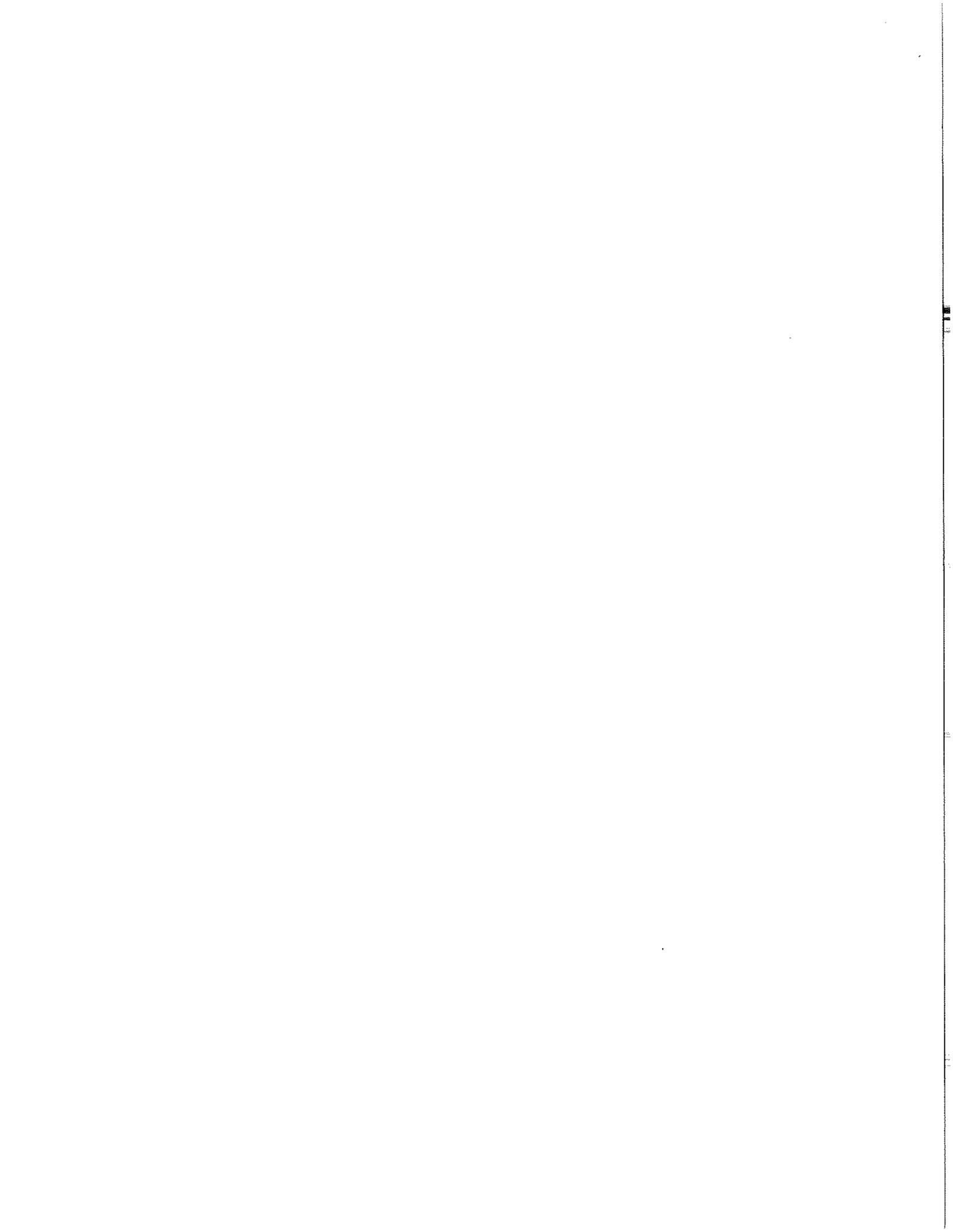


(Town Seal)

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, May 5, 2008 at 7:30 PM, for the purpose of discussing an application filed by Allen & Major Associates, Inc., 40 North Main Street, Middleborough, MA for a Special Permit under the Water Resource Protection District By-law, to allow activities within 25 feet of a wetland, including installation of a private water supply wells within 25' to a bordering vegetated wetlands. The property is currently located in Zone 4 of the Water Resources Protection District. The activities are proposed on Assessors Map 12, Lot 6492 and Map 21, Lot 835. Anyone wishing to be heard on this matter should appear at the time and place designated.

Marsha L. Brunelle
Adam M. Bond
Wayne C. Perkins
Patrick E. Rogers
Steven P. Spataro
BOARD OF SELECTMEN

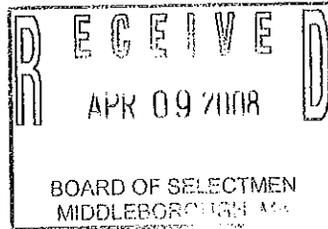
Publish: Board of Selectmen for one ad only.
10 Nickerson Ave.
Middleborough, MA 02346
(Allen & Major has paid you already for 4/3 & 4/10.)





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

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



April 7, 2008

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

RE: Special Permit under the Water Resource Protection District By-law 111 Summer Street, Assessor's Map: 12 Lot: 6492 and Map 21 Lot 835.

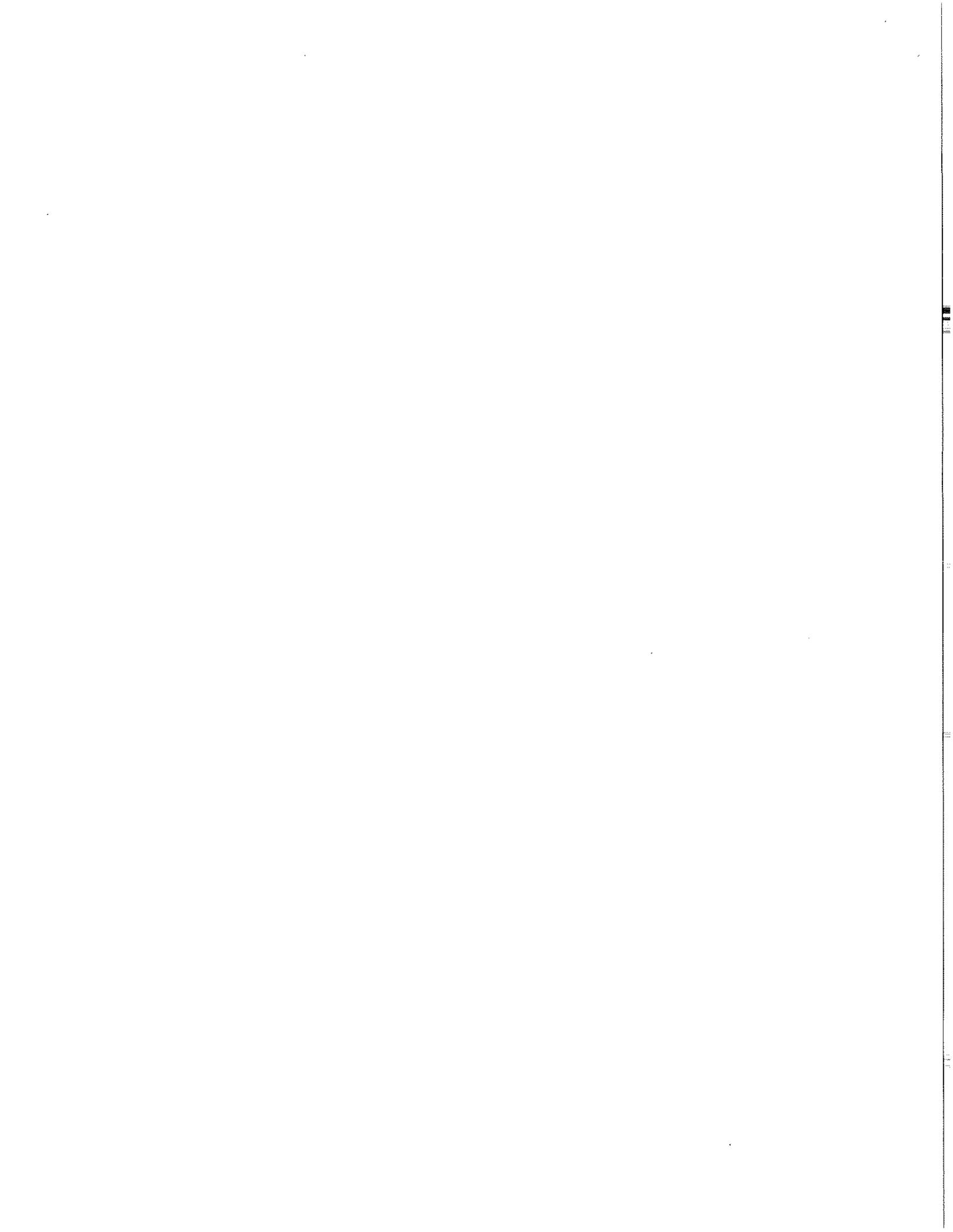
Honorable Board,

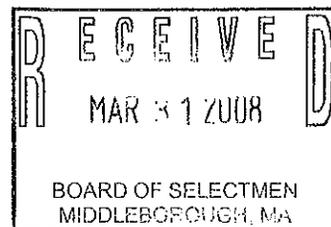
I have reviewed the application submitted by Allen & Major Associates, Inc. for a Special Permit under the Water Protection District By-law to install a private water supply well within 25 feet of a vegetated wetland. It appears by the plan that they are proposing two wells, one for each lot. I have no other comments on this application.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d





TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

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

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

MEMO

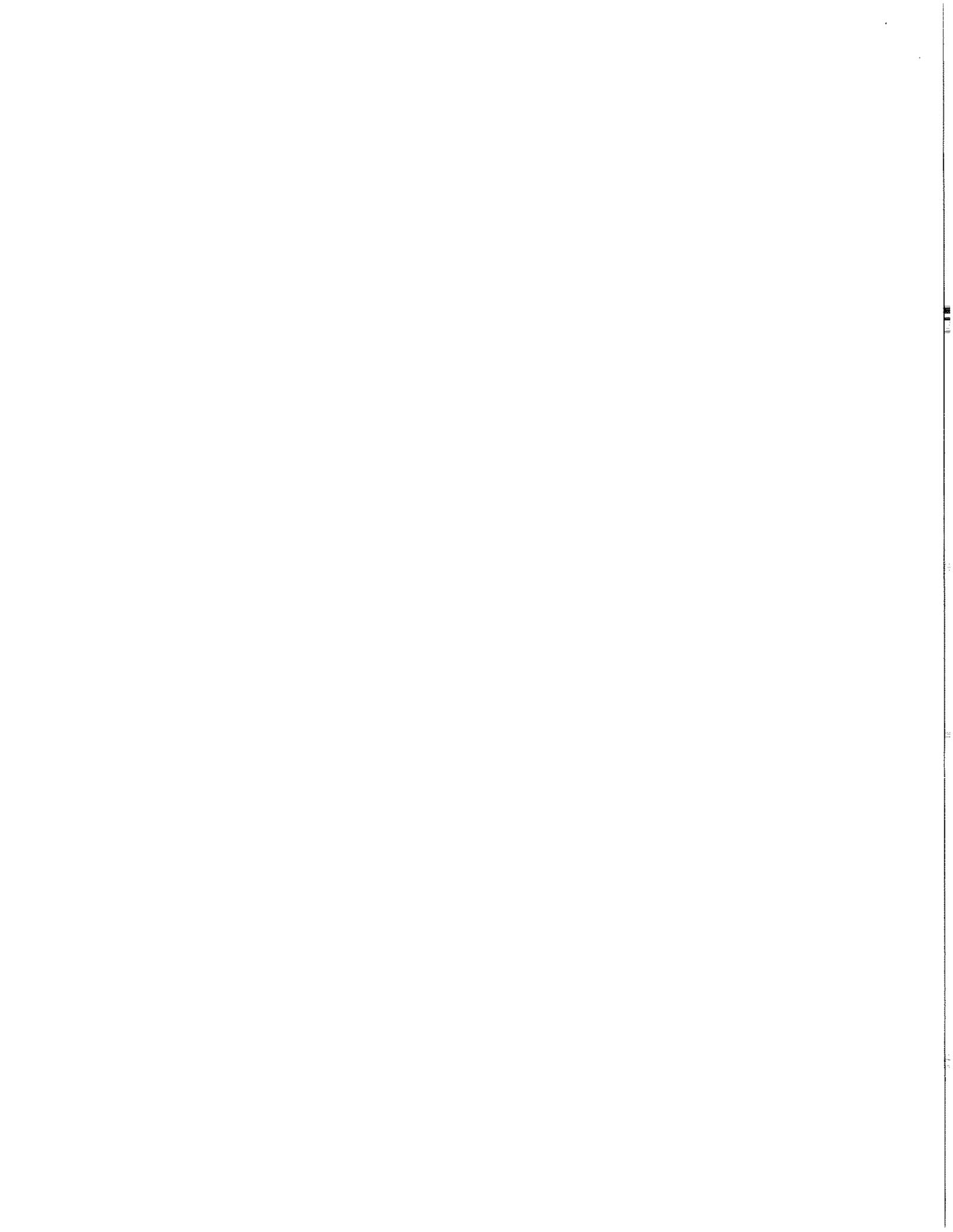
TO: Board of Selectmen

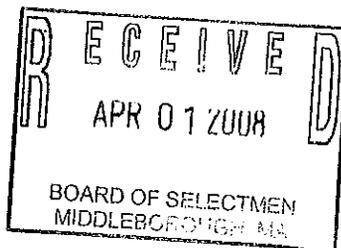
FROM: Jeanne Spalding, Health Officer

DATE: March 31, 2008

RE: WRPD-Well Installation, M12, L 6492 &835, Summer St.

The Health Dept. has reviewed the information provided for the above application and has already reviewed and approved the septic design plans and well locations for the above filing.





RECEIVED

APR 01 2008

TOWN OF MIDDLEBOROUGH
TREASURER / COLLECTOR

NOTICE TO TAX COLLECTOR

TO: J. MacDonald, Treasurer/Collector

FROM: Board of Selectmen *[Signature]*

DATE: April 1, 2008

Please inform this department, as well as the Board of Selectmen, as to whether or not the following property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Name of applicant/petitioner: Allen & Major Associates, Inc.

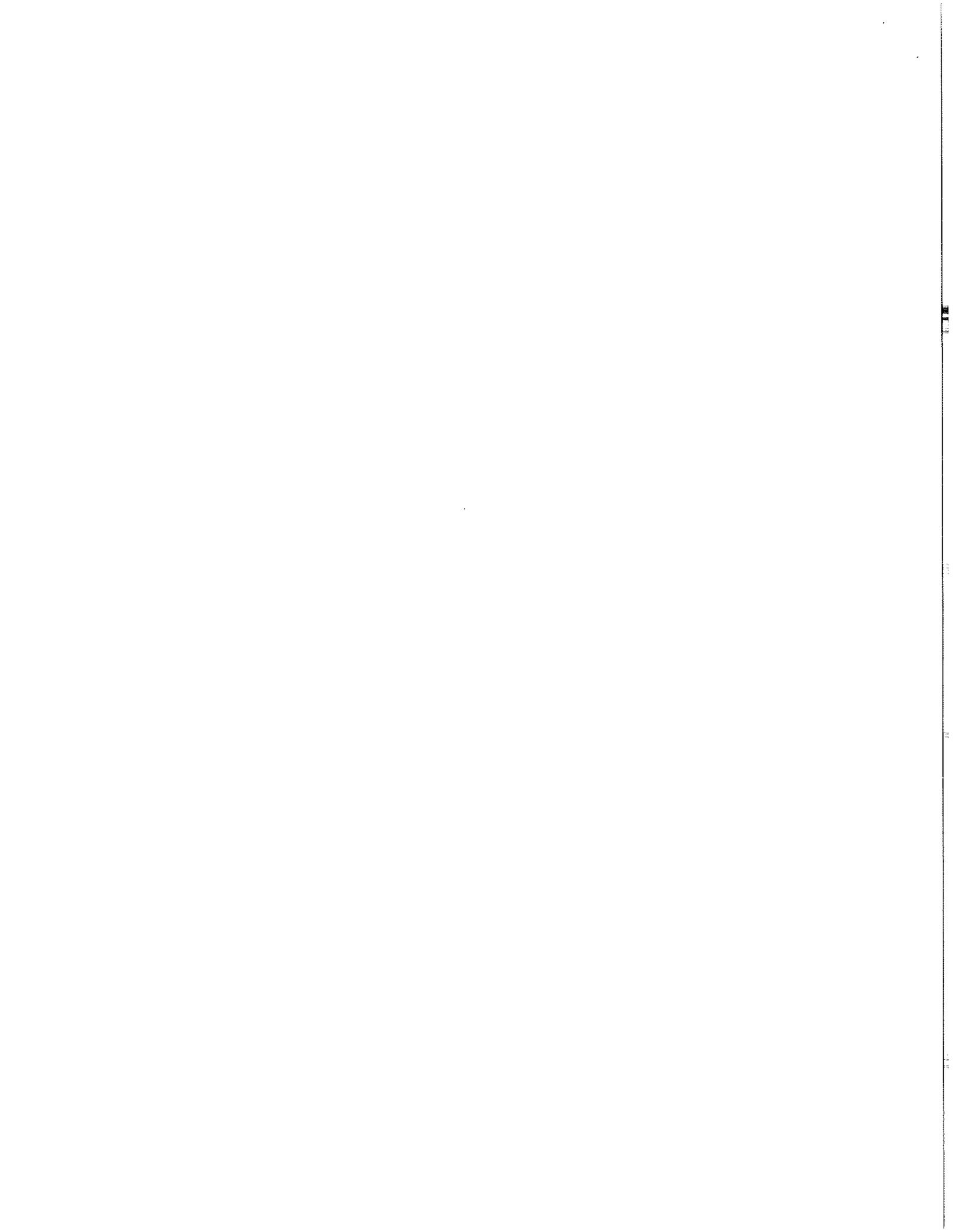
Name of Property Owner: Gary Cristina
 111 Summer Street
 Middleboro, MA 02346

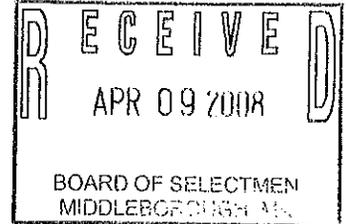
Address of Location for Permit Use: Assessor's Map 12, Lot 6492 and Map 21, Lot 835

Address of Applicant/Petitioner: Allen & Major Associates, Inc.
 40 North Main Street
 Middleboro, MA 02346

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? no

Judy M. MacDonald
B





Town of Middleborough

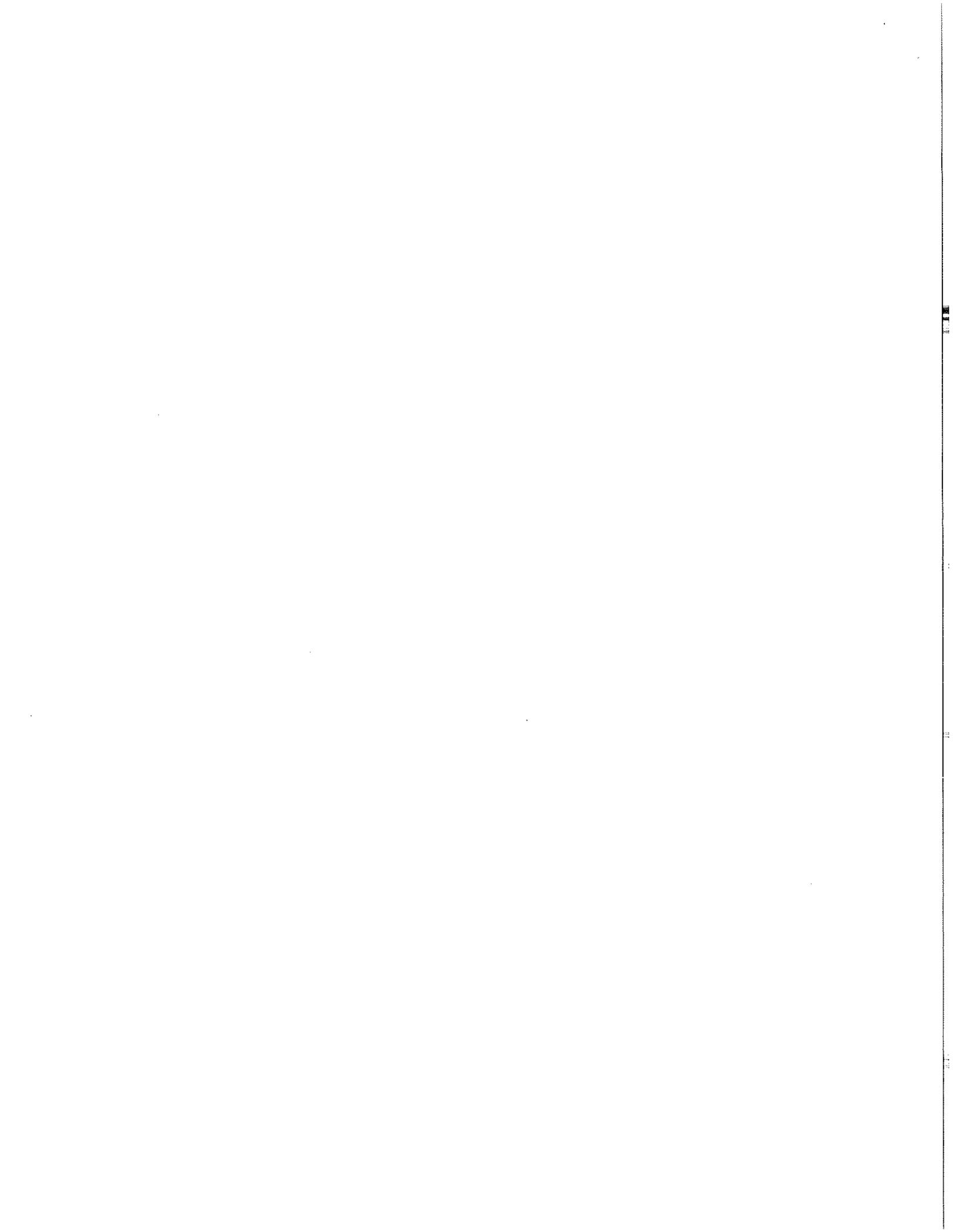
CONSERVATION COMMISSION

TO: Marsha Brunelle, Chairperson Board of Selectmen
FROM: Patricia Delaney, Chairperson Conservation Commission
DATE: April 3, 2008 *Patricia A. Delaney*
SUBJECT: W.R.P.D. Application - 111 Summer Street

Honorable Board - In response to your letter dated March 28, 2008 attached please find SE# 220-1055 Order of Conditions issued to Gary Cristina for work at Map 12, Lot 6492, 111 Summer Street. The Conservation Commission would like Mr. Cristina reminded to maintain a 25' no touch and also to call the office once the silt fence is in place for inspection.

