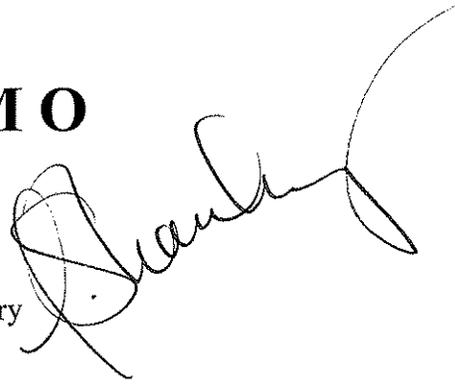


HEARINGS, MEETINGS, LICENSES
8-9-10

MEMO



TO: Board of Selectmen

FROM: Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

DATE: 8/5/10

RE: WRPD Application - Virginia Bradbury, 67 Beach Street, Webby Engineering

Please note, based on feedback from department heads, the Board does not have the ability to approve the attached plan as the proposed activities would take place within 25' of fresh water wetlands.

I have contacted Webby Engineering and provided them with copies of the memos from the Town departments. The hearing will be opened for discussion, and, if the Board so chooses, it may continue to another "specific" date and time or it may close the hearing and ask the applicant to re-apply if it is feasible for them to submit another plan.

(Town Seal)

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, August 9, 2010 at 7:30 PM, for the purpose of discussing an application filed by Webby Engineering Associates, Inc., on behalf of Virginia Bradbury for a Special Permit under the Water Resource Protection District By-law, to allow activities, including a 22'x25' addition to the existing dwelling at 67 Beach Street, within 25' of a Bordering Vegetated Wetland (Map 104, L5261), Zoning District RR, WRPD District 4. Anyone wishing to be heard on this matter should appear at the time and place designated.

Marsha L. Brunelle
Alfred P. Rullo, Jr.
Muriel C. Duphily
Stephen J. McKinnon
Steven P. Spataro
BOARD OF SELECTMEN

Publish: 7/15/10 and 7/22/10

Payment is forthcoming in mail re advertiser # 300074.

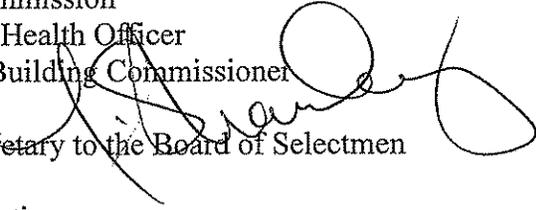
MEMORANDUM

TO: Planning Board
Conservation Commission
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Confidential Secretary to the Board of Selectmen

DATE: June 30, 2010

SUBJECT: W.R.P.D. Application



Attached is a W.R.P.D. application filed by Webby Engineering on behalf of Virginia Bradbury for a Special Permit under the Water Resource Protection District By-law, to allow a 22'x25' addition to the existing dwelling at 67 Beach Street, within twenty-five (25) feet of a Bordering Vegetated Wetland. This property is located at Map 104, Lot 5261, Zoning District RR, WRPD District 4 of the Water Resources Protection District.

The Selectmen will conduct a hearing on this application on **Monday, August 9, 2010**
at 7:30 PM.

Further information and a copy of the plan are attached.

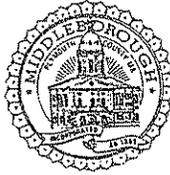
All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Monday, August 2, 2010 by 12 Noon.**

Even if you have no comments to make regarding the plan, please send a note stating that you have reviewed the plans.

Please contact the Selectmen's Office if you have any further questions.

Attachments

xc: Board of Selectmen
Town Manager



Town of Middleborough

CONSERVATION COMMISSION

MEMORANDUM

TO: Board of Selectmen

FROM: Patricia J. Cassady, Conservation Agent 

CC: Building Department
Zoning Department
Health Department
Charles Cristello, Town Manager

DATE: July 21, 2010

RE: W.R.P.D. Application for work within 25-feet of a bordering vegetated wetland at 67 Beach Street (Map 104, Lot 5261)

In regards to the above-mentioned W.R.P.D. application the Conservation Commission issued an approved Order of Conditions under the Massachusetts Wetlands Protection Act M.G.L. c. 131, section 40 on June 17, 2010 per an approved plan by Webby Engineering Associates, Inc. dated May 26, 2010. (See attached Order of Conditions)

This Order of Conditions is filed under Department of Environmental Protection number SE220-1115.

Although the Conservation Commission approved the project under the Wetlands Protection Act this does not mean that this is an exempt activity under the local Water Resource Protection District By-law (W.R.P.D) under Section XII of the Middleborough Zoning By-laws.

