

HEARINGS, MEETINGS, LICENSES
10-14-08

(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, October 6, 2008 at 7:20 PM to accept the layout of Tispaquin Farms, Silo Lane in Middleborough, MA, on such terms as the Selectmen shall determine for the purposes of a Town way, such property being shown on a plan entitled "Silo Lane 'Tispaquin Farms' - Roadway layout - A Chapter 40B Development in Middleborough, MA", dated September 3, 2008, drawn by John W. Delano and Associates, Inc., which plan is on file with the Town Clerk's Office.

Adam M. Bond
Patrick E. Rogers
Steven P. Spataro
Muriel C. Duphily
Marsha L. Brunelle

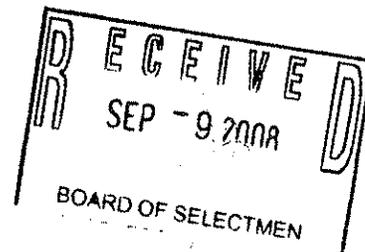
BOARD OF SELECTMEN

Publish: September 18, 2008

Note:

This hearing was "opened" on 10/6/08
and "continued" to 10-14-08.

TF Development, Inc.
P.O. Box 1319
Middleboro, MA 02346
Ph: 508-400-7162
Fx: 508-946-1035
Email: MTBaptiste@comcast.net



September 8, 2008

Board of Selectmen
Town of Middleborough
Middleborough, MA 02346

Re: Tispaquin Farms, Silo Lane

Dear Members of the Board:

Please accept this letter as notification that Tispaquin Farms has been completed in accordance with the requirements contained in Section IV Design Standards of the Town of Middleborough. On August 14, 2008, the Zoning Board of Appeals issued a Certificate of Completion which has been recorded at the Registry of Deeds.

At this time, I request that Tispaquin Farms, Silo Lane, be put on the Selectmen's agenda for a Layout of Road hearing and also be put on the Fall 2008 Town Meeting Warrant.

If you have any questions, I can be reached at the number listed above. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcus J Baptiste".

Marcus J Baptiste, Treasurer
TF Development, Inc.

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339 Years of Progress



Jackie - next nty
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OF THE WORLD



Town of Middleborough

Massachusetts

Department of Public Works

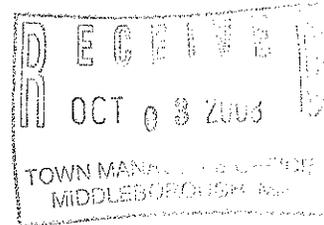
48 Wareham Street
Middleborough, MA 02346
Tel. 508-946-2480
Fax 508-946-2484

Donald A. Boucher
Highway Superintendent
Joseph M. Ciaglo
Wastewater Superintendent
Richard E. Tinkham
Water Superintendent

DIVISIONS
Highway
Sanitation
Insect & Pest Control
Tree Warden
Water
Wastewater

October 2, 2008

Mr. Charles Cristello, Town Manager
Town Hall
10 Nickerson Avenue
Middleboro, MA 02346



Re: Silo Lane (Tispaquin Farms)

Dear Mr. Cristello:

I received a letter from the Zoning Board of Appeals that they voted to issue a certification of completion for Tispaquin Farms.

I would like to recommend that the Board of Selectmen support the acceptance of Silo Lane at the Fall, 2008 Special Town Meeting.

Any questions please contact me.

Very Truly Yours,

Donald A. Boucher,
Highway Superintendent

Cc: Zoning Board
File

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Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street
Middleborough, MA 02346
Tel. 508-946-2480
Fax 508-946-2484

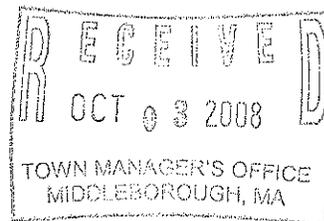
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DIVISIONS
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October 2, 2008

Zoning Board of Appeals
Town Hall
10 Nickerson Avenue
Middleboro, MA 02346

Re: Silo Lane



Dear Mr. Chairman:

After receiving your letter dated September 29, 2008, I went to Silo Lane and noticed that a few of the existing trees need to be replaced as noted in Denise Cahill's letter to your Board dated July 23, 2008. (See attached.)

I understand that you are holding monies to replace trees.

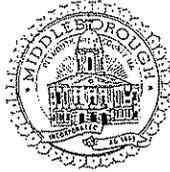
Please notify me when the developer is going to replace the listed trees. (See attached.)

Any questions please contact me.

Very Truly,

Donald A. Boucher,
Highway Superintendent

Cc: Town Manager
File



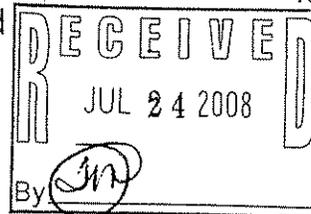
Town of Middleborough

Massachusetts

TOWN PLANNER
Ruth McCawley Geoffroy

Planning Board

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



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Denise Cahill, Construction Administrator, Planning Department
RE: Tispaquin Farms – Silo Lane – Street Tree and Grass Report for 7/24/08
Completion Hearing
DATE: July 23, 2008

Street Trees

There are 47 street trees planted at Silo Lane. A site inspection was conducted on July 23, 2008 and found the following. Please see attached sketch dated July 23, 2008 for corresponding tree numbers.