Thank you.

pjb
Enc.





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

MassDEP File Number:

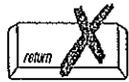
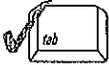
WPA Form 5 – Order of Conditions

220-1055

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

A. General Information

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



1. From: Middleborough
Conservation Commission

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

3. To: Applicant:

Gary Christina
a. First Name b. Last Name

111 Summer Street
c. Organization
d. Mailing Address

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

4. Property Owner (if different from applicant):

same
a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:

111 Summer Street Middleborough
a. Street Address b. City/Town

Map 12 Lot 6492
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: -70.552260 41.560770
e. Latitude f. Longitude

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

Plymouth
a. County b. Certificate Number (if registered land)

2911 77-79
c. Book d. Page

7. Dates: 3/6/2008 3/20/2008 3/20/2008
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):

Notice of Intent 111 Summer Street
a. Plan Title

Allen & Major Associates, Inc. Philip L. Codeiro, Registered Professional Engineer
b. Prepared By

3/5/2008 1"=40'
d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date



WPA Form 5 – Order of Conditions

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

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. 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.

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 these interests, 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).**

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

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

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		



WPA Form 5 – Order of Conditions

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

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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

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

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. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
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		



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

(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. 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.
7. 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.
8. 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 this 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.
9. 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 220-1036"



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

10. 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.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. **The work associated with this Order is (1) is not (2) subject to the Massachusetts Stormwater Policy Standards. If the work is subject to the Stormwater Policy, the following conditions apply to this work and are incorporated into this Order:**
 - a) No work, including site preparation, land disturbance, construction and redevelopment, shall commence unless and until the construction period pollution prevention and erosion and sedimentation control plan required by Stormwater Standard 8 is approved in writing by the issuing authority. Until the site is fully stabilized, construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan, and if applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit.

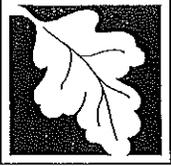


WPA Form 5 – Order of Conditions

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

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

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs until written approval is received from the issuing authority. To request written approval, the following must be submitted: illicit discharge compliance statement required by Stormwater Standard 10 and as-built plans signed and stamped by a registered professional engineer certifying the site is fully stabilized; all construction period stormwater BMPs and any illicit discharges to the stormwater management system have been removed; and all post-construction stormwater BMPs were installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure they are not damaged and will function properly.
- c) Prior to requesting a Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall submit to the issuing authority an Operation and Maintenance (O & M) Compliance Statement for the Stormwater BMPs. This Statement shall identify the responsible party for implementing the Operation and Maintenance Plan and also state that: 1. "Future responsible parties shall be notified in writing of their continuing legal responsibility to operate and maintain the stormwater management BMPs and implement the Pollution Prevention Plan; and 2. The Operation and Maintenance Plan for the stormwater BMPs is complete and will be implemented upon receipt of the Certificate."
- 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 Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the issuing authority shall presume that the responsible party for maintaining each BMP is the landowner of the property on which the BMP is located. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement 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 Operation and Maintenance Plan section of the approved Stormwater Report, and the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three years including inspections, repairs, replacement and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make this log available to MassDEP and the Conservation Commission upon request; and
 3. Allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance requirements for each BMP set forth in the Operations and Maintenance Plan approved by the issuing authority.
- h) All sediments 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.



WPA Form 5 – Order of Conditions

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

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

j) The stormwater management system approved in the Final Order of Conditions shall not be changed without the prior written approval of the issuing authority. Areas designated as qualifying pervious areas for purpose of the Low Impact Site Design Credit shall not be altered without the prior written approval of the issuing authority.

k) Access for maintenance of stormwater BMPs shall not be obstructed or blocked. Any fencing constructed around stormwater BMPs shall include access gates. Fence(s) 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. Maintain a 25' No Touch;
 2. See attached Standards.
-
-
-

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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.

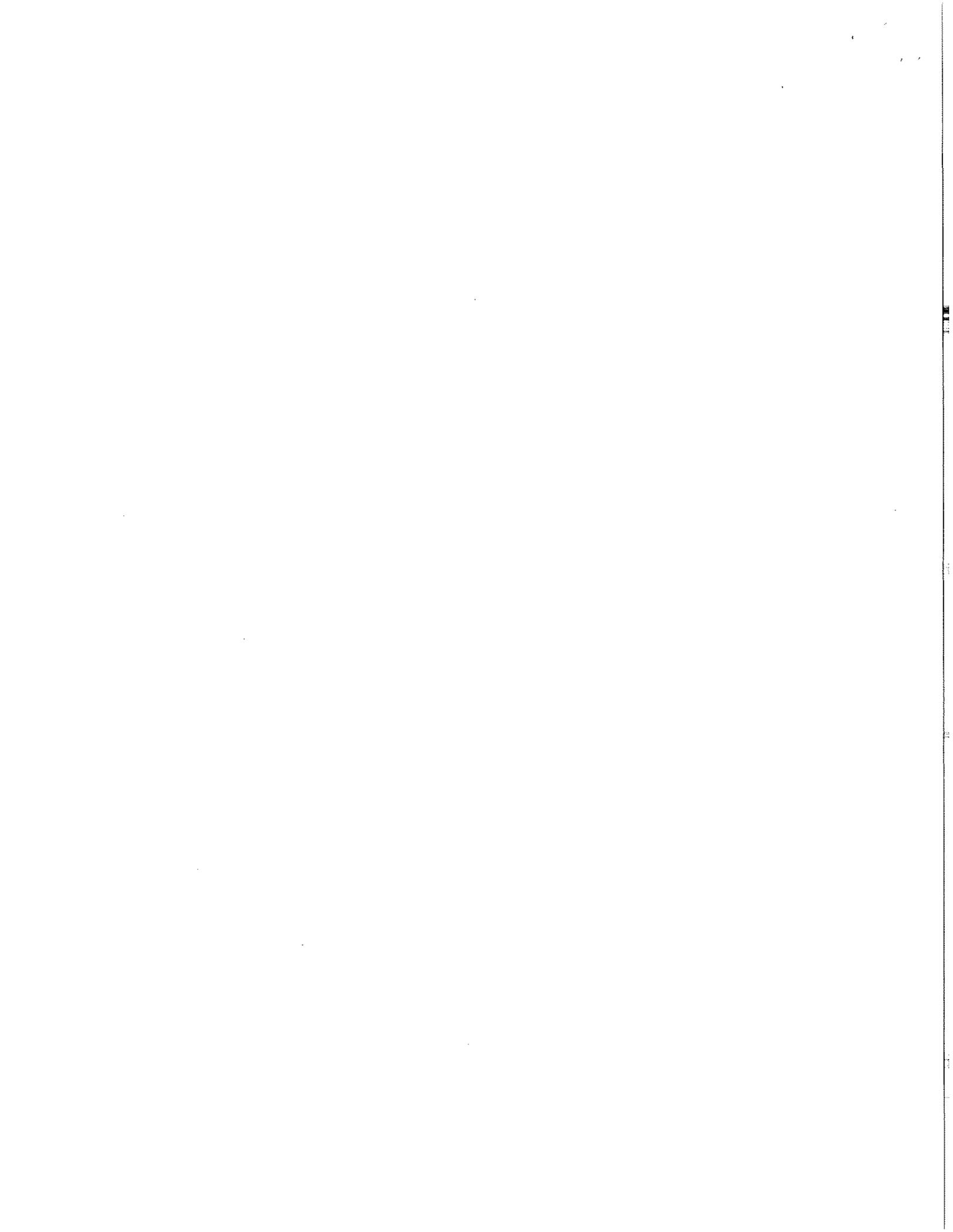
b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

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):





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

MassDEP File Number:
220-1055

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3/20/2008

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

1. Date of Issuance
Four

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Patricia A. Delaney
[Signature]
Edmund H. Brown
Steven Ventresca

Notary Acknowledgement

Commonwealth of Massachusetts County of

Plymouth

On this 20th of

March 2 (08)
 Month Year

Before me, the undersigned Notary Public, personally appeared

Patricia A. Delaney
 Name of Document Signer

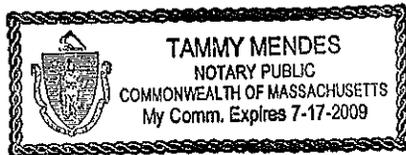
proved to me through satisfactory evidence of identification, which was/were

Personally Known

Description of evidence of identification

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

As member of Middleborough Conservation Commission
 City/Town



Tammy Mendes
 Signature of Notary Public

Tammy Mendes
 Printed Name of Notary Public

7-17-09
 My Commission Expires (Date)

Place notary seal and/or any stamp above

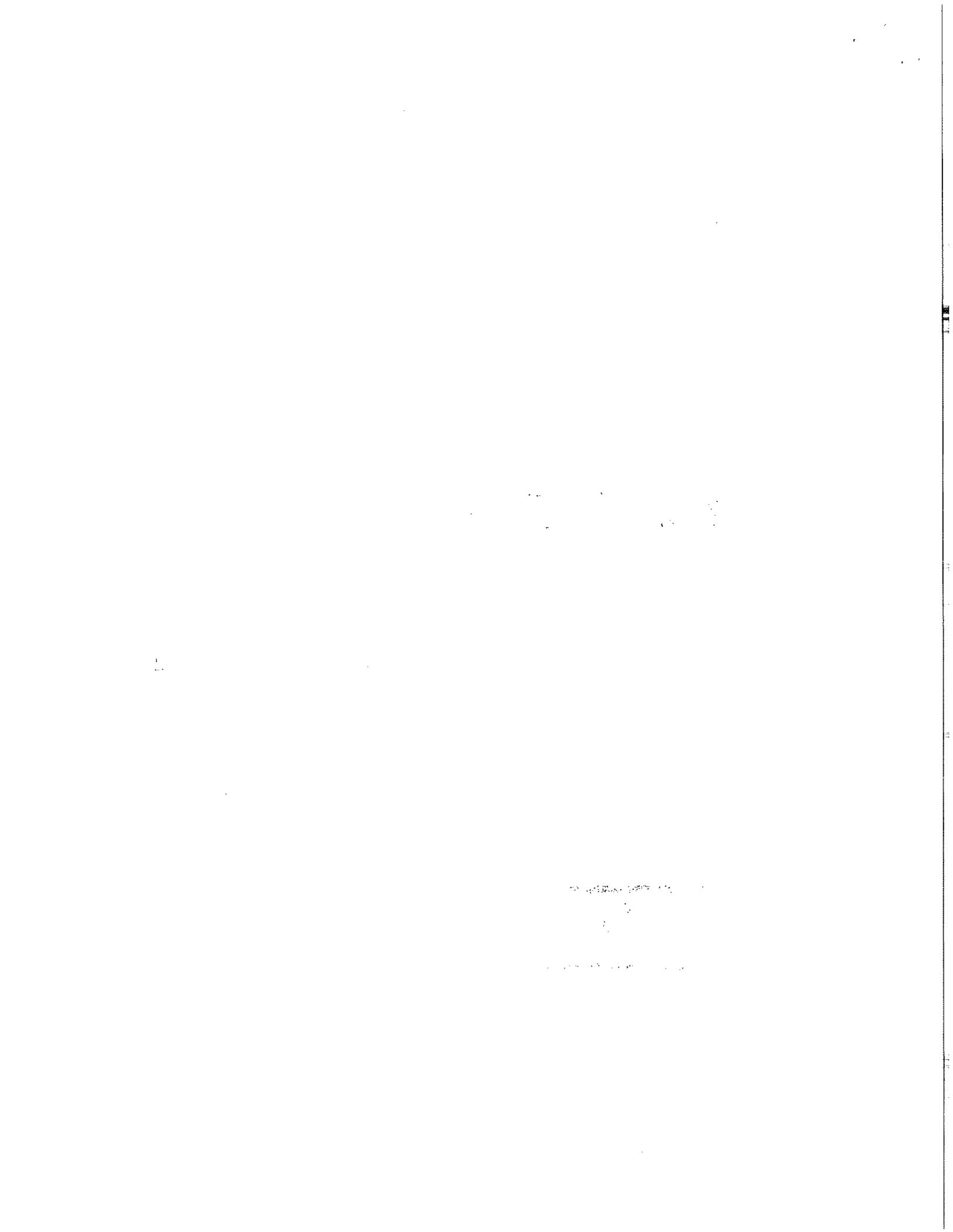
This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



