

HEARINGS, MEETINGS, LICENSES

4/19/16



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Monday, February 8, 2016 at 7:30 PM**, for the purpose of **discussing an application filed by Renewable Generation, LLC (MA)** for a Special Permit under the Water Resource Protection District By-law to allow for restoration and re-planting within the 25ft buffer zone on the southeast side of the parcel based on recommendations by the Middleborough Conservation Commission. **This property is shown as Assessors Map 65, Lot 3772, Zoning District - General Use, WRPD District Z4.** Anyone wishing 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
January 21 & 28, 2016
The Middleboro Gazette Newspaper

Continued to 2/22/16 @ 7:30pm
3/21/16 @ 7:30pm
4/11/16 @ 7:30pm
4/19/16 @ 7:45pm



April 15, 2016

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

**RE: *Final Engineering Review
WRPD Application – 17 Jericho Road Solar Facility
Renewable Generation, LLC
ADE Project #2518.41***

Dear Board Members:

Atlantic Design Engineers, Inc. (ADE) has completed our final engineering review of plans and application materials for the above-referenced project relative to a Special Permit request under the Water Resource Protection District (WRPD) bylaw. The plans and materials reviewed are as follows:

- 1.) Remediation Plan – Sheet L-1.0, revised dated 4/7/16 by Cannon Landscape Architects
- 2.) Remediation Plan – Sheet CR-2.0, revised dated 4/7/16 by Andrews Survey & Engineering, Inc.
- 3.) Plan Showing Trees Cut Beyond Limit of Work – Sheet CR-1.0, dated 12/15/15 by Andrews Survey & Engineering, Inc.
- 4.) Project Narrative, dated 12/17/15 by Renewable Energy Generation
- 5.) Proposed 25-foot Buffer Zone Restoration Plan, dated 4/6/16 by ECR, LLC
- 6.) Contractor Handout, Buffer Zone Restoration, 17 Jericho Road, Middleborough, MA – Undated

The proposed work does not specifically fall into any of the 4 categories for permissible work in the 25-foot zone under the WRPD bylaw Section 8.2.9.3.d. i through iv. Therefore, the Board will need to make a determination relative to allowing the proposed work as it is in the best interest of the WRPD bylaw to restore the unauthorized tree clearing and vegetation removal.



The comments from our initial 2/15/16 letter have been adequately addressed and we offer the following for consideration of the Board:

- We suggest a Condition that future inspection reports resulting from the proposed 2-year monitoring/maintenance/replacement program should be provided to the Board (in addition to the Conservation Commission).
- It appears that a portion of the work is to be performed on adjacent abutting Parcels 4516, 3735 and possibly 2998. Permission from these abutting landowners should be acquired to perform the work on their property.
- The Remediation Plan – Sheet 1-1.0 is not signed and stamped and also does not reference the latest revised planting plan by Cannon Landscape Architects. A new plan should be provided for the record.
- Also, reference April 14, 2016 letter from Hawk Design, Inc.

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

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Richard J. Tabaczynski', is written over the typed name.

Richard J. Tabaczynski, P.E.
Vice-President

RJT/rp

April 14, 2016

Town of Middleborough Planning Board
20 Center Street
Middleborough, MA 02346

Hawk Design, Inc.

land planning

landscape architecture

P.O. Box 1309, Sandwich, MA 02563

tel: 508-833-8800 fax: 774-413-9841

email: info@hawkdesigninc.com

Re: Ground Mounted Solar Electric Generation Facility
17 Jericho Road, Middleborough, MA 02346

Dear Board Members:

Hawk Design, Inc., at the request of *Atlantic Design Engineers, Inc.* has reviewed the submitted documentation for the above referenced project in regards to the remediation proposed due to the removal of vegetation within a 25 foot wetland buffer zone.

Documents Reviewed

Hawk Design, Inc. obtained and reviewed the following documentation for the applicant, **Renewable Generation (MA), LLC**, relative to this matter:

- Sheet L-1.0 titled "Remediation Plan" prepared by *William Canon – Landscape Architecture, Environmental Design and Community Planning*, dated 1/19/16.
- Sheet CR-2.0 titled "Remediation Plan" prepared by *Andrews Surveying and Engineering, Inc.*, dated 4/7/16.
- Cover letter to the Middleborough Conservation Commission, prepared by *ECR - Environmental Consulting & Restoration, LLC*, dated 4/6/16.
- Cover letter to the Middleborough Board of Selectmen, prepared by *ECR - Environmental Consulting & Restoration, LLC*, dated 4/13/16.

Findings

Based on our review of the above referenced documentation, *Hawk Design, Inc.* offers the following findings.

1. The applicant's contractor has cleared trees and understory inside the 25 foot wetland buffer on the east to south-east side of the property for an approximate distance of 675 feet. The applicant's Landscape Architect, *William Canon*, has revised their Remediation Plan increasing the proposed number of trees from 109 to 138 and the number of shrubs from 100 to 145. All the trees and about half the shrubs will be located in the 25' setback and half the shrubs will be in the 25' – 50' setback.

Proposed evergreen trees are two native species with installed heights of 4-10 feet. The deciduous shade trees are four native species with installed calipers of 1-3.5 inches (approx. 8-18 feet tall). Proposed shrubs are nine native species with installed heights of 2-3 feet.

Finding: It is our opinion that the proposed planting plan is an improvement over the previous plan that we believe adequately addressed the required remediation in the 25 foot wetland buffer. The proposed species, sizes and spatial arrangement will provide a naturalistic woodland edge upon installation and in the future. With the additional shrubs proposed between the 25' and 50' buffer lines, the woodland edge will obviously be extended and more quickly revegetate the disturbed area. By increasing the number of different plant species and the sizes of some of the trees, an even more varied and naturalistic mature edge will be created. All the proposed plants should thrive where shown due to the matching of their cultural requirements (sun exposure, moisture, soils) with the existing conditions.

