MINUTES

for approval on 8-25-14

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Middleborough Board of Selectmen **May 19, 2014**
Meeting Minutes

DRAFT

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

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

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

UNANTICIPATED

Town Moderator reminded the public to attend the upcoming Annual Town Meeting scheduled for Tuesday, 5/27/14.

ANNOUNCEMENTS & RECOGNITIONS

Board made various announcements.

MINUTES

Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to approve 5/5/14 meeting minutes.

Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted to approve 5/12/14 meeting minutes. Four in favor. Selectman Dalpe abstained.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize Chairman, or his designee, to sign Warrants for week ending 5/17/14.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize Chairman, or his designee, to sign Warrants for week ending 5/24/14.

NEW BUSINESS

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize payment of Wright-Pierce invoice & for Schematic Design in the amount of $8,180.92 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize payment of Wright-Pierce invoice for Pilot Testing in the amount of $2,286.12 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize payment of Wright-Pierce invoice for Design Upgrades PH in the amount of $15,662.85 and authorize Town Manager to sign.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to authorize payment of Wright-Pierce invoice Task II Permitting Assistance in the amount of $1,574.85 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize payment of Wright-Pierce invoice for Subcontractor Services in the amount of $14,951.48.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize payment of Wright-Pierce invoice for Comprehensive Wastewater Management Plan in the amount of $7,000 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to name Judy MacDonald Custodian of 50 Navaho Shores, Middleborough, MA **and** to authorize her to auction the property.

Selectman Knowlton explained his thoughts regarding developing an annual Volunteer Recognition event where the Selectmen would choose the recipients from nominees submitted by the community. Selectman McKinnon suggested selecting a limited number of volunteers could prove difficult, and recommended having an appreciation ceremony for the overall group(s). Selectman Dalpe agreed that a group appreciation may be a better way to go. Chairman offered that he will never take a vote for one volunteer being better than another. He does like the idea of recognizing the volunteers. Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to form a Volunteer Committee task force and for Selectmen Knowlton and Stewart to get it up and running.

HEARINGS, MEETINGS, LICENSES

Steve Ventresca of the Conservation Commission addressed the Board asking for the Board's support of ATM Article 28 and offered to answer any questions that the Board may have. Selectman McKinnon reviewed 310 CMR 10 – The Wetland's Protection Act. Resident Ron Burgess addressed the Board to respond to the concerns raised by Selectman McKinnon. S. Ventresca offered that it is much like the requirements of the W.R.P.D. and the 25' buffer. In response to a question by Selectman McKinnon, Mr. Ventresca offered that the Conservation office typically receives a complaint of questionable activity on a particular property, which prompts a telephone call to the property owner by the Agent. Subsequently, a meeting with the property owner is scheduled so that the Agent may view the project. If the project requires, the Agent may advised the property owner to apply for a permit or to come before the Commission and present its plan. Selectman Dalpe asked why the Commission came up with this bylaw, to which Mr. Ventresca responded, it would provide an opportunity for the Conservation Commission department to receive some reimbursement for the expenses it has been expending. Selectman Knowlton suggested it would be an excessive expense to a property owner if putting up a swing set within 100'