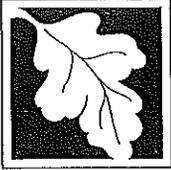
TOWN OF MIDDLEBOROUGH
CONSERVATION COMMISSION

STANDARD CONDITIONS

APPLIES
YES NO

- X** Recording of Order is the responsibility of applicant or owner. To be returned prior to commencement of work.
- X** All mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc. are to be installed prior to initiation of any work under the Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work, which is subject to the Order of Conditions, is to be undertaken until approval is received from the Conservation Commission and/or Agent.
- X** Commission to be notified of the date of start of work prior to its commencement.
- X** In addition to the mitigation shown on the plan, staked hay bales or siltation fence is to place where necessary to prevent erosion and siltation into the wetland resource area(s).
- X** Wherever necessary to maintain compliance with M.G.L. CH. 131, s.40, appropriate mitigation, to prevent erosion and siltation to surface waters and Bordering Vegetated Wetlands, is to be installed and maintained until all exposed areas are stabilized.
- X** Any tears, rips, breaks or collapse of siltation barrier shall be repaired immediately (no more than 24 hours).
- X** Any replication area is to be prepared prior to the destruction of the resource area being replicated.
- X** All detention and/or retention areas are to be completed and vegetated before installation of any impervious material or structure discharging surface water runoff.
- X** Retention/detention basins, included in this plan, are to be maintained on a regular basis. Schedule stated in the Notice of Intent.
- X** All facilities and equipment used within or as part of this project will be continually maintained and operated so as to comply with this Order and the Wetlands Protection Act.
- X** Members and agents of the Conservation Commission shall have the right to enter and inspect the property to determine and evaluate compliance with this order.
- X** Wetland flagging to remain in place until the project has been completed.

- Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
- Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owner's representatives and the Conservation Commission to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
- No sodium based de-icing agents to be used.
- The drainage system is to be sealed until all work has been completed and vegetation has been established.
- Certificate of Compliance to be requested immediately after completion.
- All conditions are on going and do not expire at the end of three years upon the issuance of a Certificate of Compliance.
- Request for Certificate of Compliance shall be accompanied by an as-built plan. As-built plan to be overlay map.
- No partial Certificate of Compliance will be issued unless the balance of the project, at whatever stage it is in at the time of said request.
- As-built plan to show location of structures, grading, wetland line, resource areas and an deviation from original plan of record.
- This project to be in compliance with the Order of Conditions, the Wetlands Protection Act and Regulations promulgated thereunder (M.G.L. CH. 131, s.40; 310 CMR).
- Engineer or other equally qualified person shall be available on-site and responsible for insuring compliance with the Order of Conditions.
- Written reports to be submitted to the Conservation Agent detailing progress of activities as detailed by the Order of Conditions. To be received the 1st and 15th of the limited project month.
- If wetland alteration is allowed under limited project status, no wetland alteration is to occur until all local, state and federal permits have been received for the project as submitted to the Conservation Commission.
- This Order of Conditions is issued for the above referenced plans only. Any alteration to said plans may cause this Order of Conditions to be null and void unless an amendment is submitted and approved by this Board.
- Prior to commencement of work, applicant is to submit letter certified by a professional engineer stating that any plans submitted for other local, state and federal permits are identical to the plans submitted for this Order of Conditions.



WPA Form 5 – Order of Conditions

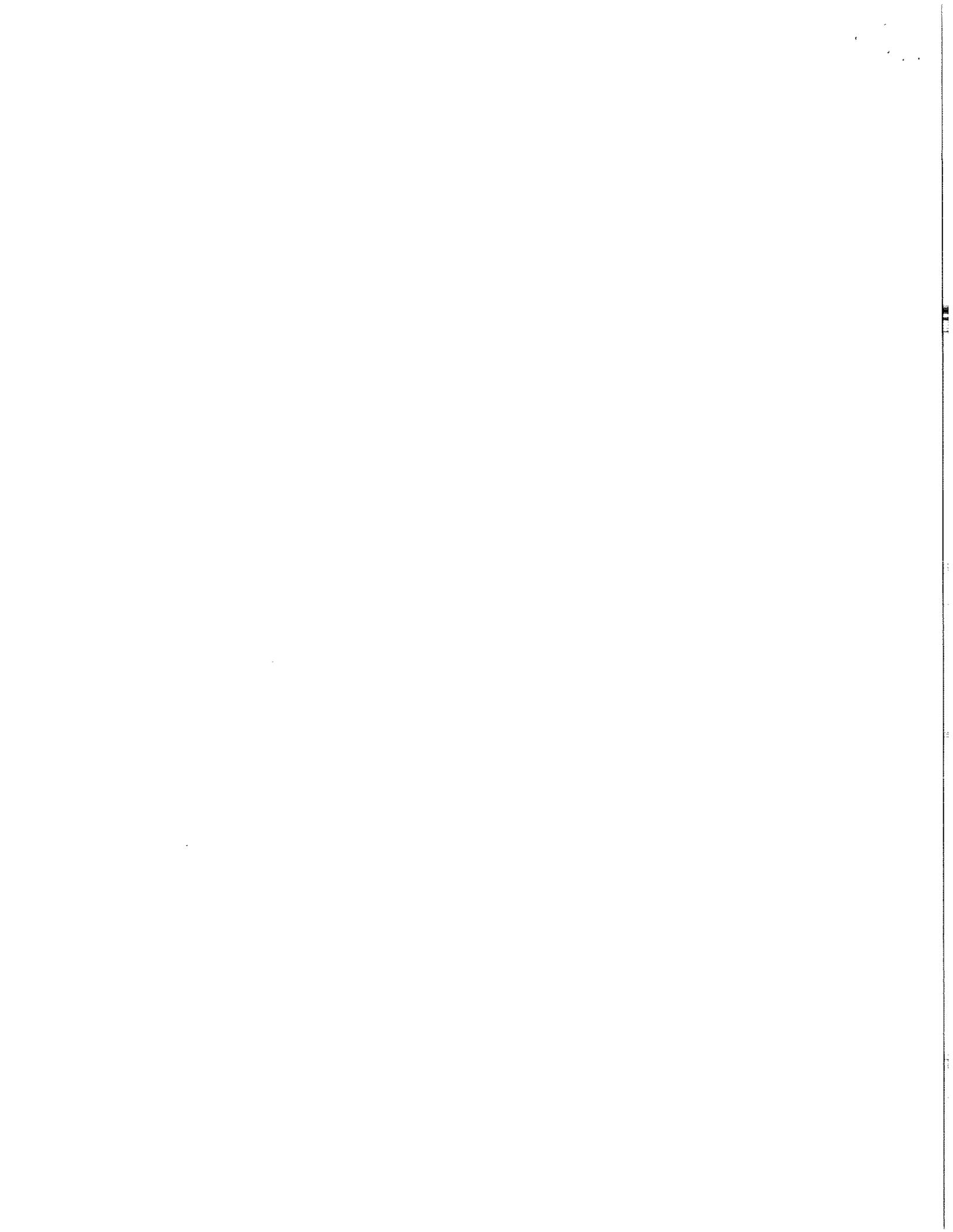
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

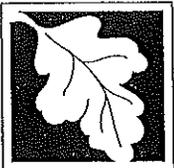
F. Appeals

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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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

Section G, Recording Information is available on the following page.





G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Middleborough
 Conservation Commission

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

To:

Middleborough
 Conservation Commission

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

111 Summer Street
 Project Location

220-1055
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
 County

2911
 Book

77-79
 Page

for:

 Property Owner

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

 Book

 Page

In accordance with the Order of Conditions issued on:

 Date

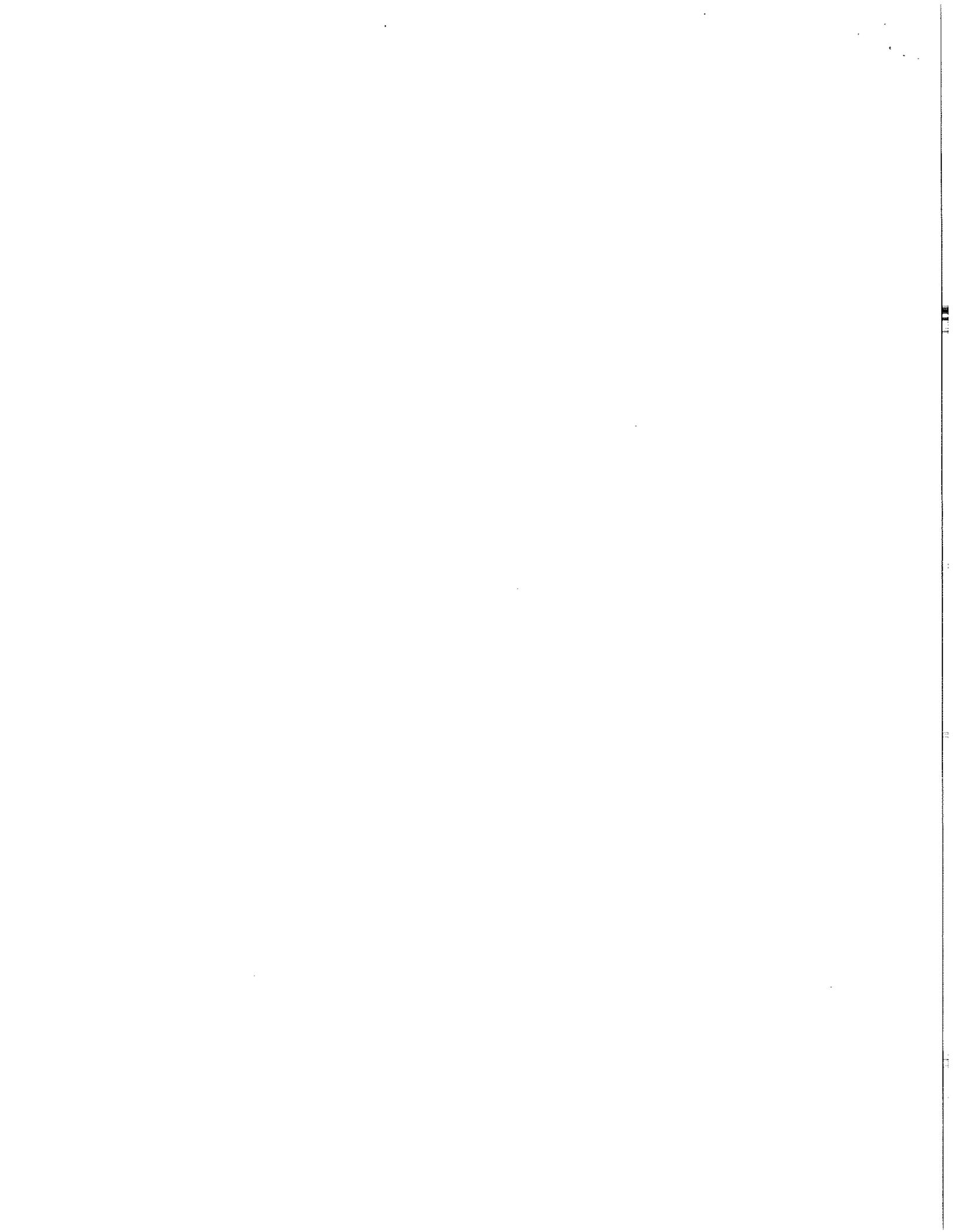
If recorded land, the instrument number identifying this transaction is:

 Instrument Number

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

 Document Number

 Signature of Applicant





40 North Main Street
 Middleboro, MA 02346
 Tel: (508) 923-1010
 Fax: (508) 923-6309

Transmittal

To: Town of Middleborough
 Board of Selectmen
 10 Nickerson Avenue
 Middleborough, MA 02346

From: Philip Cordeiro, P.E.
A&M Project #: 1567-01
Date: March 25, 2008
Re: Hearing Petition

Copy: Gary Cristina
 Town Clerk
 A&M File 1567-01

We are transmitting herewith under separate cover by FedEx by Mail by Messenger:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Originals | <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Certification |
| <input checked="" type="checkbox"/> Prints | <input type="checkbox"/> Specifications | <input type="checkbox"/> Diskettes |
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Report | <input type="checkbox"/> Other |

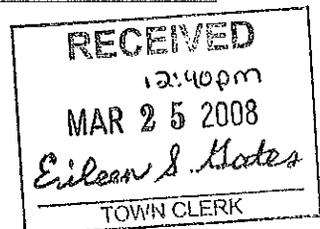
Copies	Document Date	Description
12	02-29-08	WRPD Plan Submission
1	03-21-08	Petition Application
1	03-24-08	Check #990 – Payable to Middleboro Gazette – \$149.50
1	03-24-08	Check #991 – Payable to Town of Middleboro- \$50.00

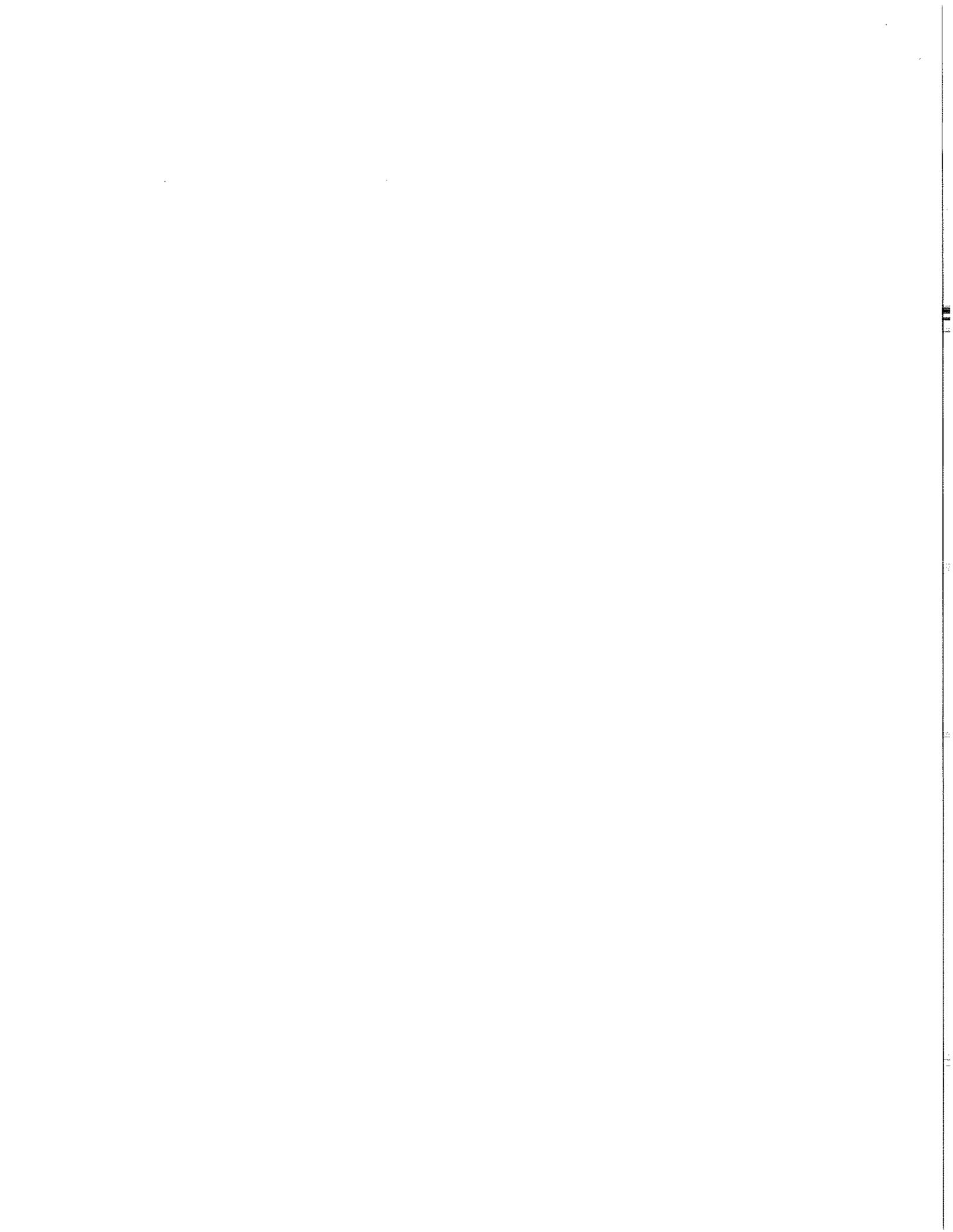
These items are transmitted:

- | | |
|--|---|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> For your use |
| <input type="checkbox"/> As requested | <input type="checkbox"/> For review and comment |

Please schedule the attached petition for the next available hearing.

 3-25-08
 Philip Cordeiro, P.E., Project Manager
 Email: PCordeiro@allenmajor.com





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 March 21, ~~XX~~ 2008

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 installation of private water supply wells within 25' to a bordering vegetated wetlands. Application was filed and approved under SE 220-1055 through the Middleborough Conservation Commission and Mass DEP. The property is located at 111 Summer Street.

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,

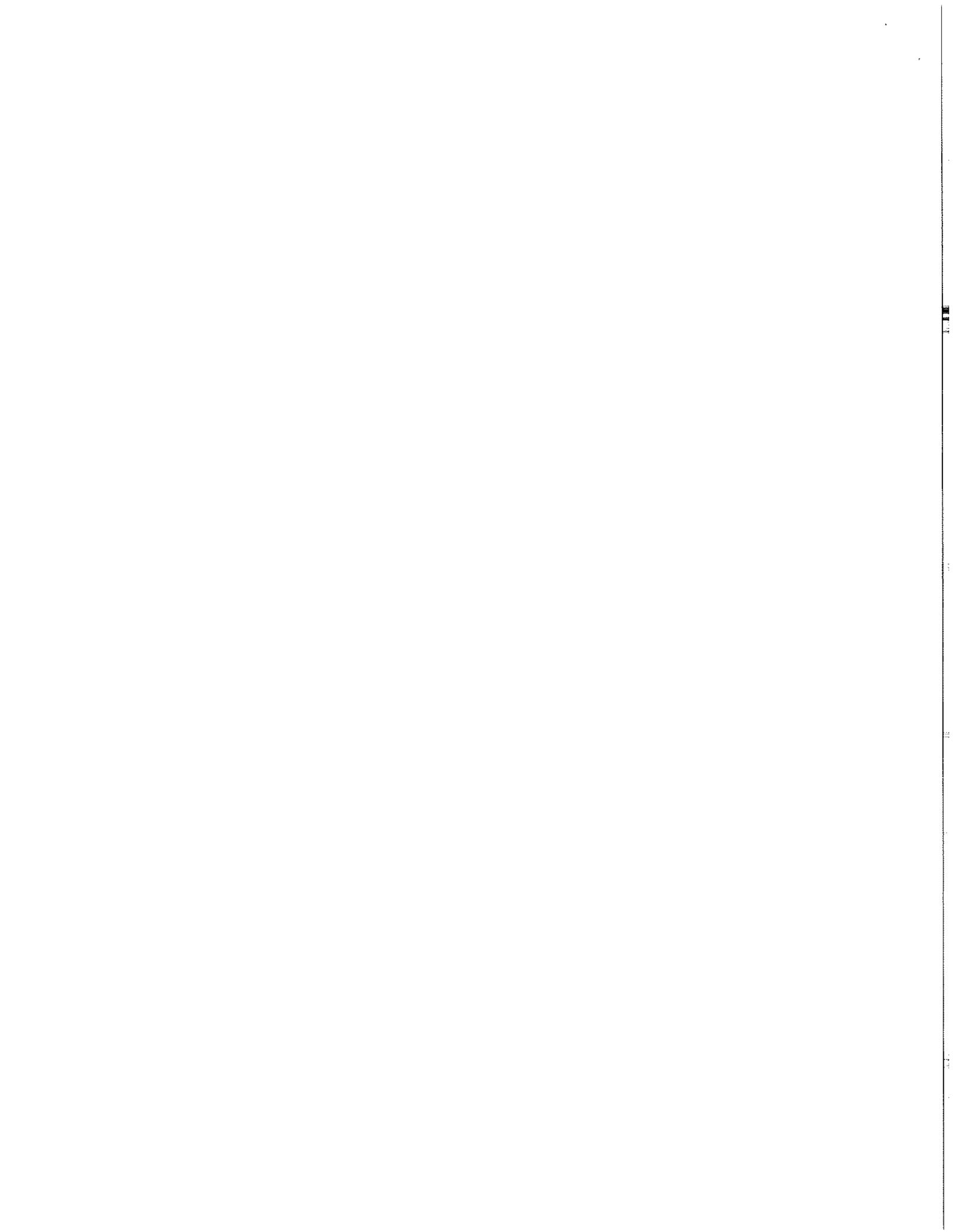
Signature:  _____

Printed Name: Philip Cordeiro on behalf of Mr. Gary Cristina

Address: 111 Summer Street _____

Middleborough, MA 02346 _____

Telephone Number: 508 947-7379 _____





**ALLEN & MAJOR
ASSOCIATES, INC.**

40 N. Main Street
Middleboro, MA 02346-2459
Tel: (508) 923-1010
Fax: (508) 923-6309

On behalf of Mr. Gary Cristina of 111 Summer Street, Allen & Major Associates, Inc. is submitting this application for a special permit under the Water Resource Protection District bylaw. The application requests permission to construction a new drinking water supply well within 25' feet of a freshwater wetland as defined by the Commonwealth of Massachusetts regulations 310 CMR. The property is currently located in Zone 4 of the Water Resources Protection District. The activities are proposed on assessor Map 12 Lot 6492 and Map 21 Lot 835.