If you have any questions regarding this matter, don't hesitate to contact the Conservation Department at 508-946-2406.

pjc

BOS



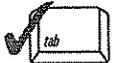
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 220-1115
 MassDEP File #
 eDEP Transaction #
 Middleborough
 City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

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



1. From: Middleborough
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
 a. Virginia b. Bradbury
 a. First Name b. Last Name

c. Organization

67 Beach Street
 d. Mailing Address

Middleborough MA 02346
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

67 Beach Street Middleborough
 a. Street Address b. City/Town

Map 104 Lot 5261
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
 d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth
 a. County
 3450
 c. Book
 b. Certificate Number (if registered land)
 283
 d. Page

7. Dates: 4/23/2010 6/17/2010 6/17/2010
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Plan of Land in Middleboroug, Mass Prepared for Virginia Bradbury
 a. Plan Title
 Webby Engineering Associates, Inc. John C. Veracka, Jr. Civil Reg. Prof. Eng,
 b. Prepared By Joseph E. Webby, Jr. Reg. Prof. Land Surv
 5/26/2010
 d. Final Revision Date e. Scale 1"=20'

f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

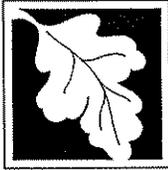
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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

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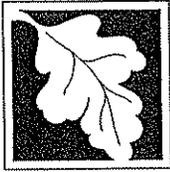
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	Cubic Feet Flood Storage _____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
	Cubic Feet Flood Storage _____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
	Sq ft within 100 ft _____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
	Sq ft between 100-200 ft _____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____	_____
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____	_____
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		



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B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. Stream Crossing(s):

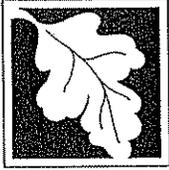
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been 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 upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 220-1115 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. 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.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

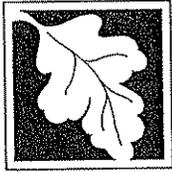
NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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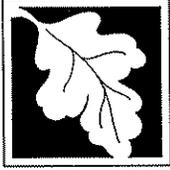
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

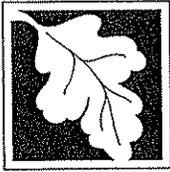
- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

1. Work requires approval from the Board of Selectmen (WRPD By-Law)
2. See attached.



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 Bureau of Resource Protection - Wetlands
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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The _____ hereby finds (check one that applies):
 Conservation Commission

a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Standard Conditions

DEP File #: 220-1115

Applicant: Virginia Bradbury

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
 - a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
 - b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

Standard Conditions

DEP File #: 220-1115

Applicant: Virginia Bradbury

- c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program;
 - d. Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.
7. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones (unless authorized to do so) under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
8. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.
9. There shall be no pumping of water from wetland resource areas.
10. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this OOC.
11. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.
12. Any material placed in wetland resource areas by the applicant without express authorization under this OOC shall be removed by the applicant upon demand by the Conservation Commission or its agent.
13. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
14. Removal and storage of hazardous waste, if in an area subject to protection under the Wetlands Protection Act shall be as follows:
- a. Removal and storage shall be conducted only when approved and directed by DEP, the U.S. Environmental Protection Agency (EPA) or other applicable state or federal agency under which remedial activities are

Standard Conditions

DEP File #: 220-1115

Applicant: Virginia Bradbury

- b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - c. All hazardous materials, products and waste produced , stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
 - d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
 - e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
 - f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.
15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.
16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.
17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.



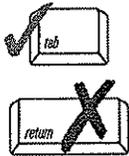
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
220-1115
 MassDEP File #

eDEP Transaction #
Middleboro
 City/Town

E. Signatures

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



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.
 Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

6/17/2010
 1. Date of Issuance
Five
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

Patricia C. Delaney
[Signature]
Steven Ventresca

[Signature]
[Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

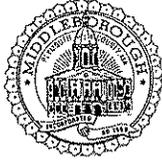
Date

F. 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 MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from 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 appellants 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 providing written information to the Department prior to issuance of a Superseding Order.

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 ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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

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

July 28, 2010

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

RE: W.R.P.D. Application 67 Beach Street, Assessor's Map 104, Lot 5261

Honorable Board,

I have reviewed the plan submitted by Webby Engineering Associates, Inc. for 67 Beach Street.

The proposed 22' x 25' addition to the existing dwelling is within the twenty five feet of bordering vegetated wetland.

Middleborough WRPD regulations * state that there shall be no building, structure or land disturbing activities within twenty-five (25) feet of a "fresh water wetland". There are four exceptions where such activity would be allowed by a Special Permit

Construction of an addition to a single family dwelling is not listed as an exception, and does not fall under the classification of limited projects as defined by 310CMR 10.53 (3)

I would not support this request.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d