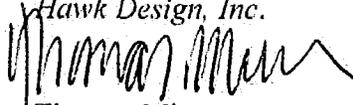
On visual inspection, the neighboring commercial metal building over 200 feet away, was barely visible from the clearing looking east on a cloudy morning. Proposed remediation trees in this area are mostly evergreen and combined with the double row of evergreen Giant Arborvitaes at 10 feet on-center spacing that are an additional perimeter screening outside the 25 foot buffer, that view should be blocked. The planting notes state a "2 year plant guarantee." The smaller sized plant material will typically have a better survival rate than larger, more mature nursery stock, but applicant has provided a watering and maintenance program through the establishment period to address that issue.

2) The constructed site is gravel and somewhat graded level to a steep slope of varying heights down to the erosion control fence and hay bales. Plan includes details for erosion control and seeding.

Finding: Standard details for temporary erosion control during construction along with the "Rake and Seed Detail" for re-vegetation of disturbed areas addresses our earlier concerns regarding the rough graded portions of the site.

In summary, all of our recommendations stated in our previous letter dated 2/11/16 have been satisfactorily addressed.

Sincerely,
Hawk Design, Inc.


Thomas Miner
Landscape Architect, Principle

TM/kh





A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on **Tuesday, April 19, 2016 at 7:30 PM**, for the purpose of discussing an **application filed by Field Engineering Co., Inc. on behalf of Fuller Street Development LLC for a Earth Removal Permit for property located off Fuller Street, Middleborough, Assessors Map 024, Lot 5555 & Map 033, Lot 686.** Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leifani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN
March 31, 2016
The Middleboro Gazette Newspaper

MEMORANDUM

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

FROM: Colleen Lieb, Acting Executive Assistant to Board of Selectmen

DATE: March 23, 2016

SUBJECT: **Application for Earth Removal Permit
Fuller Street Development LLC
Map 024, Lot 5555 & Map**

Attached please find **site plans** for the above referenced Earth Removal application.

The hearing is scheduled for Tuesday, **April 19, 2016 at 8:15 PM.**

Please do your best to have comments/remarks on the revised site plans to the Selectmen's office **by Noon on Friday, April 15th.**

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.



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

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2385

April 4, 2016

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

RE: W.R.P.D. Application for Earth Removal Permit, owner Fuller Street Development LLC for Fuller Street, Assessor's Map: 024 Lots: 5555.

Honorable Board,

I have received the plans submitted by Richard R. Riccio III, P. E. of Field Engineering Co., Inc. dated: May 4, 2009 on behalf of Fuller Street Development, LLC for an earth removal permit for the above referenced property.
I have no comment.

Respectfully submitted,

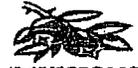
Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

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

April 15, 2016

Ms. Diane Stewart, Chairwoman
Board of Selectmen
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: Fuller Street LLC- Earth Removal Permit Extension Review Letter

Dear Ms. Stewart,

At the request of the Board of Selectmen I have reviewed the Earth Removal Permit Application as submitted by Field Engineering Co. Inc., on behalf of Fuller Street Development, LLC. As part of the submittal I received the following:

- Earth Removal Permit Application dated March 16, 2016, prepared for the applicant Fuller Street Development LLC., prepared by Field Engineering Co. Inc.
- Earth Removal Permit Project Plan dated March 18, 2016, prepared by Field Engineering Co. Inc., prepared for Fuller Street Development LLC.
- Proposed Cranberry Bog Project, prepared by Field Engineering Co. Inc., dated October 17, 2008 and last revised on May 4, 2009.

The Department of Public Works comments are as follows:

1. I have reviewed the inspection documents from the existing earth removal permit. These inspection reports date back to 2009. These reports reflect minimal issues throughout the gravel removal process. The Selectmen's office has received complaints from abutters located on Fuller Street concerning dust, noise and the longevity of the earth removal. In addition there was a complaint concerning work being done within the 50 foot buffer zone. This issue was inspected by the applicant's engineer Outback Engineering and the Department of Public Works in August 2014. No violations were found.
2. Our last inspection of the current earth removal was conducted at the end of March 2016. We found during that inspection that the applicant was utilizing a screen on site. This is not allowed under their current permit unless they are screening sand or loam for on-site cranberry bogs. If the applicant intends to proceed with utilizing a screen to separate materials then their permit would need to reflect this allowance. This is at the discretion of the Board of Selectmen.

3. The applicant has installed a screen on the top of the slope located directly behind the abutters on Fuller Street. The screen has fallen in areas since the earth removal began. The rehangng of this screen may help reduce any future dust complaints.
4. The applicant should verify that all trucks involved in the earth removal have attached to the truck the required sticker reading "Town of Middleborough Permit No."
5. The applicant should verify that the water system used to control the dust on the access/egress road is fully operational.
6. The culvert located on Fuller Street to the west of the earth removal was upgraded in the summer of 2015 as part of the Fuller Street roadway project. The 2009 plan proposed a 36" pipe culvert to be installed. Please clarify if this pipe is still required.

Sincerely,



Christopher Peck
Director of Public Works

April 11, 2016

To the Town of Middleborough Selectman,

My name is Frederick Storch. I reside at 50 Fuller Street and have lived here for 22 years. My time here has been most enjoyable. This is until the so-called "cranberry bog" construction began several years ago, which I have now come to realize the creation of the cranberry bog was simply a front for what is actually a sand and gravel business. Since its conception, the noise from the trucks and equipment as well as the dust that is created and blows in the wind toward my house, is simply unbearable to the extent that I can no longer enjoy my home during its hours of business. I have, in fact, had a representative of the town of Middleborough, Mr. Chris Peck, come by my home to listen to the mayhem.

This present situation is completely unacceptable to what amounts to depriving the enjoyment of home ownership so that individuals can make money selling dirt! To fully understand my position would be to come and sit by my swimming pool some afternoon. The true scope of my words would then be realized. My feeling is you would be mortified by the current situation.

The only solution which I can visualize is the cease and desist of the project or the installation of an acceptable sound barrier. I would have preferred to be present at this meeting, but I am out of the country this week.