of wetland. Mr. Ventresca offered that the Agent would make a reasonable determination on the activity, and in a case such as this, would most likely require a Notice of Applicability, which would not require an application fee, but would require a newspaper hearing notice posting fee. Conservation Commission Agent Patricia Cassady further clarified. Selectman Knowlton offered that he wants the Conservation department to operate within the budget that the Town has provided. Mr. Ventresca offered that the department can't sustain services with its current budget. Selectman Stewart confirmed with Mr. Ventresca that this document has been worked on for a significant amount of time and that it has been reviewed by Town Counsel with no issues. She asked if the Commission knows of any other Towns that have passed this bylaw or repealed this bylaw. Mr. Ventresca knows of none that have repealed it. Ron Burgess offered that out of 351, 208 have adopted the bylaw. Only one town has repealed it. Commission Agent Cassady offered further examples of her experience with working for Towns that have a bylaw. Selectman Stewart acknowledged that we have a dedicated Commission Agent, Commission members, and Clerk and they are responsible for the protection of the wetlands in Town. Chairman reviewed several sections of the proposed bylaw with Mr. Ventresca. The Agent offered that property owners are always welcome to come into the office to seek her input if they are unsure or they can also be placed on the Commission's meeting agenda for discussion. She also offered that if she receives a complaint, and cannot successfully make contact with the property owner by telephone, she sends a letter by Certified mail, which costs approximately $6. Resident Neil Rosenthal offered his displeasure that the Commission did not hold a public hearing on this bylaw and he would like Town Counsel's opinion as to if this is even legal. After further comments by Mr. Rosenthal, he ended by offering that, in his opinion, the bylaw is not needed. Resident Barbara Holton addressed the Board and offered that the Commission already has the ability to control the wetlands now and further control would be detrimental to the property owners. A male resident offered that DEP may take 3-6 month and cost $500-1,000, but the property owner would have a decision sooner and for less expense as opposed to ending up in Superior Court. Brian Giovanoni suggested that if there were a list provided of the restrictions, people could have a clearer opportunity to vote in favor or against the proposed bylaw. Chairman asked the Town Manager to ask Town Counsel if the public hearing the Commission had on this was legal. Mr. Ventresca offered that it had been in the newspaper at least once, but it has been continued weekly on the Commission's agendas for its meetings, which are open to the public. The Commission is only trying to preserve land now and for the future. He and Conservation Agent offered their thanks to the Board. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted not to support this article. Three in favor. Selectmen Stewart and Frawley opposed.

Public Hearing re STM/ATM Articles

SPECIAL TOWN MEETING ARTICLES:

#1 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

2 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#3 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#4 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#5 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

ANNUAL TOWN MEETING ARTICLES:

#1 Board noted this article.

#2 Board noted this article.

#3 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted to support this article. Four in favor. Selectman Frawley opposed.

#4 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article

#5 Board noted this article.

All of the other articles have been previously reviewed by the Board. Chairman asked to hear any further comments/questions. Hearing none, Chairman declared hearing closed.

WRPD 90 & 92 E. Grove Street – (Cont. from 5/12/14) discussion/ vote to approve revised plan
Attorney Troyer addressed Board. The engineer for Cumberland's addressed Board. Selectman Stewart raised the Commission on Disability recommendations for this site. Attorney Troyer offered that they are not willing to change the doors, as are not required to have automatic doors. Chairman offered that the Board would appreciate consideration of the doors. Attorney Troyer explained that they had already gone before the Planning Board, but he will mention the request to his client. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted to approve the revised plans. Four in favor. Selectman Stewart abstained.

CORRESPONDENCE

#1 Selectman Dalpe noted requested that the Cape Flyer schedule be posted to the web.

#6 Selectman Dalpe noted correspondence from Town of Wareham.

#4 Selectman McKinnon noted that the Conservation Commission has been working with NSTAR to look out for the wildlife. He offered his appreciation for all that the Commission has done.

#10 Selectman Dalpe noted the Plymouth County Mosquito Control Poster contest.

#16 Selectman Knowlton noted the Phase I MT Environmental Restoration report re 161 S. Main Street.

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9:04 PM to discuss strategy relative to Pending Litigation – Planning Board re Sippican Commerce Park and not to return into Open Session. Roll Call: A. Frawley, Yes, J. Knowlton, Yes; D. Stewart, Yes, L. Dalpe, Yes; S. McKinnon, Yes. Ended at 10:12 PM.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Middleborough Board of Selectmen
Meeting Minutes

DRAFT

May 28, 2014
(Wednesday)

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

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

HEARINGS

Rent Increase – Edgeway Homeowners' Association, Inc.

