulders.

- 3. Reasons for earth removal permit:** The proposed project will include creating a 12.2-acre aquatic pond for warm or cold species fish as shown on the Earth

Removal Plan dated June 29, 2015. The proposed pond area will be excavated, and surplus sand will be removed off site. We've estimated approximately 576,000 cubic yards of soil will be removed to offsite locations, with the construction period expected to last approximately 3 years. The loading and trucking of materials will be from the site to Short 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 Short Street, Tispaquin Street, Route 44 and 28 as a means of access.

4. **Describe past earth removal activities and compliance issues that may have occurred:** The rear of the site is comprised of an abandoned gravel removal pit area where stumps, logs and other debris were left behind.
5. **How project will be constructed with phases and time lines provided:** Please refer to Sheet 2 of 3 of the project plans for the detailed construction sequencing process, which is described in 3 phases.
6. **Time duration requested for permit:** The applicant requests a 3 year time period for the permit. The applicant also understands that they may request an extension for up to one year thereafter at the discretion of the Board of Selectmen.
7.
 - a. Please refer to item 5 above for a description of the phases and associated time lines. We've estimated approximately 576,000 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 Short 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 Short Street, Tispaquin Street, Route 44 and 28 as a means of access. The daily truck trips estimated for the project is 32-36 trucks per day maximum. This is approximately 4 trucks entering and exiting the site per hour for an 8-9 hour work day.
 - b. A minimum of a 100' vegetated buffer is provided around the proposed pond to the abutting properties. A 2700' buffer is provided from the proposed pond to Short Street.
 - c. The site contractor shall adhere to all sedimentation and erosion control measures as detailed on Sheet 3 of 3 of the site plan set. Contractor shall pay special attention to dust control as specified on this sheet as well.
 - d. Proposed dewatering details have been provided on the site plans for the contractor to utilize if necessary. There are no known wells located within or abutting the locus site as the area is serviced by municipal water supply, therefore it is not anticipated that there will be any overburden wells.
 - e. The pond being created is not a reservoir pond for the bogs, it is for stocking of warm or cold species fish and will not be used to flood the bogs. There is currently an existing reservoir pond located in the same proximity as the existing bogs.
 - f. We've estimated approximately 576,000 cubic yards of soil will be removed to offsite locations.
 - g. The only material that is to be stock piled on-site will be the top soil/loam. This material is approximated to be 4,000 c.y.. Stockpiles shall be placed outside the 100' buffer zone to the bordering vegetated wetland.
 - h. Sloping is proposed to be at 2:1 and 3:1 as depicted on the site plans. Areas greater than 3:1 shall be stabilized with the erosion control blanket as shown on the detail of the site plans.

- i. Please refer to item e above for pond size requirements.
 - j. Please refer to item e above for pond size requirements.
 - k. Contractor shall take steps to minimize the amount of dust generated on the site including those procedures contained below: The contractor shall ensure that all surfaces to be excavated are wet prior to, and if necessary, during excavation. Other potential wetting and/or dust control agents may be proposed for use by the contractor and must be approved by the town prior to use on site. If water is applied to the site, it shall not be applied in sufficient quantity or pressure to cause channeling or erosion to the surface to which it is applied. Please refer to Sheet 3 of 3 of the site plans for more dust control measures to be implemented by the contractor/homeowner during construction.
 - l. Contractor shall adhere to the sedimentation and erosion control plans on Sheet 3 of 3 of the site plans. The Middleborough Conservation Commission shall be notified of any issues that may arise on-site.
 - m. All disturbed areas shall be loamed and seeded to ensure stabilization of the areas.
 - n. There is no rock crushing anticipated at the site. If rock crushing is necessary the contractor shall contact the design engineer and the Town of Middleborough for further instruction as to how to move forward with the project.
 - o. Screening equipment will only be used for loam/top soil and must be performed outside the 100' buffer zone to the bordering vegetated.
 - p. The contractor will require an excavator to be on-site to perform the construction of the pond.
8. As-built plans, once the project is completed, will be submitted to the Town for a certificate of completion and release of any bond money, if applicable.

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

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: Brian Williams

Address of Applicant: PO Box 235

Town or City: Manomet, MA 02360

Owner of Property: Robert S. Backlund

Location of Property: Sonia Dr. Street

Assessor's Parcel and Map Numbers Map 52 Parcel 2926 & 2183

Map 53 Parcel 1747 & 2549

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: New

Request for an Extension of Time for existing permit. _____

Existing Permit Number: _____

Parcel(s) Acreage: 6.3 ±

Estimated Number of Cubic Yards to be Removed: 576,000

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

Gravel removal to create a 12.2 acre
aquatic pond for warm or cold species fish.

3. Project Plan

Has a Project Plan being submitted with this Application? Yes

An Application for an Earth Removal Permit will not be accepted by the Board of Selectmen for a public hearing, unless submitted with this application.

4. Planning Information

a. **Proposed Traffic Route** from site to unloading of materials.

Applicant to use Short St, Tispaquin St
Route - 28 and Route 44

b. Has a plan and Notice of Applicability (NOA) or Intent (NOI) been submitted to the Town of Middleborough's Conservation Commission? Yes (RDA)

c. Has Order of Conditions by Conservation Commission been issued: If so what is project number and date of conditions : NO

d. Provide a copy of the Order of Conditions so they may be attached to the permit. N/A

e. Is there a Department of Environmental Protection – Water Management Act Registration or Permit for this property? NO

Permit No. _____ Registration No. _____

f. Has a Farm Plan been completed? Yes Please provide a copy.

g. Expected Date of Project Completion: June 2019

5. Engineering General Information

Engineering Firm Name: Outback Eng, Inc

Engineer's Contact/Name: Hyles Zager

Street: 165 E. Grove St.

Town/City Middleboro, MA

Phone Number: (508) 946-9831

7. Financial Obligations

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current?

_____ yes X no

8. Authorization of Applicant

a. Have you authorized the engineer to speak on your behalf regarding project questions that may come up prior to the public hearing?

 X yes _____ no

b. I have reviewed this Application Package and attached information and deem it to be correct.

Brian Williams

Signature of Applicant

BRIAN R WILLIAMS

Printed Name of Applicant

Date 7/1/2015

Phone Number: 508-648-8529

APPENDIX B
PLAN CHECKLIST

PLEASE COMPLETE CHECKLISTS FOR PLANS AND PROJECT PLAN AND INITIAL:

PLANS	Check	Initials
A. Cover page that shows:		
1. Name of project:	<u>X</u>	<u>HZ</u>
2. General directional and town locus:	<u>X</u>	<u>HZ</u>
3. Water Resource Protection District limits	<u>X</u>	<u>HZ</u>
4. Engineering Firm Name and address	<u>X</u>	<u>HZ</u>
5. Flood Map limits (if applicable)	<u>X</u>	<u>HZ</u>
6. Zoning District limits	<u>X</u>	<u>HZ</u>
B. Civil Drawing Sheet 1 - that show at a minimum:		
1. Existing streets	<u>X</u>	<u>HZ</u>
2. Property lines and names of adjacent properties/abutters	<u>X</u>	<u>HZ</u>
3. Existing tree lines	<u>X</u>	<u>HZ</u>
4. Existing and proposed topographical contours (5' foot minimum)	<u>X</u>	<u>HZ</u>
5. Town roadways	<u>X</u>	<u>HZ</u>
6. Proposed treed buffer zones between edges of excavation and abutters	<u>X</u>	<u>HZ</u>
7. Proposed buffer zones between property excavation and town street(s)	<u>X</u>	<u>HZ</u>
8. Distances of proposed reservoir or excavations from property lines of abutters.	<u>X</u>	<u>HZ</u>
9. Location and type of proposed excavation and work	<u>X</u>	<u>HZ</u>
10. Locations of stockpiling of materials	<u>X</u>	<u>HZ</u>
11. Proposed reservoir volume, slopes and bottom elevations	<u>X</u>	<u>HZ</u>
12. Site of proposed dewatering pond, discharge and overflow structure	<u>X</u>	<u>HZ</u>
13. Any proposed buildings, structures or utilities	<u>X</u>	<u>HZ</u>
14. Roadway systems and gates, and proposed paving areas	<u>X</u>	<u>HZ</u>
15. Proposed areas of agricultural uses	<u>X</u>	<u>HZ</u>
16. Indications of phased operations	<u>X</u>	<u>HZ</u>
17. Areas to be seeded	<u>X</u>	<u>HZ</u>
18. Existing and proposed slopes with limits of final grading	<u>X</u>	<u>HZ</u>
19. Locations of ditches	<u>X</u>	<u>HZ</u>
20. Wetlands and water resource areas	<u>X</u>	<u>HZ</u>
21. Elevations of water (high, low) as applicable	<u>X</u>	<u>HZ</u>
22. Drainage patterns with directional arrows showing flow	<u>X</u>	<u>HZ</u>
23. Fencing	<u>X</u>	<u>HZ</u>
24. Professional Engineers Civil stamp	<u>X</u>	<u>HZ</u>

25. Date of preparation
Other information as appropriate to good engineering design

X

H2

C. Civil Drawing Sheet Number 2 (as applicable)

1. Pond specifications with erosion controls
2. Erosion controls
3. Side Flow Profile

X

H2

X

H2

X

H2



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Robert Buker
Health Officer

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

MEMO

TO: Board of Selectmen

FROM: Robert Buker

DATE: August 17, 2015

RE: Tobacco Sales violations

All of the businesses with a Tobacco and Nicotine Delivery permit in Middleborough were subjected to a compliance check for tobacco sales to a minor on August 6, 2015. Out of the thirty three businesses currently licensed, seven sold to the minor during the compliance check which is a violation of the Board of Health Regulation for "Tobacco and Nicotine Delivery Product Sales Permit Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products", Section D. Tobacco and Nicotine Delivery Product Sales to Minors Prohibited:

1. No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor;

The following businesses were found to be in violation:

- Arslan & More Inc. dba Middleboro Shell
- Circle K #7159 dba Irving
- Sunup Corp – Prime Energy Gas
- Cumberland Farms #6739
- New England Farms
- Middleborough Discount Liquors
- Prima Lukose LLC- dba Store 40

L. Violations

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

It is the Health Department's recommendation that the seven businesses receive a fine of \$100. each and that the businesses have their tobacco permit suspended for 3-5 days at the Board's discretion. All tobacco and nicotine delivery products are to be removed from the site during the suspension period.

In addition, the Health Dept requests the businesses provide a written plan to mitigate future violations.

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

September 22, 2015

Arslan & More, Inc.
dba Middleboro Shell Mart
Attn: Amjad Chaudhry
151 City Depot Road
Charlton, MA 01527

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2813 & U.S. Mail

Dear Mr. Chaudhry:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at '**Middleboro Shell Mart**' sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

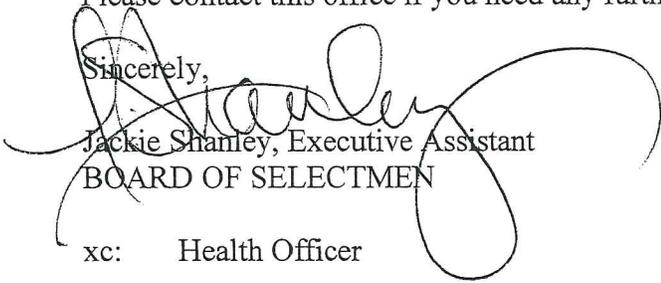
Section L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 7:40 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MFCP ID: _____

Tobacco Compliance Check Form

Section 1:

<p>Establishment</p> <p>Name: <u>5 Redmart</u> <i>Avslan + More Inc</i> <i>40 Anjad Chaudhry</i> Address: <u>63 Bedford St</u> <i>151 City Depot Rd.</i> <i>Charlton, Ma</i> <i>01527</i></p> <p>City: <u>Middleboro</u></p> <p>Type of Establishment: <input checked="" type="checkbox"/> Chain <input type="checkbox"/> Independent <input type="checkbox"/> Not Known</p>	<p>Survey Participants</p> <p>ID of Purchaser: <u>BB</u></p> <p>Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17</p> <p>Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>Name of Adult Supervisor: <u>BC</u></p> <p>Time of Check: <u>1:33</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/></p> <p>Date of Check: <u>8/6/15</u></p> <p>Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun</p>
---	---

Style of Establishment (Check Only One):

<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant
<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

Over-the-counter: youth asks the clerk for the product.
 From a vending machine with a lockout device.
 Other Describe: _____

Was the Purchaser asked for ID? Yes No Was this an ID-based check? Yes No

Was the Purchaser asked his/her age? Yes No

Sex of Clerk: Male Female Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____
 Chew/Dip Cigars E-Cigarettes Other Brand: Camel Green

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 1.05 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/ or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	

email amjadchaudhry11@yahoo.com

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

September 22, 2015

Circle K #7159
dba Irving
Attn: Betty Watts
P.O. Box 347
Columbus, IN 47202

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2820 & U.S. Mail

Dear Ms. Watts:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at '**Circle K, dba Irving**' sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

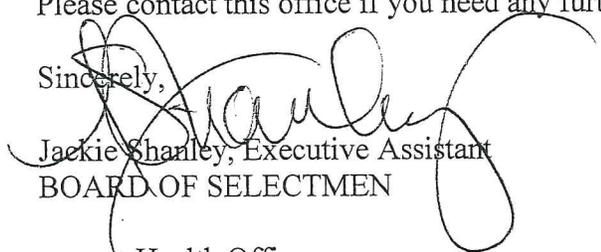
Section L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 7:50 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MFCP ID: _____

Tobacco Compliance Check Form

Section 1:

Establishment	Survey Participants												
<p>Name: <u>IRVING</u> Circle K Mass</p> <p>Address: <u>HARDING ST.</u> Attention Betty Weeks</p> <p>City: <u>Middleboro</u> P.O. Box # <u>344</u></p> <p style="text-align: right; margin-right: 50px;"><u>Columbus IN 47002</u> <u>47262</u></p> <p>Type of Establishment: <input checked="" type="checkbox"/> Chain <input type="checkbox"/></p>	<p>ID of Purchaser: <u>BB</u></p> <p>Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17</p> <p>Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>Name of Adult Supervisor: <u>AS</u></p> <p>Time of Check: <u>3:39</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/></p> <p>Date of Check: <u>8/6/15</u></p> <p>Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun</p>												
<p>Style of Establishment (Check Only One):</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><input type="checkbox"/> Convenience Store</td> <td><input type="checkbox"/> Grocery Store</td> <td><input type="checkbox"/> Bar</td> </tr> <tr> <td><input type="checkbox"/> Department Store</td> <td><input type="checkbox"/> Liquor Store</td> <td><input type="checkbox"/> Private Club (VFW, Legion, etc.)</td> </tr> <tr> <td><input type="checkbox"/> Gas Station Only</td> <td><input type="checkbox"/> Pharmacy/Drug Store</td> <td><input type="checkbox"/> Restaurant</td> </tr> <tr> <td><input checked="" type="checkbox"/> Gas Mini-Mart</td> <td><input type="checkbox"/> Other (bowling alley, pool club etc.)</td> <td><input type="checkbox"/> Tobaccoist</td> </tr> </table>		<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar	<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)	<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant	<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, pool club etc.)	<input type="checkbox"/> Tobaccoist
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar											
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)											
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant											
<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, pool club etc.)	<input type="checkbox"/> Tobaccoist											

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question. If No please skip this section and go to section 3.

How was tobacco marketed?

Over-the-counter: youth asks the clerk for the product.

From a vending machine with a lookout device

Other Describe: _____

Was the Purchaser asked for ID? Yes No

Was the Purchaser asked his/her age? Yes No

Sex of Clerk: Male Female

Approximate age of clerk: Blond Hair Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____

Chew/Dip Cigars E-Cigarettes Other Brand: CAPE BLUE

Was the sale made? Yes No

If "Yes" how much did the product cost \$ 1.05 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other _____
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	

Fax 812 314-2010



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

Town of Middleborough
Massachusetts

Board of Selectmen

September 22, 2015

Prima Lukose LLC (Prime Energy)
Dba Store 40
c/o Sunil Lukose
2 West Grove Street
Middleboro, MA 02346

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2837 & U.S. Mail

Dear Mr. Lukose:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at '**Prima Lukose LLC (Prime Energy) dba Store 40**' sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

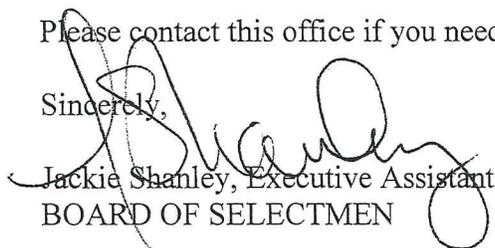
Section L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 8:00 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you need any further information.

Sincerely,



Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MTCF ID: _____ Tobacco Compliance Check Form

Section 1:

<p>Establishment <u>STORE 40 LUKOSE</u></p> <p>Name: <u>PRIMA LUKOSE</u></p> <p>Address: <u>2 W. Grove St. 40 Sunil Lukose</u></p> <p>City: <u>Middleborough</u> zip <u>Middleboro, MA 0346</u></p> <p>Type of Establishment: <input type="checkbox"/> Chain <input checked="" type="checkbox"/> Indep</p>	<p>Survey Participants</p> <p>ID of Purchaser: <u>BB</u></p> <p>Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17</p> <p>Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>Name of Adult Supervisor: <u>BC</u></p> <p>Time of Check: <u>3:29</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/></p> <p>Date of Check: <u>8/6/15</u></p> <p>Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun</p>
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Style of Establishment (Check Only One):

<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant
<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter; youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other Describe: _____

Was the Purchaser asked for ID? Yes No

Was the Purchaser asked his/her age? Yes No

Was this an ID-based check? Yes No
DARK SKIN

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____

Chew/Dip Cigara E-Cigarettes Other Brand: CAME BLUE

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 1.05 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/ or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other _____
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	



Sunil Lukose40@yahoo.com

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

September 22, 2015

Sunup Corporation
Db a Prime Energy Gas
c/o Rama Chandury
414 West Grove Street
Middleboro, MA 02346

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2844 & U.S. Mail

Dear Mr. Chandury:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at "**Sunup Corporation db a Prime Energy Gas**" sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

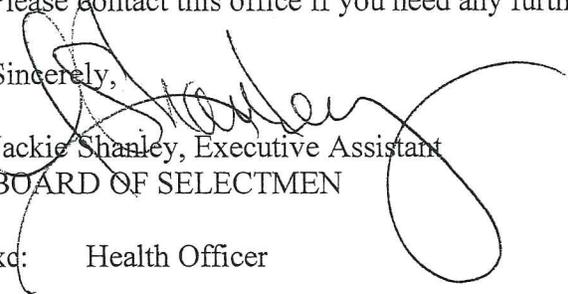
Section L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 8:10 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MTCF ID: _____

Tobacco Compliance Check Form

Section 1:

<p>Establishment</p> <p>Name: <u>Prime Energy</u> <u>Sunup Corp</u> <u>40 Rama Chandury</u> Address: <u>N. Grove St. 414 W Grove Street</u> <u>Middleboro, Ma</u> City: <u>Middleboro</u></p> <p>Type of Establishment: <input type="checkbox"/> Chain <input checked="" type="checkbox"/> Independent <input type="checkbox"/> Not Known</p>	<p>Survey Participants</p> <p>ID of Purchaser: <u>BB</u> Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17 Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female Name of Adult Supervisor: <u>BAE</u></p> <p>Time of Check: <u>1:51</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/> Date of Check: <u>8/16/15</u> Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun</p>
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Style of Establishment (Check Only One):

<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant
<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?
 Over-the-counter: youth asks the clerk for the product.
 From a vending machine with a lockout device.
 Other Describe: _____

Was the Purchaser asked for ID? Yes No Was this an ID-based check? Yes No
Was the Purchaser asked his/her age? Yes No bank store

Sex of Clerk: Male Female Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Brand of cigarettes asked for: Marlboro Newport Other _____
 Chew/Dip Cigars E-Cigarettes Other _____ Brand GAME BLUE

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 1.05 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/ or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other _____
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	

Fax 508 262 7777

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

September 22, 2015

New England Farms
c/o Eric Rosenlund
447 Wareham Street
Middleboro, MA 02346

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2868 & U.S. Mail

Dear Mr. Rosenlund:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at '**Cumberland Farms, 150 South Main Street**' sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

Section L. Violations:

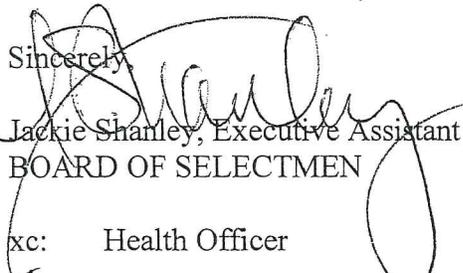
1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 8:10 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

8:20

Please contact this office if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MCP ID: _____

Tobacco Compliance Check Form

Section 1:

Establishment		Survey Participants	
Name: <u>ROBIE New England Farms</u>		ID of Purchaser: <u>BB</u>	
Address: <u>453 Wareham St.</u>		Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17	
City: <u>Middleboro</u>		Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
Type of Establishment: <input checked="" type="checkbox"/> C-Chain <input type="checkbox"/> Other		Name of Adult Supervisor: <u>BC</u>	
<u>New England Farms</u> <u>90 Eric Rosenlund</u> <u>447 Wareham St.</u> <u>Middleboro, Ma</u> <u>0310</u>		Time of Check: <u>2:33</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/>	
		Date of Check: <u>8/16/15</u>	
		Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun	
Style of Establishment (Check Only 0)			
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar	
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)	
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant	
<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist	

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter; youth asks the clerk for the product.
- From a vending machine with a lock-out device.
- Other Describe: _____

Was the Purchaser asked for ID? Yes No

Was this an ID-based check? Yes No

Was the Purchaser asked his/her age? Yes No

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for:

Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____

Chew/Dip Cigars E-Cigarettes Other _____

Brand: CAPE WARE

Was the sale made? Yes No

If "Yes" how much did the product cost: \$1.05 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/ or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other _____
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	

Fax: 508-644-5899

CRANBERRY CAPITAL
OF THE WORLD



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

Town of Middleborough

Massachusetts

Board of Selectmen

September 22, 2015

Middleboro Discount Liquors
c/o Narendra Patel
422 West Grove Street
Middleboro, MA 02346

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2875 & U.S. Mail

Dear Mr. Patel:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at **'Middleboro Discount Liquors'** sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

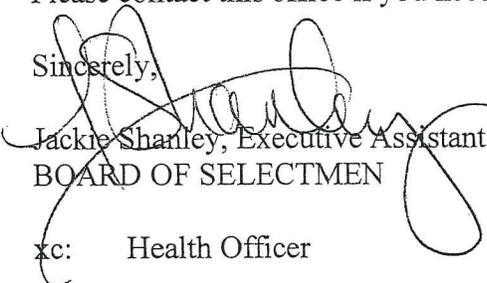
Section L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 8:40 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MTCP ID: _____

Tobacco Compliance Check Form

Section 1:

<p>Establishment</p> <p>Name: <u>The Bottle Shop Liquors</u></p> <p>Address: <u>W. Grove St.</u></p> <p>City: <u>Middleboro</u></p> <p>Type of Establishment: <input type="checkbox"/> Chain <input checked="" type="checkbox"/> <u>Middleboro Discount Liquors</u> <u>4122 West Grove Street</u> <u>Middleboro, MA 01350</u></p>	<p>Survey Participants</p> <p>ID of Purchaser: <u>BA</u></p> <p>Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17</p> <p>Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>Name of Adult Supervisor: <u>BC</u></p> <p>Time of Check: <u>1:47</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/></p> <p>Date of Check: <u>8/6/15</u></p> <p>Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun</p>												
<p>Style of Establishment (Check Only One):</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><input type="checkbox"/> Convenience Store</td> <td><input type="checkbox"/> Grocery Store</td> <td><input type="checkbox"/> Bar</td> </tr> <tr> <td><input type="checkbox"/> Department Store</td> <td><input checked="" type="checkbox"/> Liquor Store</td> <td><input type="checkbox"/> Private Club (VFW, Legion, etc.)</td> </tr> <tr> <td><input type="checkbox"/> Gas Station Only</td> <td><input type="checkbox"/> Pharmacy/Drug Store</td> <td><input type="checkbox"/> Restaurant</td> </tr> <tr> <td><input type="checkbox"/> Gas Mini-Mart</td> <td><input type="checkbox"/> Other (bowling alley, golf club etc.)</td> <td><input type="checkbox"/> Tobacconist</td> </tr> </table>		<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar	<input type="checkbox"/> Department Store	<input checked="" type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)	<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar											
<input type="checkbox"/> Department Store	<input checked="" type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)											
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant											
<input type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist											

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question. If No please skip this section and go to section 3.

How was tobacco marketed?

Over-the-counter: youth asks the clerk for the product.

From a vending machine with a lockout device.

Other Describe: _____

Was the Purchaser asked for ID? Yes No

Was the Purchaser asked his/her age? Yes No

Was this an ID-based check? Yes No short, with curly hair

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Cigars E-Cigarettes Other _____

Brand of cigarettes asked for: Marlboro Newport Other _____

Brand: CAME CARRA

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 1.05 **Was a receipt given?** Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other _____
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	

fax 508 947-7506

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough

Massachusetts

Board of Selectmen

September 22, 2015

Cumberland Farms
c/o James Carpenter
150 South Main Street
Middleboro, MA 02346

Via: Certified Return-Receipt Requested
7014 1200 0001 4844 2851 & U.S. Mail

Dear Mr. Carpenter:

On **8/6/15**, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleboro", an employee at '**Cumberland Farms, 150 South Main Street**' sold a tobacco product to a minor.

Enclosed please find a copy of the Town's Tobacco Regulations. Please note the following:

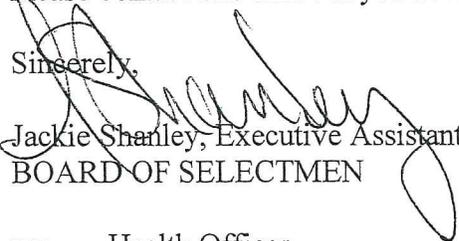
Section L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, September 28, 2015 at 8:10 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue. *8:50pm*

Please contact this office if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Health Officer

MTCP ID: _____

Tobacco Compliance Check Form

Section 1:

Establishment Name: <u>Cumberland Farms</u> Address: <u>So. Main St</u> City: <u>Middleboro</u> Zip: _____ Type of Establishment: <input checked="" type="checkbox"/> Chain <input type="checkbox"/> Independent <input type="checkbox"/> Not Known	Survey Participants ID of Purchaser: <u>BB</u> Age: <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17 Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female Name of Adult Supervisor: <u>BC</u> Time of Check: <u>3:18</u> am <input type="checkbox"/> pm <input checked="" type="checkbox"/> Date of Check: <u>8/6/15</u> Day of the Week: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input checked="" type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun
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Style of Establishment (Check Only One).

<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant
<input checked="" type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other Describe: _____

Was the Purchaser asked for ID? Yes No

Was the Purchaser asked his/her age? Yes No

Was this an ID-based check? Yes No

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for:

- Cigarettes Brand of cigarettes asked for: Marlboro Newport Other _____
- Chew/Dip Cigars E-Cigarettes Other _____ Brand: GAMK

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 2.43 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/ or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other _____
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	

Jacqueline Shanley

From: Diane Maddigan <maddtax@comcast.net>
Sent: Friday, September 25, 2015 2:19 PM
To: SelectmenWeb
Cc: tonyf73@comcast.net; Paula Burdick - Assessor; Dianne Maddigan - Assessor
Subject: Article 1 for Assessors

Good afternoon

At a meeting held Friday, September 25, 2015, The Board of Assessors decided not to object to the removal of funds from the Assessors 2017 budget as mentioned in Article 1.

On Tuesday, September 22, members of the Board of Assessors received additional information regarding the staffing of the Assessors' office. A meeting was then held with the Town Manager confirming that this was the information that was the basis for his decision not to fund the replacement position. A meeting of the Board of Assessors was then scheduled and posted to be held Friday morning to discuss the new information and make an informed decision regarding Article 1. All Board members were in attendance and after a lengthy discussion, the decision was then made to follow the Town Manager's recommendation.

Thank you for your patience. This has been a difficult process, but we feel we have made the best decision for our office and the Town.

Sincerely
Tony Freitas, Chairman
Paula Burdick, Clerk
Diane Maddigan



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

PHONE: 1-508-946-2406
FAX: 1-508-946-2309

MEMORANDUM

TO: Board of Selectmen

FROM: Patricia J. Cassidy, Conservation Agent 

DATE: September 22, 2015

RE: Wood Street Thrush Hollow Subdivision Retreat Lot Land Protection

The Town Manager, Bob Nunes contacted me today that the Board had questions regarding the Wood Street Thrush Hollow Subdivision Retreat Lot Land Protection and the Town Meeting Articles relating to this for the October 5, 2015 Town Meeting. Unfortunately I will be unable to attend the Board of Selectmen meeting on Monday, September 28, 2015 since I will be attending a Public Hearing on the Rockland Industries Site at the Public Library that evening. Hope fully here I can answer some of your questions.

Mr. Nunes stated that you wanted to know if there was a Purchase & Sale Agreement yet for the subject property. Currently there is no Purchase & Sale Agreement. The Conservation Commission owns a parcel off Erica Avenue/Old Center Street which will need to go through the legislative process to take it out of Article 97 (Conservation Land) so that we can use this land as part of the land deal to acquire the retreat lot. Also, the developer who we are negotiating with would like to do a couple test holes at the property to see how viable they are. Since the legislative process can take some time I wanted the article to be on for this town meeting.

The land deal is structured so that the Commission would essentially swap the Erica Avenue/Old Center Street parcel and also make up the difference in value using Community Preservation Act Open Space Funds to acquire the Thrush Hollow Retreat Lot. We have received appraisals for both parcels. The Erica Avenue parcel is valued at \$115,000 for potentially 2 house lots and the Thrush Hollow Retreat Lot is valued at \$165,000. We are currently asking the Community Preservation Committee for \$50,000.

If you have any other questions please let me know and I will get back to you prior to the Town Meeting.

Thank you

pjc



Special Town Meeting Warrant

Middleborough Massachusetts

To Joseph Perkins, 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 5, 2015 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 2016, or act anything thereon.

MOTION: I move that the Town transfer \$40,000.00 from Assessors Regular Pay Clerical, number 141, account 511101 to supplement the following budgets and account numbers for fiscal year 2016.

<i>Department</i>	<i>Dept. No</i>	<i>Account</i>	<i>Line Item</i>	<i>Amount</i>
Town Clerk	161	511008	Stipend	\$2,500.00
Administrative Office Buildings	193	529100	Service Contract	\$2,000.00
	193	543000	Bldg., Repairs & Maint.	\$11,615.00
Building Department	241	511138	Regular Pay Assistant Inspector	\$6,885.00
Unclassified	950	534100	Purchasing, Telephone	\$10,000.00
Park Department	650	511147	Regular Pay Supervision	\$4,000.00
Conservation	171	514600	Longevity	1,500.00
Police Dog Division	292	558800	Disposal & care of Dogs	\$1,500.00

I further move that the Town transfer \$418,786.35 from Water Department Retained Earnings, number 450, to Water Debt Services, number 710, account 591000, maturing principal.

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, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

MOTION: I move that the Town transfer the sum of \$730.00 from Free Cash in order to pay previous years, unpaid bills, number 193 Account 543000, for the following:

- **Siemens Industry, Inc. c/o Citibank Bldg. Tech** **\$730.00**

ARTICLE 3. 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 sick leave buy-back, or anything thereon.

MOTION: I move that \$25,686.96 be transferred from Free Cash to the Public library, number 610, Account 519700, for the payment of accumulated sick leave buyback.

- **I further move that \$39,888.00 be transferred from Free Cash to the Fire Department, number 220, Account 519700, for the payment of accumulated sick leave buyback.**
- **I further move that \$18,819.00 be transferred from Free Cash to the Police Department, number 210, Account 519700, for the payment of accumulated sick leave buyback.**
- **I further move that \$4,037.06 be transferred from Free Cash to the Highway Department, number 422, Account 511101 and \$4,037.06 be transferred from Free Cash to Sanitation, number 433, Account 511101, for the payment of accumulated sick leave buyback.**

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 fund one or more collective bargaining agreements, 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 fund replacing the air conditioning system at the Council on Aging Center, or anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$13,000.00 from Free Cash for the replacement of the air conditioning system at the Council on Aging Center.

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 for the purpose of a revaluation update and interim updates for the Board of Assessors of Commercial and Industrial real estate and personal property, including any and all funds necessary or required to complete a satisfactory certification and interim update, and to Geo-Reference historical plans as a layer to GIS, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$158,600.00 from Free Cash for the revaluation update and interim updates for the Board of Assessors of Commercial and Industrial real estate and personal property, including any and all funds necessary or required to complete a satisfactory certification and interim update and to Geo-Reference historical plans as a layer to GIS.

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 to fund paving of the town hall parking lot, or anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$40,000.00 from Free Cash to pave the Town Hall Parking Lot.

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 to the purchase of a sidewalk plow for the Highway Department, or anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$160,000.00 from Free Cash to purchase a sidewalk plow for the Highway Department.

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 or account, or other available source for the purchase of electronic paystubs for town departments, or anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$16,770.00 from Free Cash to purchase an electronic paystub web based service for town departments.

ARTICLE 10. To see if the Town will vote to transfer a sum of money from the Wastewater Department Enterprise Fund Retained Earnings Account to the Wood Street sewer main replacement project, a project authorized and for which appropriations/transfers were made under Article 8 of the April 27, 2015 Special Town Meeting, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$160,000.00 from Wastewater Department Enterprise Fund Retained Earnings to the Wood Street sewer main replacement project.

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 bleachers for Battis Field, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$ _____ by borrowing to purchase bleachers at Battis Field and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$ _____ under General Laws, Chapter 44.

ARTICLE 12. To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of Middleborough School Building Committee for a feasibility study for Middleborough High School located at 71 East Grove Street, Middleborough, MA. The study will assess renovation, expansion and new construction at multiple locations for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or anything thereon.

MOTION: I move that the Town appropriate the amount of One million four hundred thousand dollars (\$1,400,000.00) Dollars for the purpose of paying costs of a feasibility study for Middleborough High School located at 71 East Grove Street, Middleborough, MA. The study will assess renovation, expansion and new construction at multiple locations, including the payment of all costs incidental or related thereto, and for which the Town of Middleborough may be eligible for a grant from the Massachusetts School Building Authority

("MSBA"), said amount to be expended under the direction of Middleborough School Building Committee To meet this appropriation the Treasurer/Collector, with the approval of the Board of Selectman is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Middleborough acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Middleborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Middleborough, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Middleborough and the MSBA.

ARTICLE 13. 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, and existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department and rescind \$4,250,000 of the borrowing authorized under Article 17 of the 2014 Annual Town Meeting, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$6,000,000.00 by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$6,000,000.00 under General Laws, Chapter 44 and to rescind \$4,250,000.00 of the borrowing authorized under Article 17 of the 2014 Annual Town Meeting.

ARTICLE 14. 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 replacement of the Fire Tower Elevated water storage tank, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$4,600,000.00 by borrowing for the replacement of the Fire Tower Elevated water storage tank and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$4,600,000.00 under General Laws, Chapter 44.

ARTICLE 15. To see if the Town will vote to include water main replacement on Forest Street, a water mapping and asset management system and a leak detection system to the water system improvements project voted under Article 12 of the warrant for the September 23, 2002 Special Town Meeting, or act anything thereon.

MOTION: I move that the Town vote to include water main replacement on Forest Street, a water mapping and asset management system and a leak detection system to the water system improvements project voted under Article 12 of the warrant for the September 23, 2002 Special Town Meeting.

ARTICLE 16. To see if the Town will vote to appropriate a sum of money from the Budgeted Reserve Fund Balance of the Community Preservation Fund for the purpose of constructing a frisbee golf course at Weston Forest; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

MOTION: I move that the Town vote to appropriate \$20,500 from the Budgeted Reserve Fund of the Community Preservation Fund for the purpose of constructing a frisbee golf course at Weston Forest; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 17. To see if the Town will vote to authorize the Board of Selectmen and Conservation Commission to purchase land for conservation purposes, to be under the management and control of the Conservation Commission, said land containing 7.88 acres more or less, located on or off Wood Street, being a part of Lot 2565 on Assessors Map 52 and being shown as Lot 5 on a plan dated December 3, 2014 entitled "Thrush Hollow" - a Residential Subdivision in Middleborough, Mass." prepared by Outback Engineering, Incorporated, to appropriate the sum of Fifty Thousand Dollars (\$50,000.00) from the Open Space Reserve of the Community Preservation Fund to pay in part for the land purchase, to transfer the management and control of conservation land on Old Center Street and Erica Avenue shown as Lot 388 on Assessors Map 49 containing 1.2 acres more or less and being described in a deed of Shirley L. Holmes recorded in the Plymouth County Registry of Deeds in Book 15773, Page 280 to the Board of Selectmen and Conservation Commission for the purpose of selling the conservation land, to authorize the Board of Selectmen and Conservation Commission to sell the conservation land to the owner of Lot 5 and to pay Fifty Thousand Dollars (\$50,000.00) to the owner of Lot 5 in exchange for purchase of Lot 5 by the Town, to authorize the Board of Selectmen and Conservation Commission to file any and all applications for gifts, grants and/or reimbursements from the Commonwealth of Massachusetts on any other public or private entity or party, said gifts, grants and/or reimbursements to be deposited in the Open Space Reserve of the Community Preservation Fund, and to execute any agreements relating to the land to be purchased and sold including without limitation to grant or impose a perpetual conservation restriction on the land to be purchased by the Town, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$50,000.00 from the Open Space Reserve of the Community Preservation of the Community Preservation Fund to purchase land for conservation purposes, to be uner the management and control of the Conservation Commission, said land containing 7.88 acres more or less, located on or off Wood Street, being a part of Lot 2565 on Assessors Map 52 and being shown as Lot 5 on a plan dated December 3, 2014 entitled (Thrush Hollow".

ARTICLE 18. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Town to sell conservation land at Old Center Street and Erica Avenue in Middleborough, Massachusetts shown as Lot 388 on Assessors Map 49 containing 1.2 acres more or less and being described in a deed of Shirley L. Holmes recorded in the Plymouth County Registry of Deeds in Book 15773, Page 280 to a private party along with payment of money in exchange for conveyance to the Town of other land in Middleborough to be purchased and used for conservation purposes, located on or off Wood Street containing 7.88 acres more or less, being part of Lot 2565 on Assessors Map 52 and being shown as Lot 5 on a plan dated December 3, 2014 entitled "Thrush Hollow" - a Residential Subdivision in Middleborough, Mass." Prepared by Outback Engineering, Incorporated, or act anything thereon.

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer \$200,000.00 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 anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$200,000.00 from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.

ARTICLE 20. To see if the Town will vote to accept Chapter 41 section 108P which provides that a Collector or a Treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts Municipal Collector or a certified Massachusetts Municipal Treasurer, shall receive a compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an

amount equal to 10 per cent of such regular compensation, but not more than \$1,000 per year. A collector or treasurer who has been award both certificates referred to above shall receive such additional compensation for only one such certificate, or act anything thereon.

ARTICLE 21. To see if the Town will vote to accept M.G.L. Chapter 41, Section 19K. Upon acceptance of this section by a municipality, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn, or act anything thereon.

ARTICLE 22. To see if the Town will vote to assent to the appointment of Dr. Stephen D. Morris as Trustee under the will of Thomas S. Peirce for the benefit of the Public Library of the Town of Middleborough and as Trustee under the will of Thomas S. Peirce for the benefit of the Town of Middleborough without furnishing a surety or sureties on his official bond as Trustee under either of said Trusts, or act anything thereon.

ARTICLE 23. To see if the Town will vote to transfer the care, custody, management and control of part of the Oliver Estate property on Plymouth Street, shown as Lot A on a Form A plan recorded in the Plymouth County Registry of Deeds on July 31, 2015 containing a dwelling, outbuildings and about (7) acres of land, to the Board of Selectmen to lease the property on terms and conditions determined by the Board, or anything thereon.

ARTICLE 24. To see if the Town will vote to establish a committee to be known as the Tourism Committee, to establish the purpose(s) for the Committee, to provide that the Committee shall have eleven (11) members, to provide that Committee members shall be appointed by the Town Moderator, to establish the terms of office for the Committee members and to establish other matters applicable to the Committee including those matters required to be established under the Town Committee Formation By-Law, or act anything thereon.

ARTICLE 25. To see if the Town will vote to establish a seven member committee consisting of Middleborough residents to be known as the Oliver Estate Advisory Committee with respect to certain property on the westerly side of Plymouth Street shown as Lot A and Lot B on a Form A plan recorded at the Plymouth County Registry of Deeds on July 31, 2015, to establish that the purpose and goal of the Committee is to advise the Board of Selectmen, the Conservation Commission or other Town board, committee or commission which has care, custody management and control of the property, or part thereof, with respect to the operation, maintenance and use of the property and maintenance and preservation of the property, to provide that the members of the Committee shall be appointed by the Town Moderator, to terms consisting of two (2) members for one year, two (2) members for two years and three (3) members for three years and to establish other matters applicable to the Committee including those matters required to be established under the Town Committee Formation By-Law, or act anything thereon.

ARTICLE 26. To see if the Town will vote to amend the Zoning By-law as follows:

- (1) Amend Section 2.2 – OVERLAY DISTRICTS – by adding: SOLAR-R District (SRD) and SOLAR-G District (SGC) to the list of Overlay Districts.
- (2) Amend the Zoning Map to add two (2) new overlay zoning districts, SOLAR-R District and SOLAR-G District, to the list of Overlay Districts on the map.

(3) Amend Section 2.4 – ZONING MAP - by deleting “revised through June 15, 2008.” and replacing it with “revised through October 5, 2015.”.

(4) Add a new Section 10.1.3 as follows: 10.1.3 SOLAR-R District and SOLAR-G District Definitions. For the purposes of Section 8.4, the following terms are defined below:

Large Scale Ground Mounted Solar Voltaic Installation: A solar powered Photovoltaic system that is structurally mounted on the ground (not roof mounted) and has a nameplate capacity of 50 kW or greater.

Nameplate Capacity: The maximum rated output of the electric power production of the photovoltaic system stated in Kilowatts Direct Current (kWDC).

(5) Amend Section 3.1 – TABLE OF USES – to add a use to the E. INDUSTRIAL USES section of the Table and a use to the F. ACCESSORY USES section of the Table as follows:

	RA	RB	RR	B	I	GU	GUX	GUA	CD
E. INDUSTRIAL USES									
10. Large Scale Ground Mounted Solar Photovoltaic Installation	ZBA	ZBA	ZBA	N	Y	Y	Y	Y	N
F. ACCESSORY USES									
15. Accessory solar voltaic installation	Y	Y	Y	N	Y	Y	Y	Y	N

(6) Add a new Section 8.4 as follows:

8.4 Large Scale Ground Mounted Solar Photovoltaic Installation Districts (SOLAR Districts)

8.4.1 Purpose. The purpose of the SOLAR Districts is:

to promote the creation of new large scale ground mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations through the issuance of a Special Permit or by right with safeguards and conditions as prescribed in this Bylaw that address public safety, prevent detrimental effects upon neighboring residential and commercial properties, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

8.4.2 Establishment of Overlay Districts. There shall be two (2) SOLAR Districts. The SOLAR-R District shall overlay the

- Residence A
- Residence B
- Residence Rural

Districts, and the SOLAR-G district shall overlay the

- Industrial
- General Use
- General Use A
- General Use X

Districts, as delineated on Middleborough's Zoning Map as set forth in Section 2.4.

8.4.3 Special Permit for SOLAR-R District Required. A Special Permit is required for a large scale ground mounted solar photovoltaic installation in the SOLAR-R District. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) and may grant a Special Permit for a large scale ground mounted solar photovoltaic installation in said district. Large scale ground mounted solar photovoltaic installations in the SOLAR-G District are permitted as-of-right.

8.4.4 Accessory Use. A solar photovoltaic installation/system with a nameplate capacity of less than 50kw, whether ground mounted or roof mounted, shall be an allowed accessory use/structure in the SOLAR Districts, provided that at least 65% of the electricity generated by the installation/system is used by the principal residential or commercial/industrial use on the lot where the installation/system is located.

8.4.5 Definitions. For definitions applicable in the SOLAR Districts, see Section 10.1.3.

8.4.6 Application. The application for a Special Permit in the SOLAR-R District or application for a building permit in the SOLAR-G District shall include the following documents:

1. Site Plan showing:
 - a. Property lines and existing physical features, including roads, topography in 2' contour intervals, limit of vegetative clearing, location and height of abutting homes, and location of wetlands or Priority or Estimated Habitat Areas, as defined by the Natural Heritage and Endangered Species Program (NHESP) located on or adjacent to the property;
 - b. Proposed changes to the landscape of the site including but not limited to proposed grading, limits of vegetation clearing, storm water management structures, exterior lighting, vegetative planting, berms and screening, fencing and solar photovoltaic installation, building, roadway and other structure locations;
 - c. Zoning district designation for the parcel(s) of land comprising the project site and all setbacks required by the Zoning Bylaw.
 - d. Site plan to be prepared and stamped by a Professional Civil Engineer and Registered Land Surveyor; Landscape plan shall be prepared by a Registered Landscape Architect.
2. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
3. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
4. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
5. Name, address, and contact information for proposed system installer;
6. Name, address, phone number and signature of the owner/operator, as well as all co-owner/operators and property owners;
7. The name, contact information and signature of any agents representing the project's owner/operator;
8. Documentation of actual or prospective access and control of the project site by the owner/operator;

9. Noise Study performed by an Acoustical Engineer for large scale solar photovoltaic installation greater than 500 KW, documenting increase in noise levels from transformers or other components of facility and proposed mitigation.
10. An operation and maintenance plan (see also Section 8.4.7);
11. A list of any hazardous materials proposed to be located on the site, during construction or operation, in excess of household quantities, and a plan to prevent their release to the environment. This list should include the material safety data sheets (MSDS) for any listed materials.
12. Proof of owner/operator liability insurance;
13. Plan for decommissioning and cost estimate for system removal; and,
14. Description of financial surety that satisfies Section 8.4.26.

8.4.7 Operation & Maintenance Plan. The owner/operator shall submit a plan for the operation and maintenance of the large scale ground mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, vegetation and ground cover maintenance as well as general procedures for operational maintenance and upkeep of the installation.

8.4.8 Utility Notification. No large scale ground mounted solar photovoltaic installation shall be constructed until evidence has been given to the Building Commissioner that the photovoltaic installation owner/operator has executed an Interconnection Agreement for the installation with the utility company that operates the electrical grid where the installation is to be located. Off-grid systems shall be exempt from this requirement.

8.4.9 Setbacks and Other Dimensional Requirements.

For large scale ground mounted solar photovoltaic installations and all appurtenant structures, front, side and rear setbacks (front, side and rear yards) shall be at least 50 feet. The minimum lot frontage for large scale ground mounted solar photovoltaic installations shall be 50'. Other dimensional requirements not set forth in Section 8.4 effecting solar photovoltaic installations and all appurtenant structures shall be in compliance with the underlying Zoning District in which the large scale ground mounted solar photovoltaic installation is located.

8.4.10 Buffer Zones/Visual Screening in All Districts. The 50' setback area around the perimeter of the project shall have a vegetated buffer; the vegetated buffer shall screen the view of the large scale ground mounted solar photovoltaic installation and all appurtenant structures from abutters and streets. The buffer shall provide attractive landscaping but shall be sufficiently dense and with vegetation of a size to effectively block the view of the project from any abutting property or the passing public at the time of planting. Submittals shall include a project landscaping plan prepared and stamped by a Registered Landscape Architect that includes visual screening using a combination of vegetation and earth berms, as well as security fencing appropriate to the project. Earth berms shall vary in width and height throughout their length in order to achieve topographical relief and to appear to be naturally occurring. Landscaping plan shall include the location of plantings, size, spacing and species.

8.4.11 Fencing. The perimeter of the project shall be protected with an appropriate fence of at least 6 feet in height, with a locked gate and be placed 6" above the ground to allow small animal migration. It is not the intent of this Bylaw that fencing extend to the property boundary, but only to ensure that the power generating equipment is enclosed.

8.4.12 Appurtenant Structures. All appurtenant structures, which includes but is not limited to equipment, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation, berms and/or joined or clustered to avoid adverse visual impacts.

8.4.13 Sound Levels. Any large scale ground mounted solar photovoltaic installation, including but not limited to appurtenant structures such as transformers, inverters, switching gear, etc. within the SOLAR-R District; or, in the SOLAR_G District abutting a residential property, shall not increase noise levels greater than 10 dB above the

existing ambient levels as described in Massachusetts Department of Environmental Protection (DEP) Regulation 310 CMR 7.10. An Acoustical Study performed by a certified acoustical engineer, shall be submitted with the application for Special Permit or building permits for solar photovoltaic installations greater than 500 KW, as applicable, accompanied by a plan for noise mitigation addressing impacts to nearby properties.

For all other large scale ground mounted solar photovoltaic installations in the SOLAR-G District greater than 500 KW, an acoustic study shall demonstrate that sound levels at the property boundary of the facility including any appurtenant structures comply with the National Noise Control Act of 1972.

8.4.14 Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law and shall be limited to that required for safety and operational purposes. All lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and spread to adjacent properties.

8.4.15 Signage. Signs on large- scale ground-mounted solar photovoltaic installations shall comply with the sign regulations for the underlying zoning district. A sign consistent with the sign regulations for the underlying zoning district shall be required to identify the owner/operator and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or owner/operator of the solar photovoltaic installation.

8.4.16 Utility Connections. Reasonable efforts, as determined by the SPGA and/or Building Commissioner, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

8.4.17 Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner/operator shall develop an emergency response plan satisfactory to the Town's Emergency Management Director (Fire Chief). All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation and be consistent with individual identified under Section 8.4.15.

8.4.18 As-built plans. Professional Engineer and/or Registered Land Surveyor stamped as-built plans shall be submitted to the Building Commissioner before a certificate of completion or occupancy may be issued.

8.4.19 Time for Completion. Construction of a large scale ground mounted solar photovoltaic Installation shall be completed within 1 year of issuance of a building permit. An extension may be granted by the Building Commissioner, if alternative financial surety is provided as set forth in Section 8.4.26.

8.4.20. Changes in Ownership.

The Building Commissioner shall be notified at least 30 days in advance of any proposed change in the owner/operator of a large scale ground mounted solar photovoltaic installation, which notice shall include the contact information of the proposed new owner/operator.

8.4.21 Land Clearing and Soil Erosion Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large scale ground mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Soil erosion and sedimentation shall be prevented through the use of erosion control techniques and devices in conformance with federal, state and local standards. The project shall comply with the National Pollutant Discharge Elimination System (NPDES) standards including but not limited to the filing of all required applications and receipt of permits and maintenance of a Surface Water

Pollution Prevention Plan (SWPPP). The project, including but not limited to land clearing and vegetation removal, shall not commence until a Special Permit has been issued by the SPGA in the SOLAR-R District or Building Permit in the SOLAR-G District and has become effective and all other required Federal, State and Local permits have been received.

8.4.22 Maintenance and other Conditions. The large scale ground mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, debris and trash removal, vegetation maintenance, storm water system maintenance and sediment removal and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

8.4.23 Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the SPGA in the SOLAR-R District or Building Commissioner in the SOLAR-G District.

8.4.24 Decommissioning; Removal Requirements. Any large scale ground mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 8.4.25 of this bylaw shall be removed. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the SPGA for an installation in the SOLAR-R District or Building Commissioner for an installation in the SOLAR-G District by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

Physical removal of all large scale ground mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations. Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPGA or Building Commissioner, in conformance with the applicable District may allow the owner or operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

8.4.25 Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the SPGA or Building Commissioner, dependent on the applicable District. If the owner/operator of the large scale ground mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of Section 8.4.24 within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

8.4.26 Financial Surety. The owner/operator of large scale ground mounted solar photovoltaic projects shall provide to the Town of Middleborough, a form of surety, either through interest bearing escrow account, bond or otherwise, to cover the cost of removal in the event the installation is not removed as required under Section 8.4.24, in an amount and form determined satisfactory to Building Commissioner prior to building permit issuance, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety may be divided into two phases; one to cover the one (1) year construction period, and permanent surety to replace it. The form of surety may be varied from time to time with the approval of the Building Commissioner. The owner/operator shall submit a fully inclusive estimate of the costs associated with removal by the Town, prepared by a qualified engineer. The amount may include a mechanism for calculating increased removal costs due to inflation. Surety will not be required for municipally- or state-owned facilities.

ARTICLE 27. To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010 and incorporated into the Massachusetts General Laws as Chapter 6, Section 172B½, to establish a new Chapter _____

in the General By-laws, which By-law would enable the Police Department to conduct State and Federal fingerprint-based criminal history checks for individuals applying for certain occupational licenses, or act anything thereon.

**CRIMINAL HISTORY CHECK AUTHORIZATION
(CIVIL FINGERPRINTING)**

To see if the Town will vote to adopt the following by-law pursuant to General Laws Chapter 6, section 172B ½ to enable the Police Department to conduct State and Federal fingerprint based criminal history checks for individuals who apply for certain occupational licenses, or act anything thereon.

Section 1 Purpose and Scope

To enhance public safety, this by-law authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific Town-issued licenses or permits, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this by-law, the Police Department shall be authorized to use State and Federal Bureau of Investigation (FBI) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

Section 2 Regulations

This by-law further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this by-law, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing determination as a result of the criminal history check, procedures for assessing, correcting or amending any such record and establishing criteria for fitness determinations, confidentiality of information obtained and penalties for failure to comply with this By-law.

Section 3 Definitions for purposes of this by-law, the following words shall have the meanings herein given in this section.

Criminal History Check – A state and national fingerprint based criminal history background check, as authorized by G.L. c. 6, s 172B½.

DCJIS – The Massachusetts Department of Criminal Justice Information Services.

FBI – The Federal Bureau of Investigation, United States Department of Justice.

License – A license or permit issued by the Town of Middleborough, or any board, officer or department thereof, which is identified in Section 4A of the by-law.

Licensing Authority – A board, officer or department of the Town of Middleborough authorized by the General Laws of Massachusetts or Town by-law to issue a license or permit listed in Sections 1 and 2 of this by-Law.

Town – Town of Middleborough, Massachusetts

Section 4 Criminal History Check Authorization

- A. Occupational Licenses. The Police Department shall, as authorized by G.L. c. 6 s. 172B 1/2 , conduct state and federal fingerprint based criminal history checks for individuals and entities listed on the license application, for the following occupational licenses, including renewals & transfers thereof:
- (1) Hawking, soliciting and peddling or other door-to-door salespeople
 - (2) Manager of alcoholic beverage licensed establishment
 - (3) Dealer of second-hand articles (including Junk dealers and collectors)
 - (4) Pawn dealers
 - (5) Hackney and livery drivers and owners or operators of other conveyors of passengers
 - (6) Ice cream truck vendors
 - (7) Mobile food units
- B. At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and shall obtain the individual's consent in writing prior to conducting such criminal history checks.
- C. Following receipt of an applicant's executed consent form and payment of the applicable fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI or the legal successors of such agencies to conduct a criminal history check.
- D. The Town authorizes the Massachusetts State Police, DCJIS and the FBI or the legal successor of each, to conduct fingerprint-based state and national criminal history checks consistent with this by-law for the license applicants specified in this by-law.
- E. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such criminal history checks, consistent with this by-law and the Town's implementing regulations.
- F. The Police Department shall communicate the results of fingerprint-based criminal history checks only to the authorized governmental licensing authority as necessary. State and FBI criminal history obtained pursuant under this by-law is confidential, shall be stored in a secure and confidential manner and shall be destroyed pursuant to DCJIS requirements.

Section 5 Standards for Licensing Authority Use of Criminal Record

- A. A licensing authority is authorized hereunder to utilize the results of fingerprint-based criminal history checks exclusively for the limited purpose of determining the suitability of a license applicant in connection with an application for a license identified in this by-law or for its renewal or transfer.
- B. A licensing authority may, at its sole discretion, deny a license application on the basis of the results of a fingerprint-based criminal history check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

- C. A licensing authority is hereby authorized to deny an application for any license specified herein, including renewals and transfers of said licenses, from any person who is determined unsuitable for the license due to information obtained pursuant to this by-law.
- D. Factors that shall be considered in making a determination of suitability shall include but not be limited to conviction of, or under pending indictment for, a felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, a sex-related offense, or other crime that bears upon the subject's ability or fitness to exercise such license.

Section 6 Fee

The fee for conducting a fingerprint-based criminal history check shall be one hundred dollars (\$100.00) for each check. That portion of the fee specified in G. L. c. 6, s. 172B½, shall be deposited into the Commonwealth of Massachusetts Firearms Fingerprint Identity Verification Trust Fund. The remainder of the fee is to be applied by the Town for costs associated with the administration of the fingerprinting program.

ARTICLE 28. To see if the Town will vote to approve the PILOT tax agreement between Next Sun Energy LLC and the Town which agreement was the subject of a vote under Article 20 of the warrant for the October 6, 2014 Special Town Meeting relating to solar energy systems to be installed on properties at 154 Purchase Street and Gid Circle owned by David Thomas Fisher and Gid Fisher, Trustee of Purchase Street Realty Trust, and to authorize the Board of Selectmen to execute the agreement on behalf of the Town, or act anything thereon.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to negotiate a PILOT tax agreement on behalf of the Town, as authorized by MGL Chapter 59, section 38H, with NextSun Energy LLC or an affiliate controlled by 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 one and a half (1) megawatt to be installed on different parcels of land owned by Lifehouse Church and Bayside Agriculture, Inc. and located at 17 Jericho Road and 90 Anderson Ave respectively, or act anything thereon.

ARTICLE 30. To see if the Town will vote to authorize the Board of Selectmen to petition to the General Court for special legislation to authorize the Board of Selectmen to grant a Chapter 138, Section 15 wines and malt beverages license to Reynolds Flowers Inc. for premises at 410 Plymouth Street in Middleborough, MA notwithstanding the limitation on the number of such licenses which may be granted, or act anything thereon.

Given, under our hands at Middleborough, this 8thth day of September, 2015.

Allin Frawley, Chairman

Leilani Dalpe, Vice Chairman

John Knowlton

Diane Stewart

Stephen 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 17th **day of September, 2015**, that date being more than fourteen days before the time specified for said meeting.

JOSEPH PERKINS
Police Chief

Jacqueline Shanley

From: Barbara Erickson
Sent: Thursday, September 17, 2015 12:43 PM
To: Jacqueline Shanley
Cc: Dianne Maddigan - Assessor; Paula Burdick - Assessor; Tony Freitas
Subject: BOS Meeting Sept. 28th

Hi Jackie,

Could you please add the following items to the BOS agenda for their September 28, 2015 meeting?

1. A BOS vote on the PILOT for 154 Purchase Street and Gid Circle. The vote will be in accordance with last year's town meeting vote.
I will make sure you have the information for your packets that week.
2. The Board of Assessors wishes to meet with BOS on 9/28/2015 to discuss Article 1 of the STM warrant.

If you have any questions, please contact me and I will be happy to help.

Thank you,

Barbara

*Barbara Erickson, M.A.A.
Assessor/Appraiser for the
Middleborough Board of Assessors
P 508-946-2410
F 508-946-4430
Email bercksn@middleborough.com*