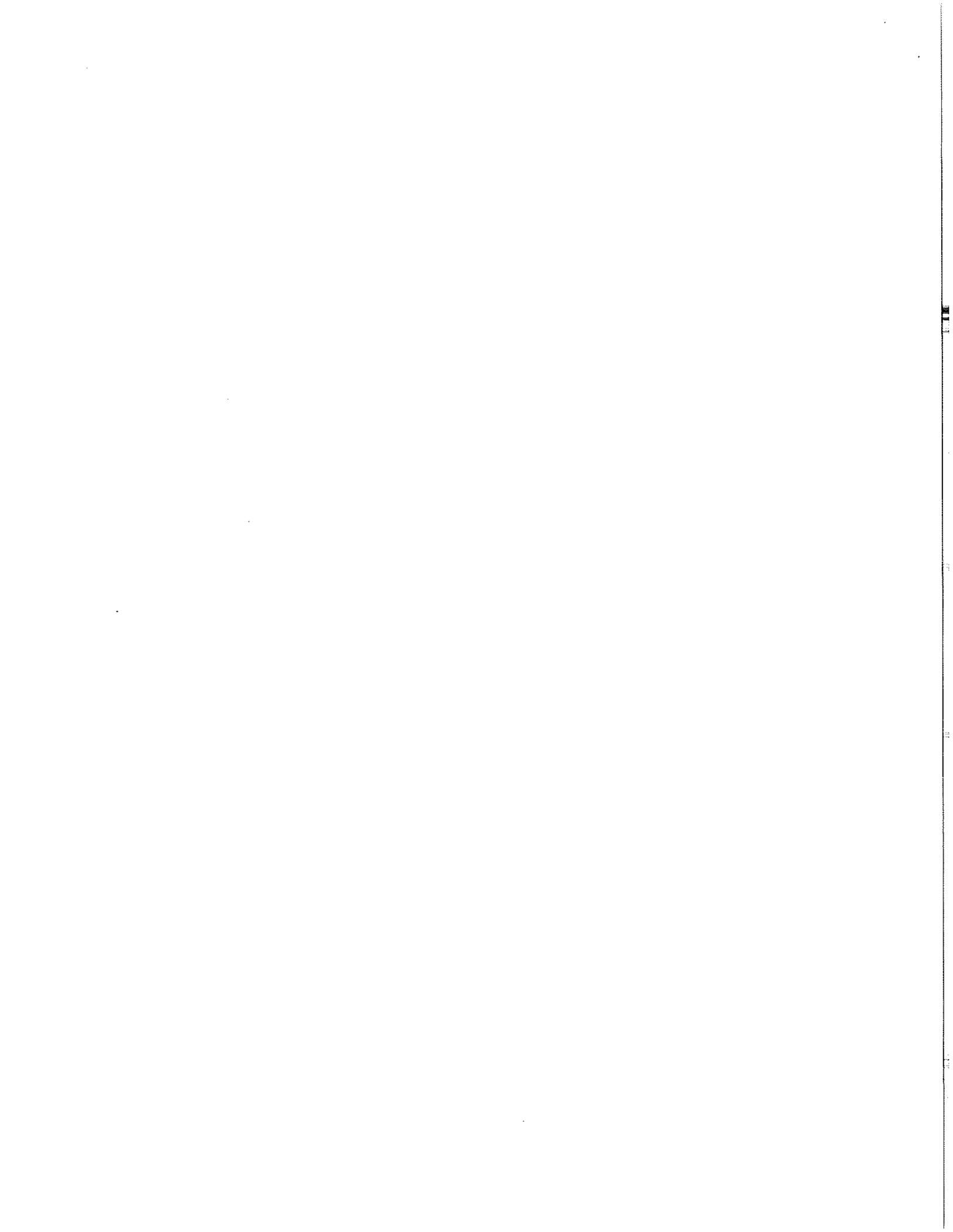
The attached plan was submitted to the Middleborough Conservation Commission at a hearing on March 20, 2008 (DEP File #220-1055). At the hearing, the commission voted to approve the plan through the Notice of Intent process. A final Order of Conditions is anticipated and shall be recorded at the Plymouth County Registry of Deeds.

Under a previous application, Mr. Christina was granted permission to cross an intermittent stream channel along the property frontage. This crossing granted him access to an upland portion of the property. With the approval, a Form A lot was submitted and approved through the Middleborough Planning Board. Additionally, a proposed septic plan was approved through the Middleborough Board of Health.

During the soil testing for the septic application, it was determined that the onsite soils have a percolation rate less than 5 minutes per inch. Under the Board of Health regulations, a 200' separation from a drinking water well to a septic leach field is required. This has necessitated the position of the wells as shown on the attached plan. The proposed well for the property at 111 Summer Street will require a temporary crossing of a wetland area for well installation. The applicant proposes a 10-12' wide x 40' long crossing. The existing vegetation will be removed and stockpiled. The well drilling equipment will be brought in to drill the well and run the new plumbing line. The temporary disturbance will be cleaned and the stockpiled wetland vegetation returned to its original position. It is believed that this work will have no impact on the surrounding resource areas. Additionally, during the well drilling operation, the drill company shall be required to adequately contain soil castings to prevent sediment migration into the wetland area.

Under the Water Resources Overlay District Bylaws for the Town of Middleborough, the following information is requested for a special permit for activity within 25' to a wetland resource area:

- A. Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious



areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewerage disposal facilities.

The proposed plan has been included in the application. This plan depicts the proposed driveway continuation, house layout, septic field, and well locations. The existing conditions plan is currently on file with the Selectman's office from a previous filing.

B. Pre and post development drainage characteristics for surface runoff and groundwater recharge, including calculations for all drainage designs.

The proposed project is a single family residential activity. It is not regulated under the DEP Stormwater Policy and is believed to have negligible impact on drainage patterns. The proposed project has been graded to keep all storm water runoff onsite. The driveway runoff shall be directed towards an existing drainage swale with adequate capacity.

C. Location of and distance to the public supply wells affected by the subject site.

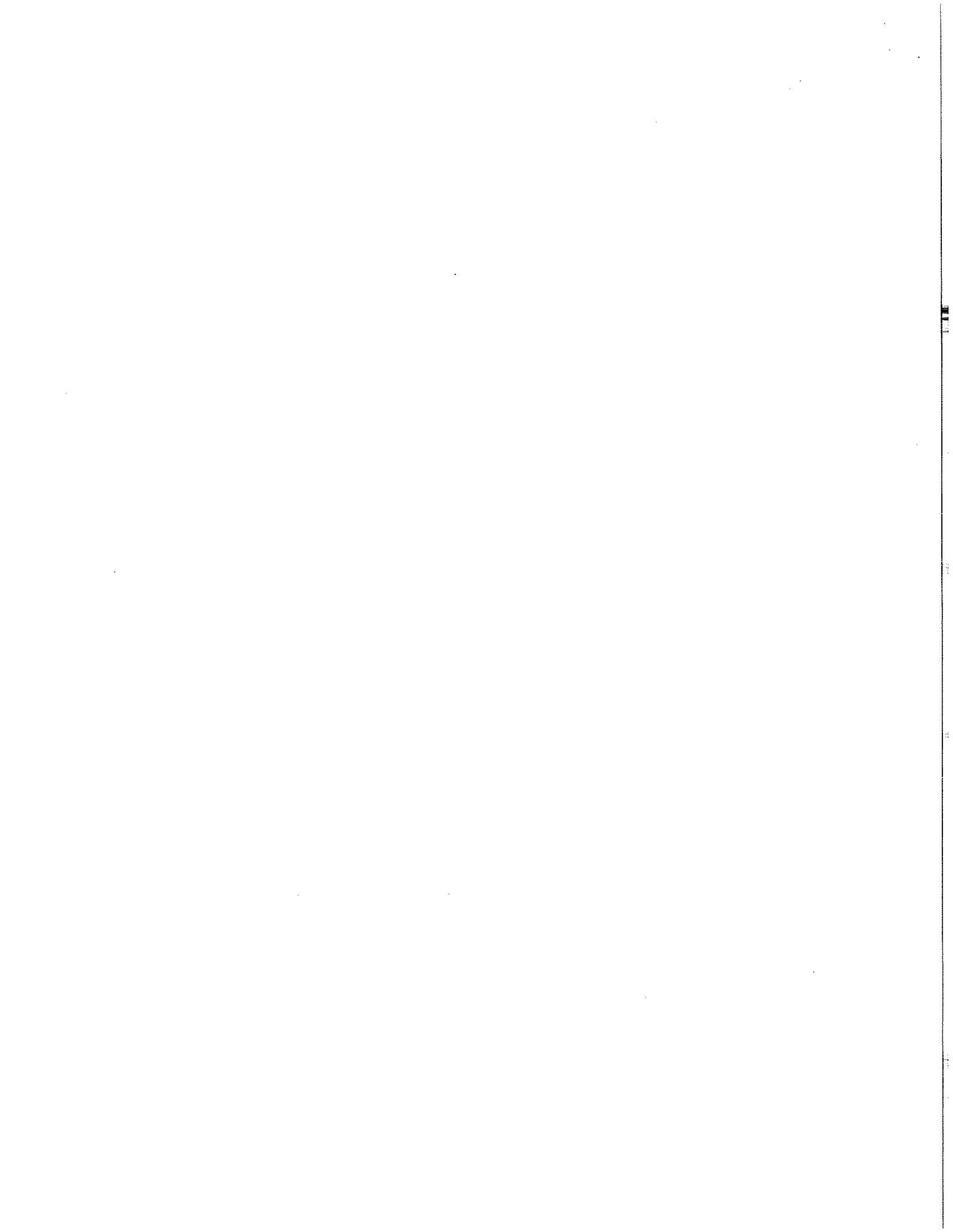
There are no public supply wells that will be affected by this site.

D. Soil characteristics underlying the site and within the area between the site and the public supply wells.

Soil types were provided for the site based off of the NRCS Soil Survey Maps for Plymouth County. The majority of the site is Deerfield Sandy Loam (DeA) which is classified as having a temporary high water table within 2 feet of the surface during winter and early spring. Winsor Loamy Sand (WnB) is also found on the site which is classified as very rapidly permeable substratum may allow pollution of nearby shallow wells. The third type of soil found is Merrimac Sandy Loam at 0% - 3% slopes (MfA) which is also classified as very rapidly permeable substratum. Merrimac Sandy Loam at 8% - 15% slopes (MfC) is the last type of soil found on or around the sight. This type of soil has a moderate degree of limitation for community development.

E. Provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare.

Public and private water supply will not be affected by this project. We believe that no additional provisions are necessary.



F. A storm water management plan as outlined by DEP Storm water Management Standards and any additional requirements of the Town of Middleborough.

Single family residential lots are exempt according to the DEP Storm water Management Standards. Due to the minimal impact of the project, a storm water management plan is unnecessary. We believe that there will be negligible difference in pre and post development.

G. A plan with calculations for any spill containment structures required herein.

Spill containment structures are not applicable for this project.

H. Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the Water Protection Districts or other wise impact the water resources of the Town.

Due to the size of the project, we believe that there will be no impact on the Water Protection Districts or the water resources of the town.

During construction, the proximity to the wetlands will be protected through the use of haybales and silt fence barriers.

I. Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site.