2. WRPD Z4 - Prohibited Uses: The following are prohibited in WRPD Z4:
 - a. Facilities that do not generate but treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000-*Hazardous Waste Regulations* as amended, except for:
 - i. very small quantity generators as defined under 310 CMR 30.000-*Hazardous Waste Regulations*;
 - ii. household hazardous waste centers and events under 310 CMR 30.390-*Hazardous Waste Regulations*;
 - iii. waste oil retention facilities required by MGL Chapter 21, Section 52A-*Hazardous Waste*;
 - iv. water remediation treatment works approved by DEP for treatment of contaminated ground or surface waters.
 - b. Landfills and open dumps as defined in 310 CMR 19.006- *Solid Waste Management* except as provided in Section H.3.c below.
3. WRPD Z4 - Special Permit Uses - The following uses and activities are prohibited in WRPD Z4 but may be permitted upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) in conformance with the requirements stated below and under such conditions as they may require:
 - a. Landfilling of sludge or septage as defined in 310 CMR 32.05 - *Land Application of Sludge and Sewage* unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31-*Land Application of Sludge and Sewage*.
 - b. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31-*Land Application of Sludge and Sewage*.
 - c. Municipal Sanitary Landfill.
 - d. There shall be no building, structure or land disturbing activity within twenty-five (25) feet of a "fresh water wetland" as defined by MGL Ch. 131, Section 40 - Massachusetts Wetlands Protection Act or a "wetland" as defined by 33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law except that necessary for:
 - i. limited projects as defined by 310 CMR 10.53 (3);
 - ii. creation of wetland replacement or flood storage mitigation;
 - iii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation and hydraulic connection but not including

5/14/01 Town Meeting

primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;

iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams.

may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section I. below. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:

v. determination of Applicability by the Conservation Commission;

vi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.

e. Facilities that generate and treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000-*Hazardous Waste Regulations* as amended.

f. Automobile service and repair shops including those accessory to new and used car dealerships.

g. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B, Section 1 *Control of Certain Junkyards*.

h. Storage of liquid hazardous materials, as defined in MGL Chapter 21E, or storage of liquid petroleum products, except that specified in Section H.3.j. below, unless such storage is above ground level; and on an impervious surface; and either in

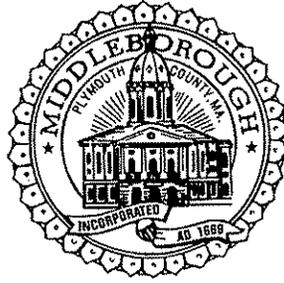
i. a free standing container or above ground tank(s) within a building, or

ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.

Storage of petroleum products within a freestanding container or storage tank on an impervious surface within buildings it will heat is a permitted use and does not require the issuance of a Special Permit.

i. Non-sanitary treatment works which discharge to the ground and that are subject to 314 CMR 5.00 -*Ground Water Discharge Permits*

5/14/01 Town Meeting



**TOWN OF MIDDLEBOROUGH
HEALTH DEPARTMENT**

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

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

MEMO

TO: Board of Selectmen

FROM: Jeanne Spalding, Health Officer

DATE: July 8, 2010

RE: 67 Beach Street-WRPD

The Health Dept. has no comment relative to the WRPD application. The Health Dept. will review the project more thoroughly during the Building Dept. application process for compliance with Title 5.

BOARD OF SELECTMEN
MIDDLEBOROUGH, MASSACHUSETTS

PETITION
FOR PUBLIC HEARING

This Petition, when completed and signed, must be filed with the Town Clerk, Town Hall, Middleborough, Massachusetts.

Middleborough, MA 5/26/10, 19

To the Board of Selectmen
Middleborough, Massachusetts

I/We hereby petition your Board for a public hearing for a Special Permit which is subject to Board of Selectmen approval under the Water Resource Protection Districts By-law.

A. (Give location of property in question.)

To allow a 22' x 25' addition to the existing dwelling at #67 Beach ST., Map 104, lot 5261, zoning district RR WRPD District 4, presently used as a dwelling

As shown on the attached plan.

B. State full names and addresses of last known abutting property owners, and the owners of land within 350 feet of the land which is the subject of this petition. Also state the owners of the land immediately across the street from the subject property. Please attach a certified list of these property owners to this petition.

C. Respectfully submitted,

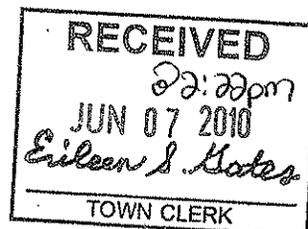
Signature: Virginia Bradbury

Printed Name: Virginia Bradbury

Address: 67 Beach ST.

Middleborough Ma 02346

Telephone Number: _____



**TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET**

Applicant must initial each item or the application/petition will not be accepted.

No.	Description	Initial	N/A
1.	The plan has a cover page showing the location of the water supply Zone 2 and 3, with the proposed project site identified.	_____	_____ ✓
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	_____ ✓	_____
3.	The plan shows existing waterways adjacent, on or near the property.	_____ ✓	_____
4.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	_____	_____
	Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted.	_____ ✓	_____
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	_____ ✓	_____
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	_____ ✓	_____
7.	The submittal contains the abutters list.	_____ ✓	_____
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	_____	_____ ✓
9.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	_____ ✓	_____
10.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	_____ ✓	_____

No.	Description	Initial	N/A
11.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.	✓ ____	____
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	✓ ____	____