Chairman opened public Rent Board hearing re Edgeway Homeowners' Association, Inc. by reading aloud the public hearing notice. Attorney Adam Bond addressed the Board to present on behalf of the Association. In order to get the financing in place to purchase the Park, the Association asks that the Board approve this increase, subject to the successful purchase of the Park. He offered that Town government has operated in an expeditious manner over these past few weeks and it has helped the Association tremendously. Chairman spoke. Town Counsel spoke. Chairman asked to hear any further questions/comments. Hearing none, Chairman closed hearing. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve the $381/month plus the $12/month rent increase. Town Counsel addressed the Board and noted that the formal written decision should include that this vote is contingent upon the Association becoming the new owner of the Park and that the new rent increase become effective 30 days following the acquisition of the Park. Motion by Selectman McKinnon and seconded by Selectman Dalpe to amend the vote to include the recommendations made by Town Counsel. Board voted unanimously on the amendment. Board voted unanimously on the original motion.

Agreement with Edgeway Mobile Homeowners' Association, Inc.

Attorney Bond addressed the Board. Selectman McKinnon asked Town Counsel if he is satisfied with the Agreement to which he responded in the affirmative. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to sign Agreement with Edgeway Homeowners' Association, Inc.

License

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to grant license to Edgeway Mobile Homeowners' Association, Inc.

Town Counsel addressed the Board re the preliminary injunction obtained by Attorney Burke against the Board and offered that Attorney Burke suggested he may consider dropping the injunction upon the sale of the Park. This was done to stop the Board from filing a criminal complaint concerning the $100 per day fine for operating a Manufactured Home Park without a license. Board agreed to continue the matter until it is worked out.

ANNOUNCEMENT

Chairman announced that there is a D.O.T. meeting on 6/13/14.

HEARINGS

Chairman opened public hearing on Tobacco Violations at 7:30 PM. Jessica Gardener addressed the Board and reviewed the events of the violations that have been reported to the Board. The store manager of Trucchi's Supermarket offered that they are taking the matter seriously and that they have re-assigned the young lady that sold to the minor to a different department. They have re-trained their employees and they are hoping that the Board will not impose a 3-5 day suspension. They do have equipment that requires a date be imported. The employee thought the merchant was old enough and she imported the wrong date. She was penalized for breaking the policy. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to institute a $100 fine and a three day suspension, specifically for, Friday, Saturday, and Sunday June 6, 7, 8, 2014.

The owner of Ron's Irving addressed Board and offered that they have never had an issue. He asked his employee what happened and the employee indicated that the customer looked older than 30. He has equipment that requires the employee to press "yes" if the person is old enough. He is not taking this lightly. He told the Board that it's difficult to know if someone looks old enough. Chairman suggested that he develop a more stringent policy to determine that the customer is old enough. Selectman Knowlton recommended that he not leave it at discretion and to i.d. everyone. The owner responded that this would be problematic because some people who are more than old enough take offense to being asked for identification. Selectman Knowlton reiterated that the Board takes this very seriously and is concerned with how many other kids are making these purchases and getting away with it. The owner responded that in seven years, this is the first violation and he has been visited by the sting operation regularly as well as the state. He is concerned with an offended customer reacting angrily toward his employee(s). Selectman Dalpe left the meeting at 7:48 PM. Selectman Stewart suggested that posting a very clear sign that customers will be asked for an i.d. should deter any argument by a customer. Chairman offered that he appreciates the owner's position. Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to institute a $100 fine and a three day suspension, specifically for, Friday, Saturday, and Sunday June 6, 7, 8, 2014.