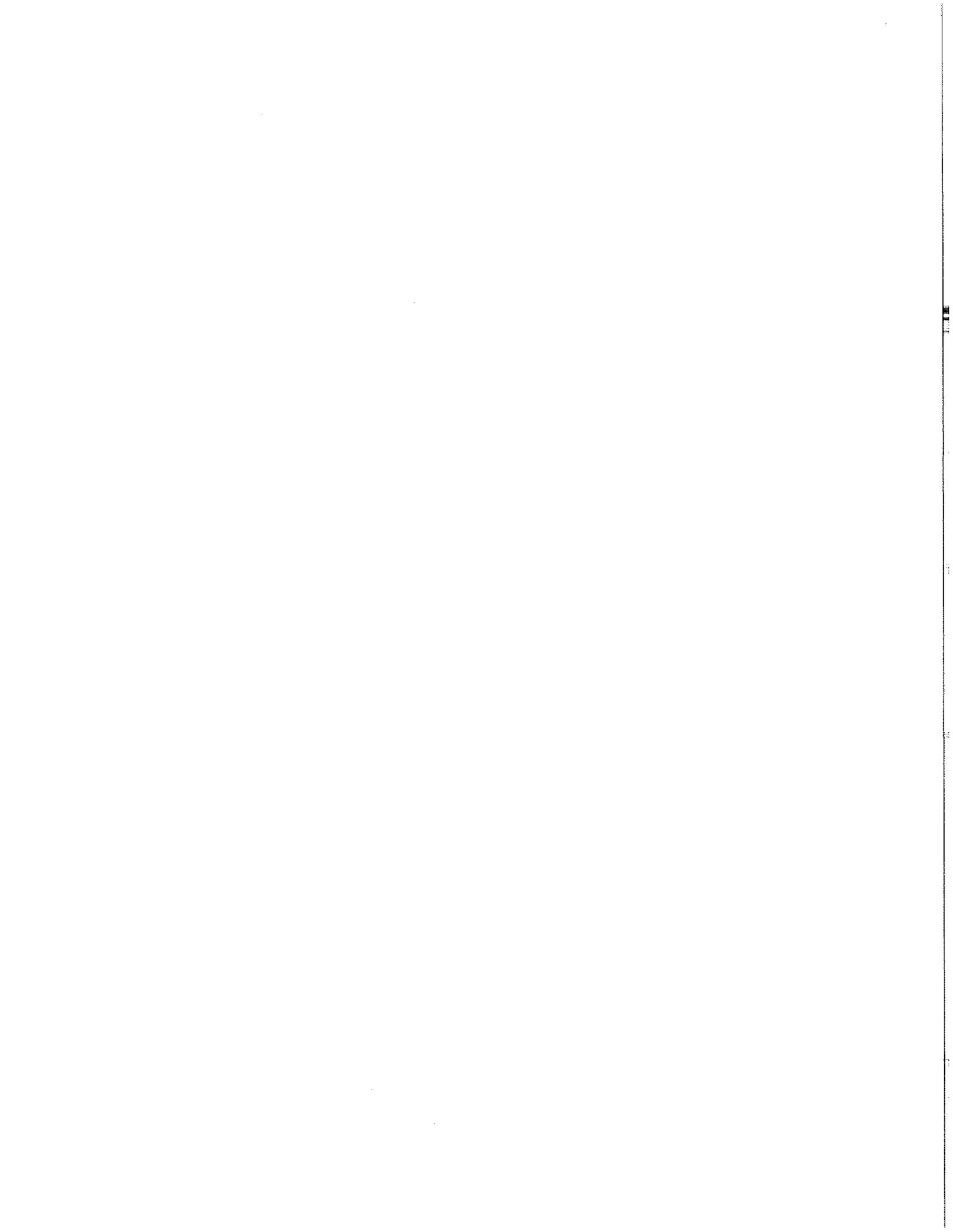
The amount of disturbance for the well drilling operation under this application is very minimal.

J. Methods to prevent against loss of recharge such as preservation of ground cover, infiltration of pollution , alternative runoff, minimization of laws, making area of natural vegetative areas.

The proposed construction will not adversely affect stormwater infiltration. The proposed site grading plan will mimic the existing drainage pattern.

From the Town of Middleborough's Water Resource Protection District Petition Submittal Check off Sheet:

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 ground cover.



The proposed project will create a disturbance on the newly formed lot in order to construct the single family home and required appurtenances. The primary disturbed areas will remain as natural land area or grassed lawn area. This will promote the infiltration of site runoff and preservation of ground water to the maximum extent possible.

10. The submittal contains a statement that there will be no removal of soil closer than 4 feet to the ground water table as determined through the Title V Soil Evaluation methods.

There will be no removal of soil closer to 4 feet of groundwater.

11. The submittal contains a statement that if there is to be storage of hazardous wastes, sludge, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.

There will be no storage of hazardous materials of any nature on this property.

12. The submittal contains a statement that outside stored material will have no impact to the groundwater.

As stated in #11, no hazardous materials will be stored on site so there will be no impacts on groundwater.

If you have any questions, or require anything further, please feel free to contact our office.

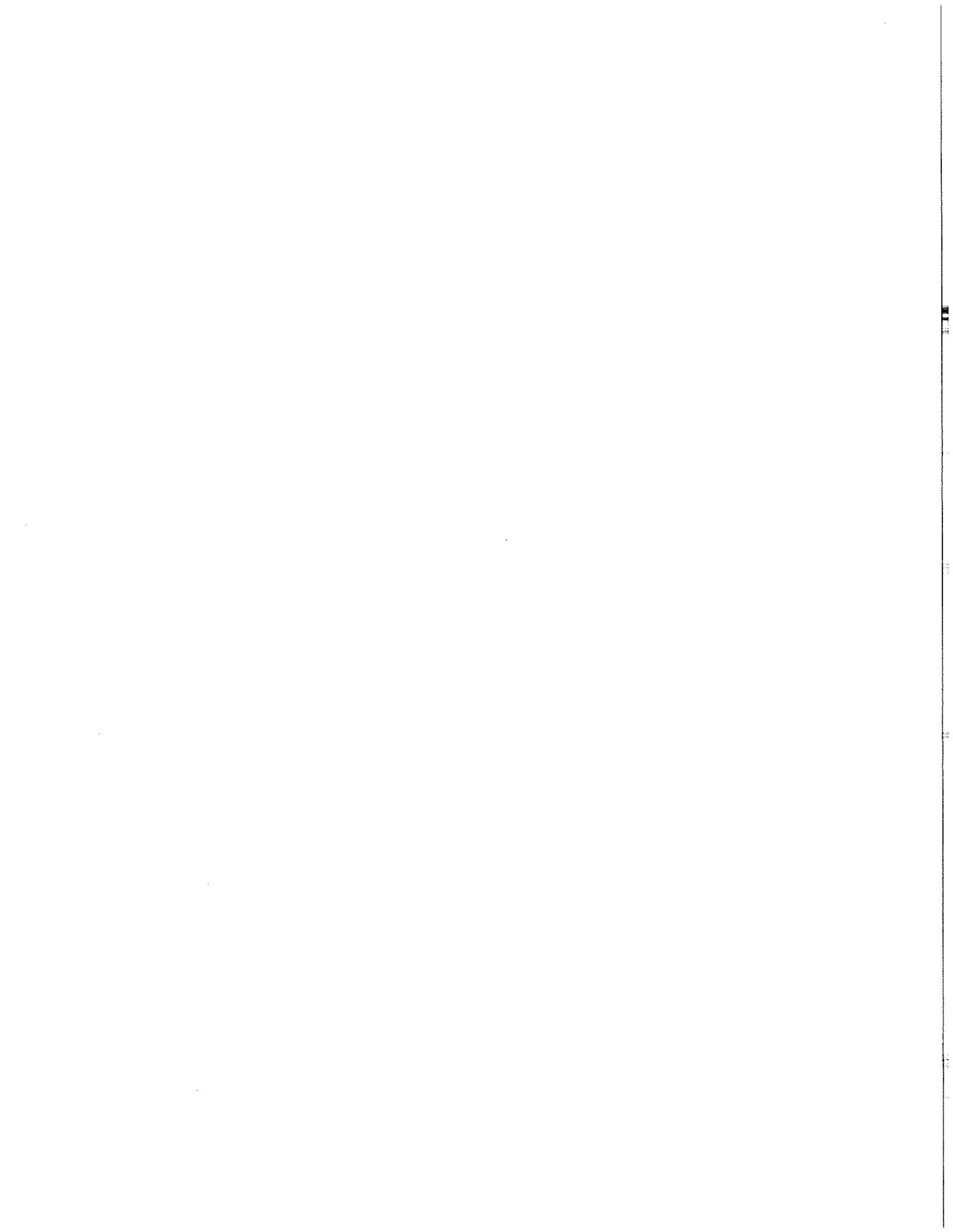
Sincerely

ALLEN & MAJOR ASSOCIATES, INC

 3-21-08

Philip Cordeiro, P.E.
Project Manager

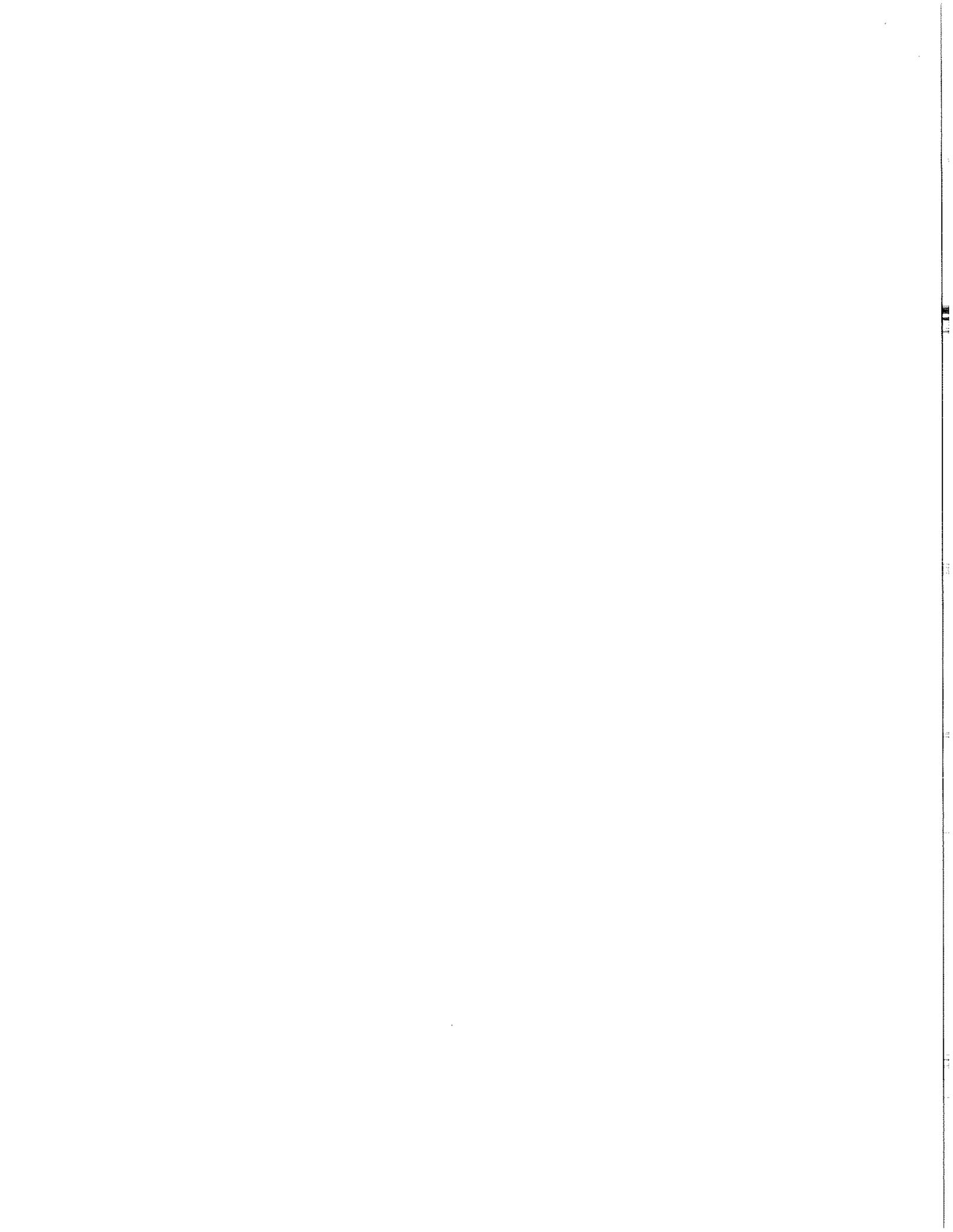
CC: Gary Cristina, 111 Summer Street
A&M File: 1567-01



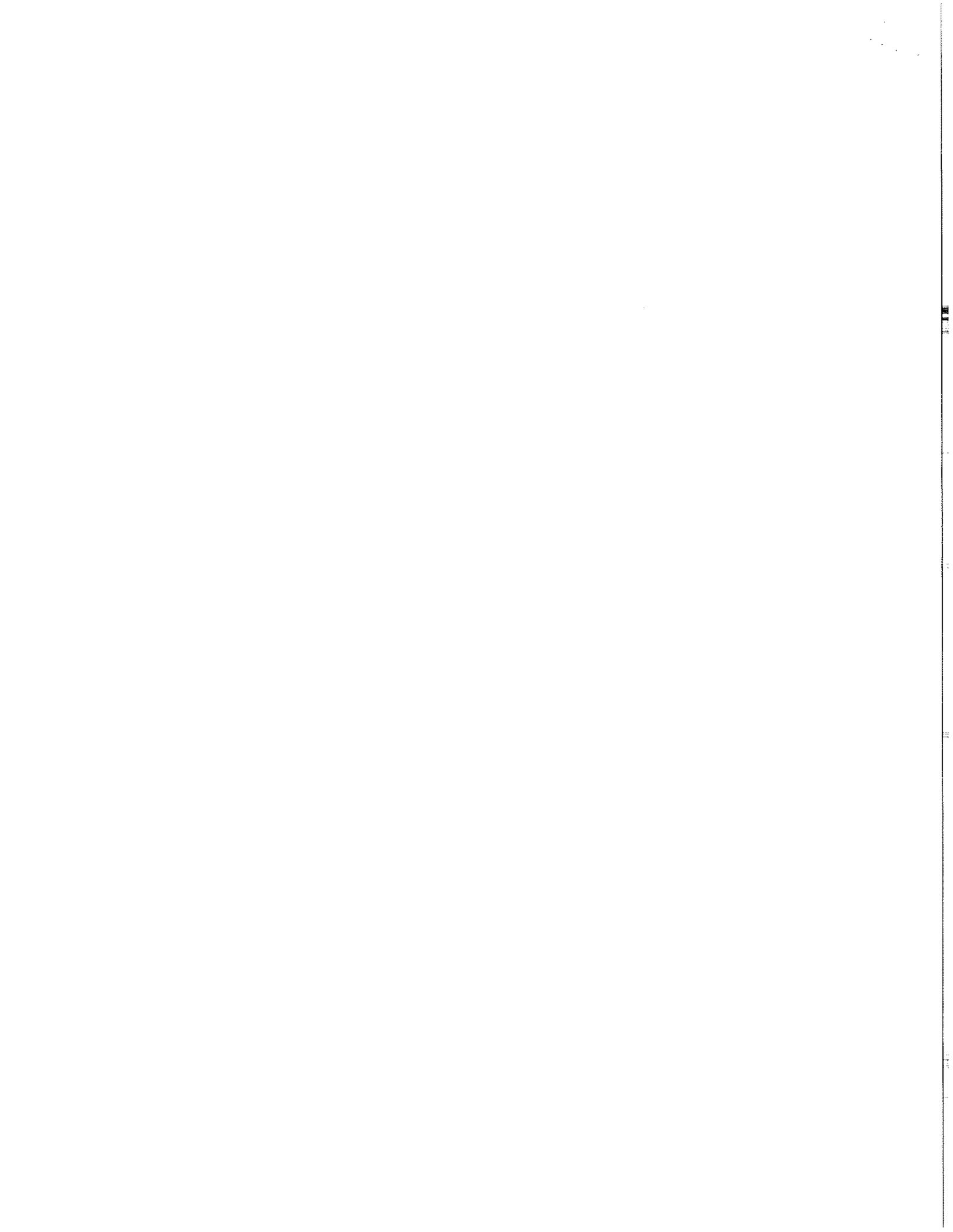
**TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET**

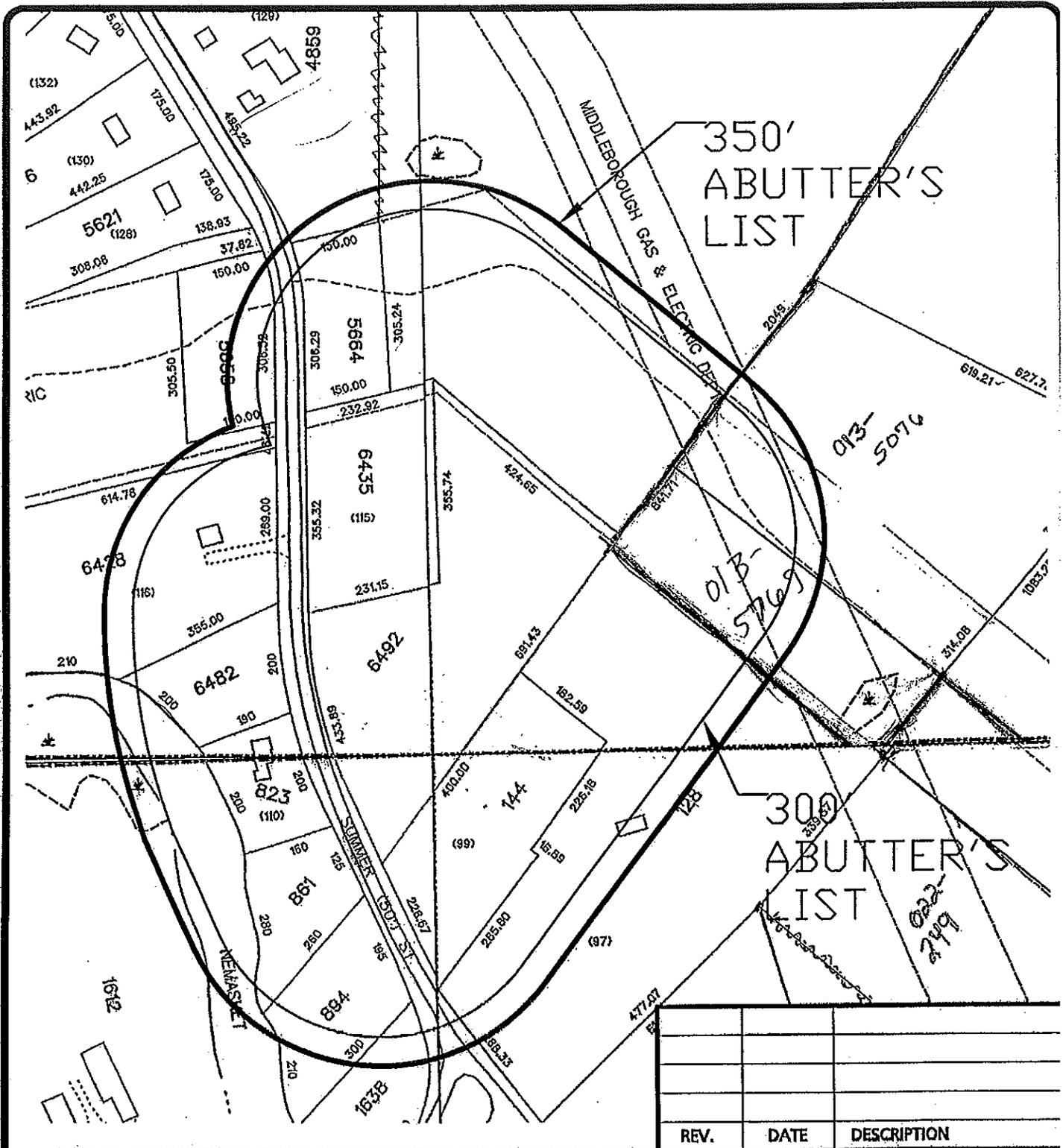
Applicant must initial each item or the application/petition will not be accepted.

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.	—	<input checked="" type="checkbox"/>
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	<input checked="" type="checkbox"/>	—
3.	The plan shows existing waterways adjacent, on or near the property.	<input checked="" type="checkbox"/>	—
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.	<input checked="" type="checkbox"/>	—
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<input checked="" type="checkbox"/>	—
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	<input checked="" type="checkbox"/>	—
7.	The submittal contains the abutters list.	<input checked="" type="checkbox"/>	—
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	—	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	—
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.	<input checked="" type="checkbox"/>	—



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.	<u>D</u>	—
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	<u>D</u>	—





350'
ABUTTER'S
LIST

300'
ABUTTER'S
LIST

REV.	DATE	DESCRIPTION

PREPARED BY:



ALLEN & MAJOR ASSOCIATES, INC.
civil & structural engineering • land surveying
environmental consulting • landscape architecture
www.allenmajor.com
40 N. MAIN STREET
MIDDLEBORO, MA 02846-2459
TEL: (508) 928-1010
FAX: (508) 928-6809
WOBURN, MA • MIDDLEBORO, MA • MANCHESTER, NH
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PROJECT:
**111 SUMMER ST.
MIDDLEBORO, MA 02346**

APPLICANT/OWNER: **GARY CRISTINA**

ABUTTER'S LIST

PROJECT NO. 1567-01 DATE: 8-28-2007
SCALE: 1"=250' DWG. NAME: 357 ABUTTER'S LIST WP.MXD
DESIGNED BY: BAM CHECKED BY: PLC

THIS DRAWING HAS BEEN PREPARED IN ELECTRONIC FORMAT. CLIENT/CLIENT'S REPRESENTATIVE OR CONSULTANT MAY BE PROVIDED COPIES OF DRAWINGS AND SPECIFICATIONS ON MAGNETIC MEDIA FOR HIS/HER INFORMATION AND USE FOR SPECIFIC APPLICATION TO THIS PROJECT. DUE TO THE POTENTIAL THAT THE MAGNETIC INFORMATION MAY BE MODIFIED UNINTENTIONALLY OR OTHERWISE, ALLEN & MAJOR ASSOCIATES, INC. MAY REMOVE ALL INDICATION OF THE DOCUMENT'S AUTHORSHIP ON THE MAGNETIC MEDIA. PRINTED REPRESENTATIONS OF THE DRAWINGS AND SPECIFICATIONS ISSUED SHALL BE THE ONLY RECORD COPIES OF ALLEN & MAJOR ASSOCIATES, INC.'S WORK PRODUCT.

SHEET No.
AB-1