Respectfully yours,



Frederick Storch

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: Fuller Street Development LLC

Address of Applicant: 10 Owl Drive

Town or City: Sharon, MA 02067

Owner of Property: Fuller Street Development LLC

Location of Property: Fuller Street

Assessor's Parcel and Map Numbers Map 24 Parcel 5555

Map 33 Parcel 686

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: New

Request for an Extension of Time for existing permit. _____

Existing Permit Number: 09-1 (See Attached)

Parcel(s) Acreage: Approximately 80.97-acres

Estimated Number of Cubic Yards to be Removed: approx. 615,757

Requested Time Frame of Permit 3 years

Brief Project Description and Reasons for Request:

The applicant of record was issued an Earth Removal Permit (Permit No. 09-1) for 1,000,000 cubic yards back on 4/27/09. Subsequently the applicant has removed approximately 384,243 cubic yards. Under the new permit, the applicant proposes to remove the remaining 615,757 cubic yards.

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.

Fuller Street, to Plympton Street, to Route 44

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

c. Has Order of Conditions by Conservation Commission been issued: If so what is project number and date of conditions : N/A

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

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? No Please provide a copy.

g. Expected Date of Project Completion: 2019

5. Engineering General Information

Engineering Firm Name: Field Engineering Co., Inc.

Engineer's Contact/Name : Kenneth J. Motta, Senior Project Manager

Street: 11D Industrial Drive - P.O. Box 1178

Town/City Mattapoisett, MA 02739

Phone Number: (508) 758-2749

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.



Signature of Applicant

Elliot Schneider - Fuller Street Development LLC
Printed Name of Applicant

Date 3/16/16

Phone Number: (781) 784-6248

**EARTH REMOVAL PERMIT
PROJECT PLAN**

Project Location:
Fuller Street
Assessor's Map 24, Lot 5555
Assessor's Map 33, Lot 686
Middleborough, Massachusetts

Prepared for:
Fuller Street Development LLC
10 Owl Drive
Sharon, MA 02067

11D Industrial Drive
P.O. Box 1178
Mattapoisett, MA 02739
Tel. (508) 758-2749
Fax (508) 758-2749

The Crocker Building
4 Court Street, Suite 104
Taunton, MA 02780
Tel. (508) 824-9279
Fax (508) 824-9276

Project No. 1598
March 18, 2016

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- 1.6 Dust Control
- 1.7 Final Topsoil/Plantings

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- 2.0 Town of Middleborough Assessors Map 24 Locus Map.....Appendix B
- Plymouth County Conservation District correspondence dated 11/10/08.....Appendix C
- Order of Resource Area Delineation (ORAD) SE File No. 220-949 dated 9/7/06 ...Appendix D
- Form 11 Soil Evaluation Form dated 10/20/08Appendix E
- MSHA Inspection Letter.....Appendix F
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1.0 Site Description

The Fuller Street Cranberry Bog is a proposed agricultural project consisting of approximately 11.0 acres of cranberry bogs with associated reservoir on a 51.6 acre parcel of land located on the northerly side of Fuller Street in the Town of Middleborough. The project will also serve as an extension to an existing cranberry operation owned and operated by Bayside Agricultural, Inc., adjacent to the subject parcel. The proponent has been working with representatives of Bayside Agricultural on the coordination and operation of the two projects.

The Fuller Street LLC parcel is approximately 51.6 acres. About 18.9 acres of the total is currently under agricultural use with the balance of the area comprised of 17.8 acres of wooded upland and 14.9 acres of bordering vegetated wetland. The cranberry bog and reservoir will convert 18.9 acres of agricultural land and 7.1 acres of undeveloped woodland on the Fuller Street LLC parcel. The resultant total land alteration will be 26.1 acres. The remaining 25.5 acres of undisturbed land area has been placed under a Conservation Restriction in accordance with the Natural Heritage and Endangered Species (NHESP) mitigation program.

The site was the subject of an Earth Removal Permit No. 09-1 issued by the Board of Selectmen on April 27, 2009 and has been actively under construction since 2009. The original Permit was subsequently extended through the Massachusetts Permit Extension Acts of 2010 and 2012 and is due to expire on April 27, 2016. For informational purposes, a copy of the Earth Removal Permit No. 09-1 is submitted in Appendix H.

The horizontal limits of work and the scope of the project have not changed from the original project previously permitted by the Board of Selectmen. The new Earth Removal Permit the applicant is seeking is simply a re-instatement of the original permit. The maximum allowed one year renewal on the current Permit will not be sufficient time for the applicant to complete the project due to current market conditions, therefore, the applicant is requesting a new three (3) year permit with a one (1) year renewal option.

A portion of the site is within a 100-year flood hazard area Zone A as determined by FIRM Community Panel No. 25023C0336J dated July 17, 2012. Approximately 14.9 acres of the site have been identified as bordering vegetated wetland associated with Raven Brook. The boundaries of this wetland system have been reviewed and confirmed to be accurate by the Middleborough Conservation Commission under an Order of Resource Area Delineation (ORAD) SE 220-949 dated September 7, 2006. The ORAD was amended on May 20, 2012 and subsequently extended through the Massachusetts Permit Extension Acts of 2010 and 2012 and is due to expire on 9/7/16. The applicant has filed for an additional three (3) year extension with the conservation Commission and is currently under review.

The project has been designed completely outside of the 100-foot buffer zone to the bordering vegetated wetland system associated with Raven Brook as well as the 100-year flood hazard area. There are no project related impacts to any adjacent wetland resource areas, associated buffer zones and flood hazard areas.

1.1 Master Plan Zoning Consistency

The site is zoned Residence R (Rural) and also lies within a Water Resource protection District (WRPD Z4) based on the current Town of Middleborough Zoning Map revised through 5/14/01. Pursuant to Section IV of the current Zoning By-laws of the Town of Middleborough farming activities devoted to agricultural uses is permitted activity within a Residence R District. The principal uses allowed in the underlying district are also permitted uses within the WRPD Z4 overlay district pursuant to Section XII. H. of the Water Resources Protection District By-law

The primary goals of the Town of Middleborough Master Plan Report dated 3/23/01 and revised through 2/11/02 are the preservation of community based agricultural projects and the preservation of natural resources.

The Town of Middleborough Open Space and Recreation Plan dated 6/98 further supplements the master Plan by targeting the preservation of land adjacent to rivers, streams and ponds and supports the continued viability of agriculture and forestry land uses and further encourages viable farming enterprises. The project will preserve the wetlands and buffer zones adjacent to the Raven Brook and will serve as an expansion to an adjacent agricultural use.

The Southeast Regional Planning and Economic Development agency (SRPEDD) has developed a regional policy plan entitled, "Regional Land Use – Priority Development and Priority Protection Areas in Southeastern Massachusetts", dated 7/97. The Plan acknowledges the importance of agricultural use with respect economic and land use impacts and has specifically targeted farmlands as a Priority Protection Area. SRPEDD further encourages land uses that enable the region to optimize its natural, cultural, and historic resources such as cranberry bogs.

1.2 Buffer Areas

The adjacent land area along the southerly perimeter of the site is primarily low density residential use on Fuller Street. A 3.5 acre naturally vegetated buffer zone has been maintained along the southerly perimeter of the site adjacent to the existing residential uses. The buffer zone will serve as a visual screen and noise attenuation during the initial phases of the earth removal. The finish grade of the bogs will be an average of 10-30 feet lower than the elevation of the existing grades adjacent to the abutting properties. The elevation differential will further provide visual screening and sound attenuation to the adjacent residential uses.

The site bounded by the bordering vegetated wetland system associated with Raven Brook along the northerly perimeter. This system averages 250-feet in width and will serve as a naturally vegetated buffer in its current condition. A vegetated screen berm 5-feet in height has been provided along the westerly property line adjacent to the Bayside Agricultural parcel. The screen berm will provide wind attenuation and wildlife habitat plantings in accordance with the Natural Heritage and Endangered Species (NHESP) mitigation program.

1.3 Project Phasing/Traffic

The site currently has a 50-wide access corridor between two of the adjacent residential properties directly to Fuller Street. The applicant has elected not to utilize this access due to the proximity to the abutting residences and has pursued an agreement with Bayside Agricultural to utilize the existing access driveway through the Bayside Agricultural property. Vehicular traffic currently utilize the the existing route through the Bayside parcel from the existing curb cut on Fuller Street and along the existing bog access road to the rear of the Fuller Street LLC parcel. The existing driveway has been paved approximately 160 feet into the property from Fuller Street to minimize tracking of sediments on the public right-of-way. The existing bog access road has been fine graded and widened to a minimum width of 16-feet to accommodate the truck traffic.

The project was initially planned to be constructed in two phases. Phase I involved the earthwork activity associated with the construction of the reservoir and the first two bog cells east of the reservoir. Phase II will be the completion of the two remaining outer bog cells. It is estimated approximately 1,000,000 cubic yards of earthwork will be exported from the site upon the completion of the project. The earthwork activity associated with both Phases I and II has consistently progressed since the commencement of activities in May, 2006 and has yielded about 384,243 cubic yards of earth fill through 3/14/16 according to the applicants records. Refer to Appendix G for the itemized tabulation of exported earth fill volumes. It is estimated the balance of the excavation in the amount of 615,757 cubic yards will be substantially complete within next four (4) year period which translates to about 154,000 cubic yards per year or a maximum of 620 cubic yards per day based on a 5-day work week. The actual daily volumes will vary as a function of market demand but will unlikely be greater than the maximum projection of 620 cubic yards per day. Normal hours of operation will be 7:30 a.m. to 4:30 p.m. Monday through Friday excluding Saturdays, Sundays, and Town observed holidays. No earth removal equipment or material hauling trucks will not be started or run before 7:30 a.m. or after 4:30 p.m.

The average daily trip generation based on an estimated production rate of 620 cubic yards per day will be about 31 trips per day. The majority of truck traffic associated with the earth removal will exit the site at the existing Bayside curb cut and travel westerly on Fuller Street to Thompson Street and ultimately to the signalized intersection at Plympton Street / Route 44. The intersection sight distances and pavement widths along the route from Fuller Street to Route 44 are acceptable to accommodate the additional traffic volumes.

1.4 Project Water Demand

The 11.0 acre cranberry bog is divided into four (4) cells with an average of 2.8 acres per cell. Each cell will be sequentially flooded during harvest season thereby negating the need to flood the entire 11.0 acres at one time. The irrigation system will be a pop up sprinkler type system operated by an automatic temperature sensor controller to minimize withdrawal from the reservoir. The annual water demand for the bog irrigation system is estimated at about 66 acre-feet per year. Source water will be provided through a proposed 31 acre-foot on-site surface reservoir. The reservoir will be replenished through groundwater recharge and a bypass canal through the adjacent Bayside Agricultural property.

1.5 Stormwater Management

In its present condition, stormwater is currently contained within temporary sump areas within the excavation cells to avoid a centralized concentration of runoff. The overflows from these sump areas are directed to the excavated reservoir area where runoff is detained to allow for settlement of suspended solids. Treated runoff is then discharged into the existing cranberry bog irrigation ditch system on the Bayside Agricultural property.

A portion of the reservoir has been isolated by an earth berm and utilized for stormwater containment while the earthwork associated with the bog construction proceeds. Temporary bypass swales and diversion berms have been implemented and maintained during construction to convey stormwater discharges to the reservoir.

No stormwater discharge will be allowed toward the adjacent residential properties to the south. No untreated stormwater runoff will be allowed to discharge off of the property or towards any adjacent wetland resource areas.

1.6 Dust Control

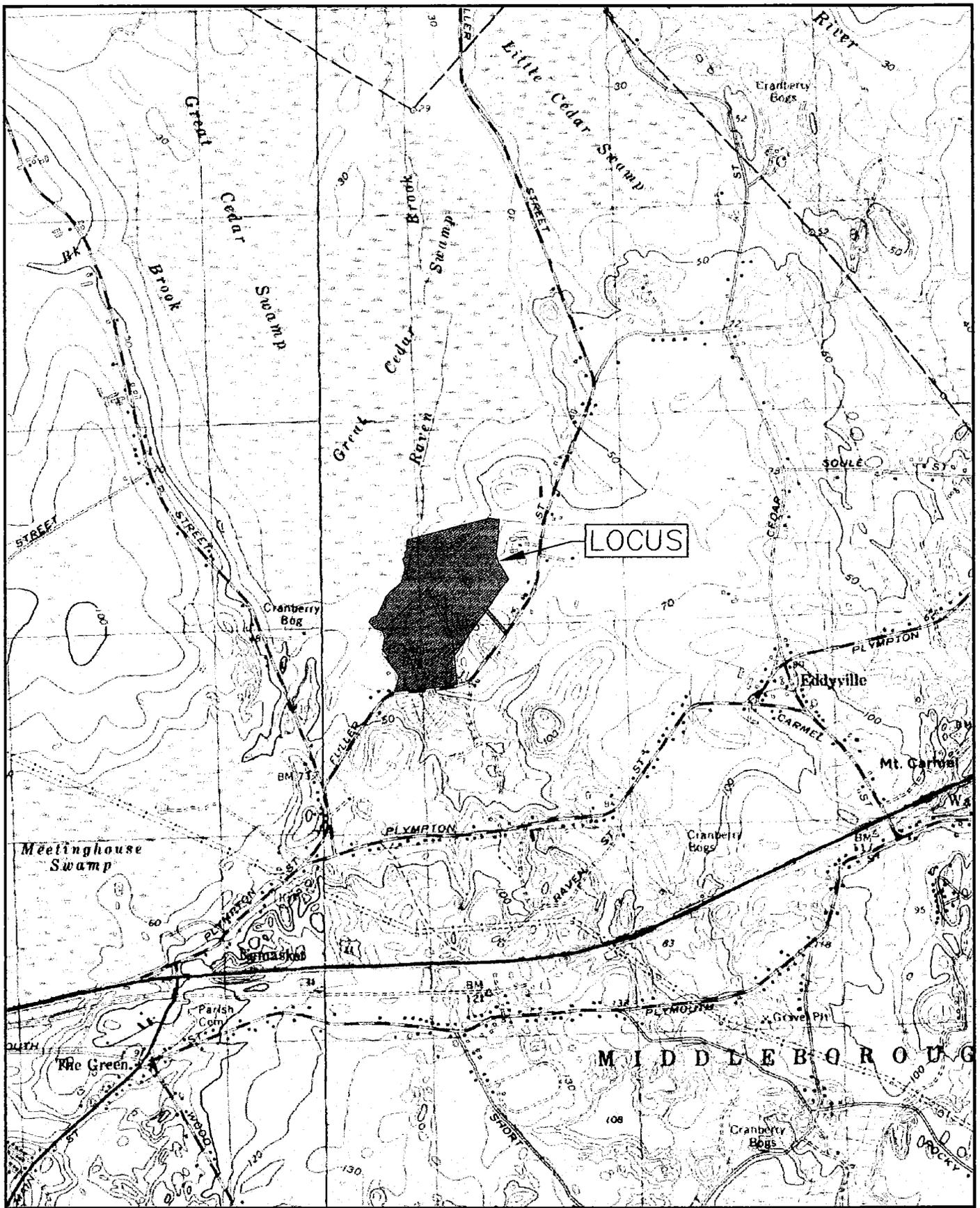
The haul road and loading areas will be watered on an as-needed basis or as directed by the representative for the Town for dust control. As an alternate, calcium chloride and/or sand will also be utilized as an alternate.

1.7 Final Topsoil/Plantings

A detailed slope planting plan is presented on the Permit Drawings. Final side slope grades will be no less than 3:1 and capped with 4-inches of loam and seeded. Temporary slope stabilization methods as described in the Slope Planting Plan such as jute matting, straw mulch, etc., may also be used until such time as the final slope plantings are done.

Appendix A

1.0 USGS Quadrangle Locus Map



LOCUS

MIDDLEBOROUGH

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

11D INDUSTRIAL DRIVE
P.O. BOX 1178
MATTAPANSETT, MA 02739
TEL: (508) 758-2749
FAX: (508) 758-2849

THE CROCKER BUILDING
4 COURT STREET SUITE 104
TAUNTON, MA 02780
TEL: (508) 824-9279
FAX: (508) 824-9276

LOCUS MAP
FULLER STREET DEVELOPMENT LLC
FULLER STREET
MIDDLEBOROUGH, MASSACHUSETTS

Project No.	Date
1598	6/20/08
Scale	Sheet
1"=2083'	1 OF 1

1598-USGS

Appendix B

2.0 Assessors Map 24 Locus Map

Appendix C

*Plymouth County Conservation District
correspondence dated 11/10/08*



PLYMOUTH COUNTY CONSERVATION DISTRICT
15 Cranberry Highway
West Wareham, Massachusetts, 02576

November 10, 2008

Elliot Schneider
Fuller Street Development, LLC
10 Owl Drive
Sharon, MA 02067

Mr. Schneider,

I am writing to let you know that once the cranberry bogs are planted I will be able to provide a farm plan for the property.
We cannot provide plans for proposed/planned bogs.

Once the bogs are complete please notify this office to start the plan process.

Sincerely,

Bill Kane
Certified Farm Planner
Plymouth County Conservation District

Cc:file

Appendix D

Order of Resource Area Delineation (ORAD)
SE File No. 220-94 dated 9/7/06



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 4B - Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

220-849
Provided by DEP

A. General information

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

1. **From:** Middleborough
1. Conservation Commission

2. This issuance is for (check one):

- a. Order of Resource Area Delineation Only
- b. Order of Resource Area Delineation Subject to Simplified Review
 - 1. Not Subject to Stormwater Policy
 - 2. Subject to Stormwater Policy
- c. Amended Order of Resource Area Delineation

3. **To: Applicant:**

a. First Name 10 Owl Drive b. Last Name _____ c. Company AGS Development
d. Mailing Address _____ e. City/Town Sharon f. State MA g. Zip Code 02707

4. **Property Owner (if different from applicant):**

a. First Name 777 Dedham Street #144B b. Last Name _____ c. Company V.S. Haseotes and Sons c/o Cumberland Farms Inc./Lily Bentes
d. Mailing Address _____ e. City/Town Canton f. State MA g. Zip Code 02021

5. **Project Location:**

a. Street Address Fuller Street b. City/Town Middleborough
c. Assessor's Map/Plot Number Map 6 d. Parcel/Lot Number Parcel 2255

Latitude and Longitude (note: electronic filers will click for GIS locator):

a. Latitude _____ f. Longitude _____

6. **Dates:** a. Date Notice of Intent filed April 28, 2005 b. Date Public Hearing Closed September 7, 2006 c. Date of Issuance September 7, 2006

7. **Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:**

a. Title Plan to Accompany an ANRAD in Middleborough, MA Land on Fuller Street b. Date Rev. 2/6/06 - 3 sheets
c. Title _____ d. Date _____

Sharon 9-20-06 11:24

FILE



WPA Form 4B - Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other Resource Area(s), specifically:

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other Resource Area(s), specifically:

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other Resource Area(s), specifically:

d. The boundaries were determined to be inaccurate because:

3117



C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

- 1. The project is not subject to the Stormwater Policy.
- 2. The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Determination of Applicability or Notice of Intent prior to any work because:

- 3. Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
- 4. The Buffer Zone contains existing slopes greater than an average of 15%.
- 5. Buffer Zone contains estimated rare wildlife habitat.¹
- 6. The site borders an Outstanding Resource Water.²

Stormwater

- 7. The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See Instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. _____

- 8. The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # _____ :

b. Standard # _____ :

- 9. Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
- 10. The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
- 11. Work is proposed within 50 feet of a resource area.

Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

¹ Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

² Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is not commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 4B – Order of Resource Area Delineation

220-949

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Findings

This Order of Resource Area Delineation determines that the Stormwater Plan, if applicable, and the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office.

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within 60 business days of the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellant seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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



F. Signatures and Notary Acknowledgement

Please indicate the number of members who will sign this form:

Five

(Number of Signers)

Patricia A. Delaney
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

This Order is issued to the applicant and the property owner (if different) as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

Date

Notary Acknowledgement

Commonwealth of Massachusetts County of

Plymouth

7th

September

2006

On this _____ of _____

Month Year
D. Jeffrey Erickson

Before me, the undersigned Notary Public,
personally appeared

Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Personally Known

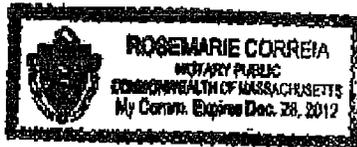
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged
to me that he/she signed it voluntarily for its stated purpose.

As member of

Northborough
City/Town

Conservation Commission



Rosemarie Correia
Signature of Notary Public
Rosemarie Correia

Printed Name of Notary Public

12/28/12

My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B - Order of Resource Area Delineation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

220-849
Provided by DEP

TD13589462339

P. 1

Kennel

G. Recording Information

If this Order is issued for purposes of Resource Area Delineation only, this Order should NOT be recorded.

If this Order of Resource Area Delineation is issued as part of a Simplified Review, this Order must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 6 of this form shall be submitted to the Conservation Commission listed below.

Middleborough
Conservation Commission

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

To:

Middleborough
Conservation Commission

107744
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
25 SEP 2006 12:16PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 33405 Pg 272-278

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

Fuller Street
Project Location

220-849
DEP File Number

Has been recorded at the Registry of Deeds of:

County _____ Book _____ Page _____

for:

Property Owner _____

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

Book _____ Page _____

In accordance with the Order of Conditions issued on:

9/7/06
Date

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

Instrument Number _____

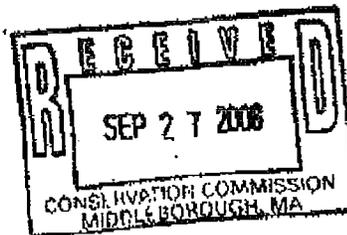
If registered land, the document number identifying this transaction is:

Document Number _____

Signature of Applicant _____

Page 7 of 7

WPA Form 4B (06) - Rev. 03/05



FILE

Appendix E

Form 11 Soil Evaluation Form dated 10/20/08

Location Address or Lot No. Fuller Street New Bog Project

On-site Review

Deep Hole Number: 1 Date: 10/20/08 Time: 9:30 AM Weather: Sunny, 50

Location (Identify on site plan): See Site Plan

Land Use: Cranberry Bog Use Slope (%): 0-5% Surface Stones: Few Surface Boulders

Vegetation: Wooded, Pines

Landform: _____

Position on Landscape (sketch on the back): Off Existing Bog Access Road In Vicinity of Proposed Reservoir

Distances from:

Open Water Body: >150 feet Drainage way: 0 feet
Possible Wet Area: >100 feet Property Line: >10 feet
Drinking Water Well: >100 feet Other: _____

DEEP OBSERVATION HOLE LOG*					
Depth from Surface (Inches)	Soil Horizon	Soil Texture (USDA)	Soil Color (Munsell)	Soil Mottling	Other (Structure, Stones, Boulders, Consistency, % Gravel)
0-14	A	Loamy Sand	10 YR 3/2		Friable, Very Dry
14-30	B	Loamy Sand	10 YR 5/6		Friable, Very Dry
30-60	C ₁	Sand	2.5 Y 5/6		Loose, Coarse
60-84	C ₂	Loamy Sand	2.5 Y 6/4	@ 84"	Damp, Wet, Some Cobbles
84-192	C ₃	Medium-Coarse Sand	2.5 Y 6/4		Saturated, Very Few Stones

* MINIMUM OF 2 HOLES REQUIRED AT EVERY PROPOSED DISPOSAL AREA

Parent Material (geologic) Glacial Outwash Depth to Bedrock: N/E

Depth to Groundwater: Standing Water in the Hole 120" Weeping from Pit Face: 84"

Estimated Seasonal High Ground Water: 84" (Mottle Depth)



Location Address or Lot No. Fuller Street New Bog Project

Determination for Seasonal High Water Table

Method Used:

- Depth Observed standing in observation hole 120 inches
- Depth weeping from side of observation hole 84 inches
- Depth to soil mottles 84 inches
- Ground water adjustment _____ feet

Index Well _____ Reading Date _____ Index Well Level _____
Number
Adjustment Factor _____ Adjusted Ground Water Level _____

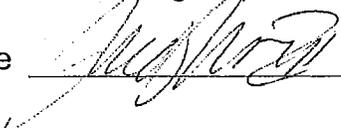
Depth to Naturally Occurring Pervious Material

Does at least four feet of naturally occurring pervious material exist in all areas observed throughout the area proposed for the soil absorption system? Yes

If not, what is the depth of naturally occurring pervious material? _____

Certification

I certify that on April 1999 (date) I have passed the soil evaluator examination approved by the Department of Environmental Protection and that the above analysis was performed by me consistent with the required training, expertise and experience described in 310 CMR 15.017.

