

# **MINUTES**

**For approval at the 3-3-14 meeting**



**Middleborough Board of Selectmen  
Meeting Minutes**

 **DRAFT**

February 24, 2014

Chairman opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen S. McKinnon, A. Frawley, L. Dalpe, and J. Knowlton; and Town Manager, C. Cristello.

**UNANTICIPATED**

Selectman Frawley thanked the Parks department for leaving the restrooms open to the public for the benefit of those sledding at Battis Field.

Selectman Dalpe noted that a couple of the stone lintels at Oliver Mill Park are ready to tip over because the footings underneath are crumbling in the archway. She will send Town Manager an email to describe the exact location and he will contact the Parks department.

**ANNOUNCEMENTS & RECOGNITIONS**

The meeting was broadcast live by MCCAM and recorded by MCCAM and Verizon.

Selectman Dalpe announced that the Plymouth County Development Council Convention and Visitor's Bureau is hosting the 32<sup>nd</sup> Annual Transportation Breakfast on 3/28/14. Secretary Davey and Senator Therese Murray will be there. Brochures will be available in the Selectmen's office.

**MINUTES**

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the 2/10/14 regular meeting minutes.

**WARRANTS**

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 2/21/14.

**NEW BUSINESS**

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the Colleen Celia 5K Road Race/Walk on 7/19/14.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve a One-day Beer & Wine Liquor license for the Bartending Service of N.E. for 3/1/14.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve request from Centre Ave. Café to add an Automatic Amusement device to its existing license.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to sign the Amendment to PEC Agreement re Town Joining the GIC.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the Disabled American Veterans Forget Me Not Fundraising event on 6/28 & 7/4/14.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve payment of Wright-Pierce invoice for subcontractor services, Phase F, Task 2, in the amount of \$3,750.10.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve payment of Wright-Pierce invoice for subcontractor services, Phase G, Task 1 in the amount of \$3,094.28.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve payment of Wright-Pierce invoice for subcontractor services, Phase A, Tasks 1.A.1. through 1.A.21 in the amount of \$92,337.14.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to approve the Budget Review schedule for FY15.

### **TOWN MANAGER'S REPORT**

Chairman read aloud Building Commissioner's Site Inspection report of 4 Lovell Street. The report is available through the Town Manager's office for anyone interested.

Town Manager noted that we are waiting on a Contempt Court date re Whalen et al v. Tracey et al.

Town Manager noted the Snow budget.

### **HEARINGS, MEETINGS, LICENSES**

#### **Comprehensive Wastewater Management Plan**

Chairman opened hearing re Comprehensive Wastewater Management Plan at 7:30 PM by explaining the intent and purpose of the hearing. Wright-Pierce Consulting Engineering representatives John Braccio, PE and Jon Hume, PE, presented the background, the reason for doing the plan, and an update on Phase I of the project. Board asked questions. Chairman asked to hear questions by the public. Board offered further comments. Additional questions were asked by those in attendance. Chairman asked to hear any further questions. Hearing none, Chairman declared hearing closed. Any further questions/comments may be answered/addressed through the office of the Town Manager.

#### **Wastewater Treatment Plant Upgrade-Update**

Wright Pierce representatives John Braccio, PE and Jon Hume, PE provided an update on the Wastewater Treatment Plant Upgrade. Chairman McKinnon left meeting room briefly. Chairman and Board members asked questions. Those in attendance asked questions. Board offered its thanks for the update.

Board took brief recess.

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 24, 2014**

**Earth Removal permit application filed by GAF Engineering on behalf of Riverrock Realty Trust for 288 Thompson Street (continued from 2/10/14)**

Chairman continued hearing from 2/10/14 re Earth Removal permit application filed by GAF Engineering on behalf of Riverrock Realty Trust for 288 Thompson Street. Attorney Robert Mather addressed the Board on behalf of the applicant and the property owner. Brian Madden from LEC Environmental Consultants Wildlife Scientists addressed the Board at the request of Attorney Mather. Per Attorney Mather, the woman in charge at National Heritage, has confirmed that she is in agreement with Brian Madden's outline of the project, especially in consolidating the project. Attorney Mather offered that the 100' buffer zone is not a requirement and that the Board has waived the 100' buffer zone preference. Attorney Mather offered that they would not sell the three properties in question on the site until the Earth Removal project was complete. They may still build homes on those lots, but they would rent them with a tenancy at will so that if the people renting were not happy with the Earth Removal project, they would be free to move. Attorney Mather represented that the buffer zone requirement is in place to protect innocent homeowners, however, there aren't any innocent homeowners to speak of. The present homeowners are participants in the project. Chairman expressed his concerns. Attorney Mather offered a response. Chairman offered that the Board is not being presented with a property lines. Attorney Mather proposed sending the proposed property lines to the Planning department for approval. Selectman Knowlton expressed concern about the buffer zone also. Chairman offered that he would like to see everyone involved, including the engineer, applicant, and Planning department get together to address the concerns. Town Manager agreed that this is a valuable project, but wouldn't recommend it, in its present form. He suggested that the Town hasn't heard directly from National Heritage and they, along with the applicant, should sit down with the Town to work this out. Town Manager suggested that each time the applicant submits an updated plan, it gets larger, not smaller. Marcus Baptiste offered an argument for each line item that had been raised/requested by the Town Planner. He indicated that they addressed each issue she had raised. Selectman Frawley explained to the applicant that the Board relies on the Town Planner's feedback, and based on the concerns she has presented, he, would not be able to support the project. He offered that he would appreciate it if the groups could get together and work something out for the Board's consideration. The Board took a brief recess so that the Attorney could speak privately with his clients to see how they would like to proceed.

**WRPD application filed by Cumberland Farms, Inc. for 90 & 92 E. Grove Street, Map 65, Lots 299 & 112 and 147 Wood Street, Map 65, Lot 372 (continued from 2/10/14)**

Chairman continued hearing from 2/10/14 re WRPD application filed by Cumberland Farms, Inc. for 90 & 92 E. Grove Street, Map 65, Lots 299 & 112 and 147 Wood Street, Map 65, Lot 372. Attorney Doug Troyer, representing Cumberland Farms, Inc. addressed the Board. Mr. Troyer offered the Board some handouts and proceeded to review same. Attorney Troyer noted that Cumberland's is seeking to have this new store opened 24 hours. He additionally informed the Board that one of the abutters had requested some information at the last hearing relative to the Underground Storage Tank (UST) license also applied for by Cumberlands, and he has sent that information to the abutter. He has not heard anything further from the abutter. MHF Consultant Engineer representative addressed the Board. Attorney Michael O'Shaughnessy addressed the Board on behalf of his clients, direct abutters to the property. He informed the Board the he was able to reach an agreement with Cumberland Farms through Attorney Troyer that includes fencing

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 24, 2014**

and Maple trees. He asked the Board to consider making this part of the approved conditions. Town Manager offered that the revised plans already include these specifics, and would therefore, be considered part of what the Board has to consider for approval. Chairman asked to hear any further questions or comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, The Board finds that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

The Board votes to grant a special permit to allow for the construction of a convenience store and gasoline station at 90-92 East Grove Street and 147 Wood Street **as requested in the Applicant's application** under the Water Resource Protection District By-law pursuant to Section 8.2.9 WRPD Z4 Use Regulations 3 j, based on the plan titled 'Proposed Site Re-Development Plans for Assessors Map 65-Lots 299, 372 & 1112, 90 East Grove Street, Middleborough, MA 02346', prepared for Cumberland Farms Inc. by MHF Design Consultants, dated February 14, 2014.

The Board grants the special permit with the following conditions:

- a. MassDOT approval of a direct tie in to the drainage system on East Grove Street. Should MassDOT not allow a direct tie-in to their drainage system the special permit shall not be effective.
- b. Should MassDOT require revisions in the plans, the plans shall be submitted to the Board for their review and approval. Should the revisions not be accepted by the Board the special permit shall not be effective.
- c. Storm water maintenance records/logs are to be kept on site for inspection by Town officials.

**Earth Removal permit application filed by GAF Engineering on behalf of Riverrock Realty Trust for 288 Thompson Street (continued from 2/10/14)**

Board resumed hearing. Attorney Mather addressed Board and offered that his clients agree that they would like to meet with the Town Planner, provided that it can be within the next two weeks and asks that the hearing be continued for two weeks. Joe Arruda addressed the Board and offered that he would love to meet with the Town Planner, but has been unsuccessful in his attempts to reach her and make those arrangements. Town Manager noted that the meeting would also need to include him and a representative from National Heritage. John Garanito of 37 Fuller Street addressed the Board and offered that it's the Board's job to make sure that the lives of the residents (abutters), like him, are not interrupted, but he supports the project. Nick Totman of 3 Fuller Street spoke in favor of the project also. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to continue the hearing to 3/10/14 at 7:30 PM.

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 24, 2014**

**CORRESPONDENCE**

#6 Selectman Knowlton noted the Reserve Fund Balance & Snow Totals vs. Snow & Ice Budget. He noted that it is expensive to move snow.

#11 Selectman Knowlton noted the Plymouth Redevelopment Authority First Time Homebuyer Seminar to be held on 3/6, 3/13, & 3/20.

#3 Selectman Dalpe noted that the School Committee voted unanimously to turn over control of the Green School to the Board of Selectmen.

#7 Selectman Dalpe thanked State Representative Orrall for hosting a tour of the State House & Legislative Round-table discussion on 4-17-14. For more information, please visit Cranberry County Chamber of Commerce.

#1 Selectman Frawley offered to Teri Page that he would look into the issue she raised.

#9 Selectman Frawley noted the Taunton River Watershed Alliance 2014 Water Monitoring Training.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to adjourn meeting at 10 PM.

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Jackie Shanley, Executive Assistant  
BOARD OF SELECTMEN