Town Manager updated the Board that Plymouth County Treasurer Tom O'Brien will be here on Monday night and the following week the Plymouth County Commissioners.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to adjourn at 7:51 PM.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

DRAFT

Middleborough Board of Selectmen **August 11, 2014**
Meeting Minutes

Chairman opened meeting at 6:30 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

UNANTICIPATED

Selectman McKinnon clarified that Police Sergeant David Beals, Jr. had only withdrawn from the Police Chief Assessment Center process due to a family matter that came up during the process. Selectman McKinnon noted that it should in no way disqualify him from applying for any future openings.

ANNOUNCEMENTS & RECOGNITIONS

Board made various announcements

MINUTES

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve the 7/28/14 meeting minutes.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for weeks ending 8/9/14 & 8/16/14.

NEW BUSINESS

Fire Chief Benjamino and Mark Brewster of Brewster Ambulance addressed the Board to announce Smart 911. The Chief urged the public to sign up on line for Smart 911, which will give vital information to emergency services personnel in the case of an emergency call. The Chief gave Brewster Ambulance credit for moving this forward and for funding the program. There will be a public relations effort to get the word out. Mark Brewster noted that Middleborough will be the first community in the Commonwealth to have Smart 911. Selectman McKinnon asked if a one-page flyer could be included with MG&E bills, to which Mr. Brewster responded that it would be a great idea. They would like to post it to the Town's website. Jeff Marani addressed the Board and explained that individuals should create a Head of Household account, and if they have teenagers with cell phones, and they report that their children are not where they should be, they can ping that teenager's cell phone within five seconds to locate their phone. All information given is strictly confidential. For more information, including information re privacy, visit www.smart911.com. Individuals can provide as much, or as little, information as they wish to include in their account. You can include information such as where your children's bedrooms are located, where your gas tank is located, where the nearest fire hydrant is located, if there is a domestic violence history in the home, or if anyone in the home has medical issues or allergies.

Selectman Dalpe updated the Board re the vacant space in the Town Hall annex. She has connected with Philip Austin of Best Choice Home Finder who has excellent knowledge pertaining to what the

Town is looking for re a tenant. He agreed to stay within the Town's budget. He has provided an initial contract, which is with Town Counsel for review.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of $187,954.20 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of $5,715.30 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of $187,954.20 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of $14,300 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 49 Wareham Street in the amount of $16,445.49.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve Certificate for Fuel Storage for Lorden Propane.

Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to approve and sign the Warrant for the State Primary. Town Clerk, Allison Ferreira addressed Board.

Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to appoint John C. Ponte, Jr. as an Auxiliary Police Officer.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to promote Police Officer Gregory E. Trask to the Police Sergeant, effective 8/24/14. Officer Trask addressed Board.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to approve and sign Agreement with Ocean Spray Cranberries, Inc.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize acceptance of state funding for 2014 MassWorks Everett Square Revitalization project and to authorize Town Manager to sign MassWorks application certification letter. Jane Kudcey of OECD addressed Board.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to authorize Chairman to sign FY14 and FY15 GATRA contracts with COA.

ANNOUNCEMENTS

Chairman read aloud upcoming MCCAM changes in programming.

HEARINGS, MEETINGS & LICENSES

Board met with former members of the Town Manager Search Committee to discuss the present search for a Town Manager. Steve Morris addressed the Board and offered that he agrees with hiring an outside firm and narrowing down the pool of candidates and then holding interviews with the top 3-5. The Screening Committee may suggest to the Board that it finds an additional one or two worth also interviewing, but it would be at the Board's discretion. The former Committee was comprised of nine members. They met at the Library to conduct interviews. Neil Rosenthal addressed Board. Lincoln Andrews addressed Board and offered that privacy is critical if we want to get good, qualified candidates. Town Manager informed the Board that Mark Morse will contact each of them. Board thanked the former Committee members. Board will appoint members to the Town Manager Screening Committee at its 8/25/14 meeting.