Please know Bradford Pear trees have been planted at this site. Bradford pears are not on the list, and haven't been on the list of acceptable trees for the Town of Middleborough for more than four years. The Zoning Board should discuss if they wish to accept the Bradford Pears.

Trees to be Replaced: 8, 10, 18, 25, 35, 41, 43 & 45

Trees That Are Marginal: 1, 2; 4, 14, 20, 21, 24, 27, 39, 40, 44 and 47.

Trees That Are Acceptable: 3, 5, 6, 7, 9, 11, 12, 13, 15, 16, 17, 19, 22, 23, 26, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 42 and 46.

I recommend the Zoning Board retain \$5,000.00 (\$500.00/tree + 25% contingency) surety in the form of a Form G to ensure the dead trees are replaced and hold this surety for a minimum of one year after they are replaced to ensure proper growth. Also retain an additional \$7,500.00 for the marginal trees for one year to ensure the longevity of these trees.

Grass Growth

There are small areas of poor grass growth throughout the subdivision. These areas should be loamed and seeded. I recommend surety in the form of a Form G in the amount of \$750.00 be held for one year from the date of completion to ensure proper growth.

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Town of Middleborough
Massachusetts

508-947-4095

ZONING BOARD OF APPEALS

MEMORANDUM

TO: Jackie Shanley, Confidential Secretary
FROM: Bruce G. Atwood, Zoning Board Chairman 
CC: Mr. Marcus Baptiste, Tispaquin Farms
DATE: September 3, 2008
RE: Fall 2008 Town Meeting Warrant

This memorandum is to advise you that at a regularly scheduled meeting of the Zoning Board of the Town of Middleborough held on August 14, 2008 the Zoning Board voted to certify the following subdivision complete, and that the road is built in accordance with the Middleborough Subdivision Rules and Regulations.

As-Built Plan and Profile of "Tispaquin Farms" a Chapter 40B Development in Middleborough, MA dated October 10, 2007, revised through August 14, 2008, prepared by John W. Delano and Associates, Inc., 27 Jefferson Street, Taunton, MA, consisting of three (3) sheets.

On behalf of the developer and the residents of the above subdivision, the Zoning Board requests a Selectmen Hearing be scheduled and a Town Meeting Article be placed on the Fall 2008 Town Meeting Warrant for road acceptance.

Should you have any questions please do not hesitate to call.

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Town of Middleborough
Massachusetts

508-947-4095

ZONING BOARD OF APPEALS

September 3, 2008

Mr. Marcus Baptiste
P.O. Box 1319
Middleboro, MA 02346

Re: Tispaquin Farms – Certificate of Completion and Release of Surety

Dear Mr. Baptiste,

As you are aware the Zoning Board voted at their meeting held August 14, 2008, to certify Tispaquin Farms complete and release the Sixty Twenty Thousand Dollars (\$60,000.00) surety currently being held in the form of a Lenders Agreement held by Rockland Trust Company.

Attached please find the original Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security. This document must be recorded at the Plymouth County Registry of Deeds and proof of such recording must be provided to the Zoning Department.

If you should have any questions please do not hesitate to contact the Zoning Department.

Sincerely,

Bruce G. Atwood, Chairman
Zoning Board of Appeals

Enclosure

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Town of Middleborough
Massachusetts

508-947-4095

ZONING BOARD OF APPEALS

MEMORANDUM

To: Marcus Baptiste and Brian Cave
From: Bruce G. Atwood, Chairman
CC: Jackie Shanley, BOS
Date: September 3, 2008
Re: Tispaquin Farms – Board of Selectman's Requirement(s) for Road Closure

Please submit a letter to the Selectmen's office, as soon as possible, requesting that you be put on the Selectmen's agenda for a Layout of Road hearing and to be put on the Fall 2008 Town Meeting Warrant.

This letter must contain:

1. The subdivision name and street name(s);
2. One mylar of the Road Layout Plan with the recording data from the Certificate of Completion, ensure all easements are shown;
3. Eight copies of the drawing; and
4. A Certified Abutters List.

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Town of Middleborough

Massachusetts

508-947-4095

ZONING BOARD OF APPEALS

CERTIFICATE OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Received & Recorded
 PLYMOUTH COUNTY
 REGISTRY OF DEEDS
 03 SEP 2008 01:50PM
 JOHN R. BUCKLEY, JR.
 REGISTER
 Bk 36329 Pg 62-65

Date: August 14, 2008

Subdivision Name: Tispaquin Farms
 Current Owner(s): TF Development, Inc.
 Street Name(s): Silo Lane
 Location: Off of Tispaquin Street, Middleborough, MA

Plans of Record:

Definitive Subdivision Plans entitled: "Tispaquin Farms" Comprehensive Permit Plan of Land in Middleborough, Massachusetts"

Number of Sheets: 12 By: John W. Delano and Associates, Inc. 27 Jefferson Street, Taunton, MA 02780

Owner/Applicant: MBC Development, Inc., P.O. Box 1319, Middleborough, MA 02346

Date of Subdivision Plan: October 8, 2003 Revised Through: March 25, 2004

Date Approved: May 3, 2004 Date Endorsed: May 3, 2004

Recorded at the Plymouth County Registry of Deeds As Plan No. 529 of 2004, Book 48 Page 334

As-Built Plan: "As-Built Plan and Profile of "Tispaquin Farms" a Chapter 40B Development in Middleboro, MA 02346

Prepared By: John W. Delano and Associates, Inc., 27 Jefferson Street, Taunton, MA 02780

Prepared For: TF Development, Inc. P.O. Box 1319, Middleborough, MA 02346

Dated: October 10, 2007 Revised: August 14, 2008 Number of Sheets: 3

CERTIFICATE OF COMPLETION
TISPAQUIN FARMS

Record Documents:

Declaration of Reserved Easements Dated: June 28, 2004
Declaration of Reserved Easements Recorded at the Plymouth County Registry of Deeds Document, Book 28590, Page 253-257

Restrictive Covenant - Driveway Street Lights Restriction Dated: June 28, 2004
Restrictive Covenant - Driveway Street Lights Recorded at the Plymouth County Registry of Deeds Book 28590, Page 263-264

Comprehensive Permit Decision and Record of Proceedings Dated: June 3, 2004
Special Permit Decision and Record of Proceedings Recorded at the Plymouth County Registry of Deeds Document, Book 28590, Page 205-217

Declaration of Restrictive Covenants Dated: June 28, 2004
Declaration of Protective Covenants and Restrictions Recorded at the Plymouth County Registry of Deeds Document, Book 28590, Page 258-262

Quitclaim Deed, TF Development Inc Grants to the Town of Middleborough a "Conservation Easement to Preserve Existing Spring" Dated: December 30, 2004
Easement Deed Recorded at the Plymouth County Registry of Deeds Document, Book 29810, Page 340-341

Regulatory Agreement (Federal Home Loan Bank of Boston-New England Fund) for ownership projects Dated: June 21, 2004
Regulatory Agreement (Federal Home Loan Bank of Boston-New England Fund) for ownership projects Recorded at Plymouth County Registry of Deeds Document, Book 28590, Page 218-252

10 x 10 Water Easements, as shown on subdivision plan, dated: June 9th, 2005 and August 2008, Recorded in Book 30691, Page 28-30 and Book 36298 Page 242-244.

Quitclaim Deed, TF Development, Inc. to Christopher G. Peltier and Michelle Peltier (Lot 9), with drainage easement, dated June 30th, 2005 and recorded with the Plymouth County Registry of Deeds in Book 30840, Page 26-30.

Quitclaim Deed, TF Development, Inc. to Janet Y. Jordan (Lot 11), with drainage easement, dated August 19th, 2005 and recorded with the Plymouth County Registry of Deeds in Book 31177, Page 186-205.

CERTIFICATE OF COMPLETION
TISPAQUIN FARMS

Surety:

Lenders Agreement Dated: June 28, 2004

Name of Individual/Entity Posting Surety: TF Development, Inc..

Name of Bank: Rockland Trust Company

Address of Bank: 288 Union Street, Rockland, MA

Amount of Surety: \$60,000.00

Type of Account: Lenders Agreement

The undersigned, being a majority of the Zoning Board of Appeals of Middleborough have determined that the construction of ways Silo Lane and installation of municipal services in the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's Subdivision Rules and Regulations, approved Definitive Subdivision Plan and any Conditions of Approval, to serve the following enumerated lots: 1 through 20 inclusive.

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of completion of said construction and installation, the Town of Middleborough, a Massachusetts municipal corporation, acting through its Zoning Board, hereby releases its interest in the performance security referred to above and finds complete.

Signature Page To Follow:

CERTIFICATE OF COMPLETION
TISPAQUIN FARMS

Duly executed as a sealed instrument this 14 day of August, 2008.



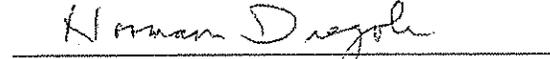
Bruce G. Atwood, Chairman



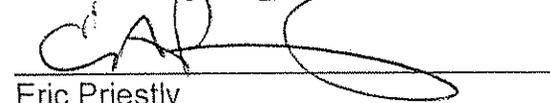
Dr. Edward Braun



Dorothy Pulsifer



Norman Diegoli



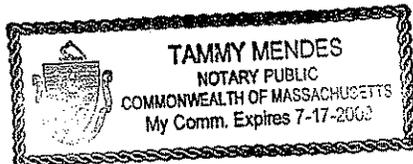
Eric Priestly

Majority of the Zoning Board of the
Town of Middleborough

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this 14 day of August, 2008, before me, the undersigned notary public, personally appeared Bruce G. Atwood, Chairman of the Zoning Board of appeals, proved to me through satisfactory evidence of identification, which was personal knowledge of his/her identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of and for the Town of Middleborough Zoning Board.




Tammy Mendes, Notary Public
My Commission Expires: 7-17-09