Signature  Date 10/20/08



Appendix F

MSHA Inspection Letter

U.S. Department of Labor

January 11, 2016

Mine Safety & Health Administration
Thorn Hill Industrial Park
178 Thorn Hill Road, Suite 100
Warrendale, PA 15086



Mr. Mike Redlon
G. S. Redlon & Sons, Inc.
3 Shaw Street
Middleboro, MA 02346

Dear Mr. Redlon:

This letter is to verify that the Ravenbrook operation has been assigned the MSHA Identification Number designated below. The number is assigned to the operation located at or near Middleboro, MA.

Trade Name & Mailing Address: G. S. Redlon & Sons, Inc.
3 Shaw Street
Middleboro, MA 02346

Telephone Number: (508) 947-1495

Identification Number: **19-01258**

As a mine operator, your company is accountable for the reporting requirements of 30 CFR, Part 50. Enclosed are Accident, Injury and Illness Reports (Form 7000-1) and Quarterly Employment Reports (Form 7000-2) with instructions. You will need to submit these when reporting accidents and hours worked at this operation. Electronically formatted forms and online filing may be accessed from our web site www.msha.gov.

A current issue of CFR 30, Parts 1 to 199 and/or 30 CFR 56 & 57, Federal Metal and Nonmetal Mine Safety and Health Regulations are available from the government printing office and commercial sources. A listing of these sources is enclosed and you may also view regulations online from our web site www.msha.gov under Statutory & Regulatory Information.

If you have any questions regarding your responsibilities under the Mine Safety and Health Act, or if we can be of assistance, please call (724) 772-2334.

Sincerely,

A handwritten signature in black ink that reads "Peter J. Montali". The signature is written in a cursive style.

Peter J. Montali
Northeast District Manager for Metal
and Nonmetal Mine Safety and Health

MSHA:sv:01/12/16

Appendix G

Exported Earth Volume Calculations

10:01 AM
03/14/16
Accrual Basis

RAVENBROOK DEVELOPMENT, LLC
Sales by Item Summary
All Transactions

	Qty
Inventory	
2" Minus Gravel (2" Gravel)	178
3" GRAVEL SP (3" MINUS GRAVEL)	5,472
3/4" MINUS GRAVEL (3/4" MINUS GRAVEL SP)	72
GRAVEL TAILINGS SP (TAILINGS)	40
Loam GER	2,846
SAND SP (SCREENED SAND)	52,443.1
SCREENED LOAM SP (SCREENED LOAM)	7,684
Structural Fill	8,961
WH Bank Gravel	0.00
WH Fill structural	15,052
Total Inventory	92,748.10
Parts	
BANK GRAVEL (BANK GRAVEL)	2,551
BANK SAND (BANK SAND)	105,004
FILL	181,220
LOAM	46
PERC SAND (PERC SAND)	2,436
Tailings	238
Total Parts	291,495

384,243 yds -

Appendix H

Original Earth Removal Permit No. 09-1 dated 4/27/09

44682

Fuller Street Development, LLC
Permit No. 09-1

Final Conditions for Earth Removal Permit
April 27, 2009

Name	Fuller Street Development, LLC
Street	Fuller Street, Middleborough, MA
Past Earth Removal Permit No.	NONE
New Earth Removal Permit No.	Permit No. 09-1
Zoning Map Description	Map 24, Lot 5555
Other Permits	Middleborough Conservation Commission Review Completed
Proposed Volume	Phase 1 1,000,000 cubic yards
	Total 1,000,000 cubic yards

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
26 MAY 2009 10:25AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 37242 Pg 98-105

Mail
Mill Pond LLC
10 Owl Dr.
Sharon MA 02067

ORDER OF CONDITIONS

BOARD OF SELECTMEN

General Information

The time line and proposed work for the Fuller Street Cranberry Bog Project shall be as outlined in the **Project Plan** required under this permit, and approved by the Town's Agent. The Project Plan outline can be found in Appendix A of the Earth Removal Application Package.

The Project Plan outlines the proposed construction sequence and time lines for the project. The project plan shall be updated annually for approval by the Board of Selectmen or their designated 'Agent' (Town's Agent).

The Earth Removal Permit holder shall submit to the Town's Agent for review and approval - a **Project Plan** that will outline the planned activities and goals for each quarter of the phased construction work for each year of the permit. The following sections are applicable under this permit:

- a. General Conditions
- b. Standard Conditions and Site Requirements
- c. Special Conditions
- d. Inspection Fees and Bonding

A. General Conditions

1. All phased construction work consisting of regrading shall be completed and required plantings shall be 'growing' prior to any application for a future earth removal permit or opening of new phases. No cutting, clearing or grubbing of areas not included under the Project Plan as 'phased' work shall be performed at the site.

If any aforesaid described work is done in unpermitted areas - without the written permission of the Town's Agent future earth removal requests may be forfeited.

The Town of Middleborough's Earth Removal Bylaw - as amended - should be reviewed by the project proponent to ensure that compliance requirements are met.

2. This permit is valid for **three (3) years** - or - for a lesser time approved by the Board of Selectmen at the time of application and hearing - and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen.

Fuller Street Development, LLC
Permit No. 09-1

3. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is allowed Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until before 7:30 A.M and after 4:30 pm.

4. No operation at the site is allowed on Saturday, Sunday or Town Hall observed holidays, which are as follows:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

5. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the approved plan or at the direction of the Town's Agent. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place.

6. The permit holder is not permitted to spot excavate to remove better material here and there on the site. The project will be excavated in phases, as provided on the approved plan. Phases shall be planted, prior to excavation of the next phase. The Town's agent may allow partial excavation into the next phase provided that planting is performed during the growing season.

7. Excessive erosion is to be controlled as determined by the Board of Selectmen's Agent - working with the Town's Conservation Commission's Agent. During non construction periods, stockpiled materials may be required to be covered to prevent erosion from the site

8. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.

Any utilized screening plant shall be no larger than 150 to 200 yards per hour.

The permit holder shall provide a written description, time frame and proposed volume of material to be screened for approval by the Town's Agent.

9. Existing tree lines, natural land topography and vegetative buffer zones shall be maintained, a minimum of fifty feet (50 ft.) from all property lines. In the absence of tree lines on the property, then the natural vegetated buffer shall be maintained for the same distances and trees planted in order to screen the site.

B. Standard Conditions and Site Requirements

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Town's Agent and be in place prior to commencement of removal operations.
2. The Board of Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.
5. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee violates any condition of this permit.
6. The Town Manager or designee is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.
7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.
8. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Town's Agent to assist in dust control.
9. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the Board of Selectmen. The Board of Selectmen will hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
10. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
11. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as specifically approved by the Town's Agents and as allowed by state statute or regulation.

Fuller Street Development, LLC
Permit No. 09-1

12. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Board of Selectmen at a publicly scheduled hearing. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.

13. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.

14. Gates will be installed on the haul road to prevent unauthorized access to the property.

15. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Town's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".

16. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT No. 09-1."

17. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.

18. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.

19. The approved plan shall be modified to include the general location (no survey required) of any monitoring wells on the site.

20.. No standing trees are to be cut, trimmed or removed from the site, except for those areas shown on the approved plan. Violation shall result in a fine being imposed, in accordance with Earth Removal Bylaw §6, and/or revocation of this Permit.

If any tree needs to be trimmed, cut or removed, prior approval shall be provided by the Town's Agent.

21. No rock crushing is authorized. Any proposed rock crushing may be authorized by the Board of Selectmen following a public hearing on a request for an Earth Removal Permit modification.

22. Excessive noise levels, as determined by the Town's Agent, shall result in onsite equipment modification within one (1) week of notification.

23. De-watering operation plans shall be provided through a modification to the submitted Project Plan for review and acceptance by the Town's Agent.. De-watering may be limited during the summer months. Siltation barriers will be provided as required by the Town's Agent.

C. Special Conditions

1. Blasting on the site is discouraged. Special permission may be provided by the Board of Selectmen after a public hearing - prior to application of a blasting permit to the Town Fire Department.
2. A dewatering system, if required will be outlined in a modified Project Plan, for review and approval by the Town's Agent.
3. Monitoring wells may be required to determine groundwater levels that could impact adjacent residential overburden and bedrock wells.

If neighboring overburden wells are determined to be potentially affected by the dewatering operation, work will cease, monitoring wells shall be installed, and an evaluation made from a qualified hydrologist on the dewatering operation, prior to commencement of work. The Town's Agent shall determine if work will continue at the site - after consultation with the Board of Selectmen during a public meeting.

4. Monitoring well(s) for water levels, if required, are to be measured every seven (7) days, and the results kept in a daily log.
5. A copy of Bayside Agricultural inc. agreement to allow exit or entry access to the site is made a part of these conditions.
6. Conditions from the Middleborough Conservation Commission and Army Corp of Engineers is made a part of these conditions.
7. The site shall be evaluated for storm water drainage, and discharges, if permitted shall be to the Raven Brook or other site if approved by the Town's Agent.
8. Responses to field issues raised during the public hearing for the project as outlined in correspondence dated February 24, 2009 from Field Engineering Co., Inc. shall be made a part of these conditions.
9. If flooding along Fuller Street should occur, as a result of the earth removal operations, the permit holder will evaluate the site and provide corrective action upon consultation with the Town's Agent and Town Roadway Superintendent,
10. Trucks will not idle on Fuller Street at any time.
11. The permit holder will prepare a Farm Plan that meets standards set forth from

the United States governments - Natural Resource Conservation District (NCRS) and the Massachusetts Department of Food and Agriculture and provide to the Town's Agent upon project completion.

12. The permit holder will be responsible for maintaining the roadway to no less than present conditions after consultation with Highway Superintendent or designee every four (4) months or if conditions warrant immediate action.

The permit holder will be responsible for providing a video (cd) of existing conditions to the Highway Superintendent or designee of existing conditions for up to one hundred (100) feet from the egress in both directions. As noted on the plans, the driveway shall be paved a minimum of fifty (50) feet from Fuller Street onto the property.

D. Inspection Fees and Bonding

Inspection Fees

1. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board of Selectmen's Agent before the commencement of any earth removal activities.

The fee for this review is **\$ 600.00, due** and payable at the time the permit holder notifies the Board of Selectmen's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

2. Quarterly reviews must be performed by the Board of Selectmen's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit.

- a. The fee for each such review is **\$ 600.00, due** and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permitted project.
- b. This report, along with **the Project Plan** will be made available to the public at the Town Manager's Office, upon request.
- c. The Board's Agent will include with the quarterly review a written assessment and update of actual activities and goals that were provided under **the Project Plan**.

- d. The Boards' Agent will determine if the Project Plan is meeting the proposed activities and goals. If the Project Plan activities and goals are not met for three (3) consecutive quarters, the project permit shall be suspended and a hearing with the Board of Selectmen shall be held to determine if the permit shall be reissued.

Bond Requirements

1. A bond, or acceptable alternative surety, in the amount of **\$50,000.00** will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.

Patrick E. Rogers, Chairman
BOARD OF SELECTMEN

Patrick E. Rogers 05.18.09
Date

Commonwealth of Massachusetts
County of Plymouth

On this 4th day of May, 2009, before me the undersigned Notary Public, personally appeared _____

Patrick E. Rogers, proved to me through satisfactory evidence of identification which was/were Personal Knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose(s).

Jacqueline M. Shanley
Signature of Notary

(Seal)
My commission expires 8-8-14