WRPD – TIP Project/Route 44

Curtis Young of Wetland's Preservation, Inc. addressed the Board to introduce the project. Matt Leidner, P.E. from Civil Design Group, LLC, addressed the Board to review the project plans. Mr. Young addressed the issues raised by Atlantic Design Engineering. Board asked questions. Selectman Stewart offered some information as a member of the Conservation Commission. Chairman asked if this project would, in any way, hold up the Rotary project, to which the response was that it would not. Chairman asked to hear any further comments or questions. 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 transportation improvements to Harding Street (Route 44) including road widening and resurfacing, culvert reconstruction, drainage and utility improvements and other ancillary work **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 3a. enlargement and alteration of existing uses and structures, based on the plans titled Harding Street (Route 44) in the towns of Lakeville & Middleborough, Plymouth County, by TEC Inc., dated January 22, 2014.

The Board grants the special permit with the following conditions:

a. The catch basins must be equipped with traps /hooded outlets or similar gas/oil/grit separating measure.
b. Additional erosion control must be added if work on the utility pole and guy wire extends beyond planned erosion control measures.
c. Applicant shall make reasonable efforts to minimize construction debris lost downstream and shall collect any lost material prior to completion of project to prevent any environmental impact.
d. Should de-watering be necessary the appropriate filtering technology must be employed.
e. If, during their review and approval process, the MDOT requires changes that affect the water resources of the Town, revised plans shall be submitted to the Board for review and approval. Should the revisions not be accepted by the Board the special permit shall not be effective.

TOWN MANAGER'S REPORT

Town Manager informed the Board that Susan Musker has been a great addition to the I.T. department.

Town Manager noted the MIIA Rewards program, and that the Town is getting $27,391 back on property Casualty. He commended the Department Heads for their contributions in the program and noted that Caroline LaCroix had coordinated the program.

Selectman McKinnon offered that he did not receive tonight's meeting material attachments in his email from the Board's Executive Assistant. Selectman Knowlton had some difficulties as well. Board's Assistant suggested it may be their personal computers as the material for tonight's meeting was significant in size. Town Manager offered that we will discuss it with I.T. Selectman McKinnon reported that he was able to receive and open the material when it was emailed to him by the Chairman.

CORRESPONDENCE

#3 Selectman McKinnon noted correspondence re 55 Lake Shore Drive-Complaint.

#14 Selectman McKinnon noted. Town Manager offered that the letter was forwarded to the Town's insurance company.

#5 Selectman McKinnon noted the MBTA Advisory Board newsletter.

#7 Selectman Dalpe noted the Cranberry County Chamber of Commerce free seminar.

#8 Selectman Dalpe noted correspondence from resident regarding the Town Meeting Warrant. Town Manager noted that we actually group departmental purchases per department into an article. We are not bundling various departmental purchases into a singular article.

#4 Selectman Stewart noted thank you letters to state delegation re Environmental Bond Bill H4009.

#15 Chairman asked what the Board's recourse is if Robert Weaver does not remove the excess vehicles on site. Town Manager will talk with Town Counsel about the Board's options. Board agreed to send Mr. Weaver a letter to come in before the Board.

HEARINGS, MEETINGS, LICENSES (continued)

Earth Removal Modification - G. Lopes Construction & Red Dog Cranberry Co., LLC

Chairman opened hearing at 8:00 PM on Earth Removal Modification application made by G. Lopes Construction & Red Dog Cranberry Co., LLC by reading aloud public hearing notice. GAF Engineer W. Madden addressed Board to introduce the project. The original E.R. permit was approved in 2009. Selectman McKinnon asked Mr. Madden to quantify how much a "little more" blasting actually means. He was unable to answer that, but offered that they can get that information to the Board. His best guess is that it would be approximately an additional 30% more blasting. He can get the records of the blasts that took place in the past. Selectman McKinnon suggested that the neighbors need to be warned that blasting will be occurring. Mr. Madden responded that they will have to notify the neighbors that blasting will take place. They will not be increasing the number of truck trips per day. The goal is to complete project within one year. Chairman confirmed that hours of operation, dust control and conditions of the original permit will remain the same. This is just a modification. The Board would like to know approximately how many blasts are expected to take place so that the neighbors can be notified. Chairman noted the comments by the DPW Director and suggested that his recommendations should be followed. Mr. Madden offered, again, that notifications will be given to the neighbors. Chairman asked how the applicant feels about the Conservation Agent doing a site visit. Mr. Madden offered that they have no issue with it and he will make arrangements with her. Chairman asked to her any further questions/comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to approve with the following contingencies:

-notify abutters of blasting
-let police and fire know quantities and times
-protocols that were in place for 2009 are same now re blasting
-updates of project plan re past and future blasts
-arranging site visit with Conservation Commission
-all existing conditions of the E.R. remain in place.

Title 5 Regulations Hearing

Chairman opened hearing re Title 5 Regulations Hearing at 8:30 PM by reading aloud the public hearing notice. Health Inspector Catherine Hassett addressed the Board. Board asked questions. Chairman asked to hear any further comments or questions. Hearing none, Chairman closed hearing. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve the Title 5 Regulations.

Variance Regulation

Health Inspector Catherine Hassett addressed the Board. Town Manager noted that we do not have a separate Variance Section in our local regulations. Town Counsel suggested it would be helpful to the public to have this. Selectman Knowlton offered that he is pleased to see this and that there is no cost involved to the applicant. Selectman Stewart noted that she finds the variances to be rather vague. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to recess for 15 minutes.

Board resumed meeting at 9 PM.

WRPD – Cumberland Farms, 150 S. Main Street

Chairman continued the hearing on 8/11/14 at 9:00 PM. Doug Troyer addressed Board to review the outstanding concerns that caused the continuance of this hearing. Matt Leidner, P.E., from Civil Design Group, LLC, addressed Board to further review project. Doug Troyer summarized, noting that they believe the project to be in harmony with the WRPD bylaw, and respectfully requested that the Board vote to approve. Board asked questions, which were answered by the applicant's representatives. Selectman Stewart asked if the applicant considered the handicap automatic door openers. Mr. Troyer responded that he had brought her previous request to his client, but that they were not receptive, at this time, for this particular project. Selectmen McKinnon and Dalpe offered their appreciation for all of the work the applicant put into the project. Chairman echoed the appreciation. Mr. Troyer offered his appreciation and recognition of the Town's staff members for their professionalism and assistance and offered that the Board/Town has terrific staff. Mr. Troyer offered to ask his client again if they wish to consider installing push button door openers. Chairman asked to hear any further questions/concerns. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, 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 construction of a convenience store and gasoline station at 150 South Main Street **as requested in the Applicant's application** under the Water Resource Protection District By-law pursuant to Section 8.2.7 WRPD Z2 Use Regulations 3a. enlargement and alteration of existing uses and structures , based on the plans titled 'Site Plan Set for Cumberland Farms, 150 South Main Street, Middleborough, MA 02346', prepared by The Civil Design Group LLC., and the associated Stormwater Management Report, both dated July 16, 2014.

The Board grants the special permit with the following conditions:

a. A portion of the entrance drives will drain onto South Main Street and Clark Street East. MassDOT approval will be required. 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.
b. After consultation with Atlantic Design the drainage basin butterfly must be relocated for better accessibility.
c. The size of the Stormceptor water quality unit should be confirmed with the manufacturer. A larger unit must be installed if local conditions require it.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Middleborough Board of Selectmen **August 13, 2014**
Meeting Minutes **(Wednesday)**

Chairman opened meeting at 6:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

The Board interviewed the following candidates:

- 6:00 PM Angelo J. Lapanna, III
- 7:00 PM Joseph M. Perkins
- 8:00 PM Robert Ferreira, Jr.
- 9:00 PM Peter J. Andrade

The Board announced that it would be making its decision on September 8, 2014.

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to adjourn meeting at 9:30 PM.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN